PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 18 February 2014

(Extract from book 2)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 22 April 2013)

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Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

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Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford, Mr Ramsay and #Mr Scheffer.

Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Environment and Planning Legislation Committee — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

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Family and Community Development Committee — (*Council*): Mrs Coote and Mr O'Brien. (*Assembly*): Ms Halfpenny, Mr Madden and Ms Ryall.

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland and Mrs Peulich. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Ms Campbell, Ms Thomson, Mr Wakeling and Mr Weller.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Viney. (*Assembly*): Ms Hennessy, Mr McIntosh, Mr Newton-Brown and Mr Weller.

Law Reform, Drugs and Crime Prevention Committee — (*Council*): Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick.

Public Accounts and Estimates Committee — (*Council*): Mr O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott.

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar [3]	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [5]	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
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Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee [4]	Northern Victoria	LP
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Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark [6]	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
			Viney, Mr Matthew Shaw	Eastern Victoria	ALP

[1] Resigned 3 February 2014
[2] Resigned 26 March 2013
[3] Appointed 8 May 2013
[4] Resigned 1 July 2013
[5] Appointed 21 August 2013
[6] Appointed 5 February 2014

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TUESDAY, 18 FEBRUARY 2014

Tuesday, 18 February 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 11 February to:

Court Services Victoria Act 2014
Electricity Safety Amendment (Bushfire Mitigation) Act 2014
Energy Legislation Amendment (General) Act 2014
Gambling Regulation Amendment (Pre-commitment) Act 2014
Local Government Amendment (Performance Reporting and Accountability) Act 2014
Public Administration Amendment (Public Sector Improvement) Act 2014.

QUESTIONS WITHOUT NOTICE

Food rating website

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. At the 13 December 2013 meeting of ministers who govern Australian food regulation, a meeting at which the Minister for Health, Mr Davis, and the Minister for Agriculture and Food Security, Mr Walsh, represented the interests of Victoria, can the minister tell the house what position he adopted on behalf of Victoria in response to the intention of Senator Nash, the federal Assistant Minister for Health, to remove the healthy food star ratings website?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. Communicating to the broad community information about foods and other related matters is an important matter of public policy. It is critical to understand that the matter of a food rating website has been under discussion at the food forum for a number of years, and there has not been consensus across that time. The government strongly supports the involvement of the food regulation council and supports a significant effort to have clearer and better messaging to the community about which foods are healthy and which are not.

One of the concerns that we raised at the forum was the calculator and a number of anomalies that it had thrown up. It was clear to us that it gave a very high rating to fruit juice, and whilst fruit is a very high priority of the guidelines that are published and agreed upon nationally, fruit juice is not. The star rating calculator provided a rating of 5 for fruit juice, which is clearly anomalous. Equally anomalous was the rating given to dairy products, which are also favoured by the guidelines nationally and agreed upon by all states and territories and the national government. We are very concerned to see that anomalous matters are not thrown up by the website calculator. Dairy products should form part of a healthy diet, but the calculator gave them a very low rating.

We are keen to see a site that is voluntary and accurate and that does not throw up anomalous outcomes like the suggestion that dairy products should not be a major part of the diet, or that fruit juice, as opposed to fresh fruit, should be favoured.

Mr Jennings — Is that what it did?

Hon. D. M. DAVIS — Yes, it did. We raised these points to make it very clear that fruit juice ought not to be favoured as a key — —

Mr Jennings — Compared to fruit?

Hon. D. M. DAVIS — I am trying to say that fruit should be favoured but fruit juice should not. I am trying to say that dairy products should be favoured and not given a low rating, which is what the website did. With the implementation of a process to correct those anomalies the Victorian government is prepared to see more information go forward. We are prepared to see a site that puts information in the public domain, but we do not want to see a site that has anomalous outcomes and results that are inconsistent with the dietary guidelines that are published and agreed to nationally. That is the key point on which we had some differences with the mechanism that was proposed.

What I would say is that health ministers and other ministers who were representing their jurisdictions at that forum did vote to proceed with the health star rating calculator. There was also a clear view amongst many that an appropriate business case should be brought forward for the front-of-pack labelling system.

Mr Jennings — What site?

Hon. D. M. DAVIS — For the website and the calculator. But what was not agreed was an anomalous site — a site that threw up aberrant results.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — It is my intention to give the minister more latitude in terms of his response. I am interested in his most

recently arrived at explanation of whether his priority and the priority of the other ministers was the accuracy of information or the regulatory impact upon industry, and which analysis is the most important. Presumably the minister will say it is a balanced approach to the interests of consumers and health advice to industry, but it is very unclear to Australian consumers what his priority is at the moment, and I wish he would articulate those priorities for the information that is going to be gathered in the future?

The PRESIDENT — Order! There was a question in there somewhere. It was a fair bit of commentary rather than a question, but I hope the minister did pick up a question within Mr Jennings's remarks.

Hon. D. M. DAVIS (Minister for Health) — What I can very clearly indicate to Mr Jennings and to the chamber and the community is that our priority is accurate information being put in the hands of consumers. I personally specifically raised the issue of dairy products, and my concern was very much that inaccurate information would lead to the website being discredited and that if it were to produce inaccurate calculations, that would discredit the website. That would be a very poor outcome. People need to trust the information on a government website like that. The calculations have to be beyond reproach and beyond challenge. In that context we wanted it to be seen to be beyond challenge, and at that point — at the point of the meeting — it was not beyond challenge.

Latrobe Valley fires

Mr RONALDS (Eastern Victoria) — My question is for the Minister for Health, the Honourable David Davis. Can the minister inform the house of the government's response to ensure the safety of those in Morwell given the current fire activity?

Hon. D. M. DAVIS (Minister for Health) — The house will be aware that over the last few weeks we have faced significant fire threats, and I want to first begin by paying tribute to the volunteers who have responded, to the professional firefighters who have responded and to those who have coordinated much of the response. I particularly want to put on record the work of Mr Lapsley, the fire services commissioner, and also the work of the chief health officer, my department and all those who have been involved in the coordination of any part of the response. That coordination has included many at a community level and the difficulties that have been faced across this period.

We are left with a number of fires still going, and one of them in particular is of significance. I know Mr Ronalds has raised this matter with me on a number of occasions over the last few days. It concerns the fire in the coalmine near Morwell. That is a very significant fire that is burning deep underground. The mechanics of the response to the fire itself obviously are matters for the fire authorities and Craig Lapsley and his important response work, but in terms — —

Mr Lenders — On a point of order, President, I seek your guidance. I recall that in 2011 I asked the minister a question about prescribed burns and where a range of those particular issues were going from a government perspective. At the time he would not take the question, saying that these issues were not part of his responsibility as Minister for Health. I am not seeking to have his question ruled out because I think we are all interested in the answer, but I am interested in the fact that a point of order was raised on this issue in 2011 when the minister would not answer on fires, saying it was not his responsibility. President, you supported him in that at the time, saying that as the minister he was able to choose, but my recollection was that you also advised him that he might have to take it further. I guess what I am seeking from you is: if from this side of the house we ask Mr Davis on fire or prescribed burning like we did previously, is this licence now for us to ask these questions?

Hon. D. M. DAVIS — On the point of order, President, the member has asked a question about Morwell and the fire, and the impact on health specifically. I have made a general preamble, if you will — a general introduction — and have indicated that the matters around the fire itself are matters for the fire services commissioner and those relevant authorities. But, if the member will be just a little patient and indulge me with some minor preamble and let me give some thanks to community, I will now come directly to the health aspect of the question.

The PRESIDENT — The point of order is well made in the sense that ministers need to be conscious that if they take questions without notice on an area that is outside their jurisdiction, then they need to be wary because similar questions might be led in the future and at a time when they are perhaps not so enthusiastic about venturing into that same topic area. I point out that I do not recall the specific instance that Mr Lenders refers to, but I think that would be consistent with a position I would have taken, so I certainly accept what he indicates was my decision at that time.

On this occasion perhaps the minister has a little latitude in the sense that the fires are contemporary. I

would expect that the minister might well have been briefed on some information that he feels is relevant within this answer and that he is able to lead on this occasion. He may not in that sense be setting a precedent for the future in terms of taking questions in this area, but the minister would need to be aware that, as I said previously, if he does take questions outside his jurisdiction on one occasion, then I would certainly be looking for him to assist members of the house on further occasions when questions were asked about the same area. As I said, on this occasion perhaps the minister has been briefed about the fires, particularly in the context of those health implications; I think he is actually trying to provide the house with information that would be of interest to members.

Hon. D. M. DAVIS — As I said, I am coming to the point of this, but I wanted to begin by paying tribute to the work of those people as part of an overall response. I will leave the mechanics of the fire and putting out the fire to the fire services commissioner and his people. It is clear that the fire in the mine is actually causing two types of pollution: there is smoke pollution and there is also carbon monoxide pollution. The government is responding to that with messages to the community. We are very aware of the impact of the smoke on a whole range of vulnerable groups in the community — younger people, older people, pregnant women, a number of those with particular asthmatic conditions or other lung conditions and cardiovascular conditions generally. The message to those groups is that when the wind is coming from that particular direction, they may need, perhaps with medical advice also, to take a number of steps to ensure that they are further out of the wind, and even out of town in some cases.

In other cases there is certainly a need to have good monitoring, and the government has put in place monitoring of carbon monoxide pollution. We certainly have redoubled the monitoring of that in the very recent period. There is information on the chief health officer's website, where fact sheets are available. Those who want assistance can actually contact Nurse-on-Call for general advice and direction to specific locations.

I can indicate also that there are radio advertisements being run in the community; a number of radio stations in the area are sending messages to vulnerable people. There will be print advertisements as well, and there will be some use of public meetings and other contact mechanisms. The communications activities are under way. Alerts have been issued by the chief health officer, and there are mechanisms to respond. It is important that those who are seeking information know that information is on the Department of Health website. The Environment Protection Authority website also has useful information. The Nurse-on-Call number is 1300 606 024, and that is an important source of information for people.

I pay tribute to the work of the chief health officer and her staff and the cooperative relationship between the chief health officer and the fire services commissioner and the other emergency services responders.

Latrobe Valley fires

Mr BARBER (Northern Metropolitan) — In relation to the answer that the Minister for Health has just given to the previous question, is that really it?

Mr O'Brien — Is that really it?

Mr BARBER — Oh, the member for Lowan speaks! Is that really all the government is offering to protect the health of some tens of thousands of citizens in the Latrobe Valley? Will the minister consider offering measures such as the following: tests of indoor air quality in the homes and buildings of those who are already considered vulnerable; relocation allowances for those who cannot afford to simply take a couple of weeks off and leave the valley; in-home health checks — preferably free — for those who are being affected; time off for government workers; compensation for economic losses; or perhaps some money for the out-of-pocket costs of the medications that asthmatics and others will now be using to a considerable extent?

Hon. D. M. DAVIS (Minister for Health) — That was a long list. As the chamber will understand, in the last question I was going through a long list of responses and ran out of time, but I am happy to continue with a number of the points. I can indicate that there have been messages to health practitioners in the area from the chief health officer. It is worthwhile for people to contact their general practitioner or other practitioners to seek information and guidance. As I have indicated, the Nurse-on-Call service is an important means of providing information to the community. There is also, as I said, radio information available, and that is providing additional information for the community.

The monitoring of carbon monoxide is being stepped up as the government seeks to understand the full impact of the fires. I think it is important for people to understand that these clouds — and for those who have not seen them, they are very thick smoke — actually move with the wind, and the different directions are quite important in terms of understanding the risks that may exist in the town at a particular point.

The government is responding on all these points. There is contact with a number of vulnerable people. There is contact with medical and other practitioners in the town. There has been significant messaging through radio advertisements. There will be more through print. The government is responding in a number of ways, in this context under the direction of the chief health officer, who has a good understanding of what is required here. The Asthma Foundation is also providing information to a number of people in the community who have specific respiratory conditions. There is a whole list of different responses, particularly for those who are vulnerable — as I said, the older people, younger people and pregnant women in particular.

There are obviously specific occupational health and safety matters that are being dealt with by the relevant fire authorities, but the chief health officer is seeking to get out clear messages about those who are vulnerable in the community and is preparing to make some further announcements in the next few hours.

Supplementary question

Mr BARBER (Northern Metropolitan) — Apart from delivering messages to the community — and I heard those messages when I drove through the area on Sunday — what specific actions is the minister taking to offer assistance to people whose health needs to be protected? Taking one example that the minister raised in his response, during the Brookland Greens methane crisis we had monitoring in homes. Is the minister doing any regular program of monitoring and releasing the data, because so far the Environment Protection Agency website has provided very little useful information in relation to Morwell?

The PRESIDENT — Order! Just before the minister answers, I indicate that both the question and the supplementary question skirted fairly close to the wind so far as trying to frame a question that I think went a little bit too far, initially with the list of material — and there was more than one question tied up in the substantive question. The minister addressed one of the items that was raised, but there was more than one question there. In the second question there was also editorialising, perhaps by way of example, which I think was what Mr Barber was trying to do in order to lead an answer from the minister, but I think the supplementary question skirted fairly close to the wind.

Hon. D. M. DAVIS (Minister for Health) — I think the chief health officer will make some announcements in the next few hours about contact with a number of kindergartens on the mine side of the town — —

Mr Elsbury interjected.

Hon. D. M. DAVIS — Be quiet, please. There is some work going on to ensure that some of the children from that part of the town can be put in other locations instead of going to kindergarten. We think that in that portion of the town — according to the information provided to me — it is relevant that some steps be taken on specific days. The pattern that will operate there is being worked through now by the chief health officer with the relevant departments.

Beechworth Correctional Centre

Mr DRUM (Northern Victoria) — My question is to the Minister for Corrections, Ed O'Donohue. I ask the minister if he could update the house about recent announcements that the government has made to further boost capacity in the prison system at Beechworth?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I welcome the question from Mr Drum and acknowledge his advocacy and interest in relation to the correctional centres in Northern Victoria Region and the jobs and economic activity that they support and generate for local communities.

On numerous occasions I have detailed to the house the neglect of the previous government when it comes to investment in the correctional system. The Auditor-General found that on three occasions the Labor Party had said no to building a new prison. If it had said yes, that new prison would have been opening around now. We also know that Labor botched and bungled the Ararat prison project — —

Honourable members interjected.

The PRESIDENT — Order! I have some difficulty helping the minister when he is provoking members. The members' interjections are rather moderate considering the minister is going back over territory that is provoking them. The minister is looking at me and asking me to quieten them down. I ask him to be a bit more constructive in terms of the way he approaches his answer.

Hon. E. J. O'DONOHUE — President, I was giving context to the correctional system that this government inherited. As a result of that context, this government has responded and is making the appropriate investments in our correctional system in the interests of community safety.

Earlier this year, together with the then Acting Premier, Peter Ryan, I visited Dhurringile Prison and inspected

the new relocatable accommodation that has been deployed to the prison. Last Friday I was pleased to be in Beechworth to announce that an additional 25 relocatable accommodation units will be installed at the Beechworth prison. This will deliver 50 additional beds to the prison at Beechworth.

Corrections Victoria and the Victorian government very much appreciate the longstanding relationship between the local community in Beechworth, the Indigo Shire Council and the Beechworth prison. The new Beechworth prison, which opened in 2005, follows the 144-year history of the former Beechworth jail. The Indigo community — the local community — values that partnership because of the jobs associated with the Beechworth prison. I was very pleased to advise the council and the local community that these 50 new beds will generate 20 ongoing permanent jobs and up to 40 jobs during construction. The mayor of Indigo shire, Cr Bernard Gaffney, said in response:

> It is economic development that we dream about.

These 20 ongoing jobs will be of significant benefit to the Beechworth community. More than that, in line with the commitment of this government and in line with what I have said as minister, we want our prisoners to be doing meaningful work. We believe that is good for the prisoners — they will learn new skills — and it is good for the local community. There is a Landmate crew that operates from Beechworth and does very good work in the community. Cr Gaffney cited work at the Yackandandah Cemetery in addition to a range of other community works that are done by the prisoners.

In light of the 50 additional prisoners who will be at the Beechworth prison I have asked the general manager of the prison to work with the local community to see what additional work can be done in the community by these prisoners. This will put their labour to good use for the benefit of the local community and will in turn teach the prisoners new skills, which will help them to reintegrate into the community when they are released from prison.

Wallan ambulance station

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. In June 2010 the minister, then in opposition, committed to build a new 24-hour ambulance station at Wallan. In May 2011 the funding for that ambulance station was committed to in the budget. Now some three years later can the minister tell us when that ambulance station will be constructed?

Hon. D. M. DAVIS (Minister for Health) — What I can say is that the government believes the ambulance station in Wallan is incredibly important. We have allocated the money. It is true that we have had some difficulty in acquiring the piece of land that we believe is the appropriate piece of land. I can indicate that the station will be built. It will commence construction very soon. The member will not have to wait much longer. Let me be quite clear about this: the Labor Party did not commit to fund an ambulance station in Wallan. It did not in 11 years fund an ambulance station in Wallan. It left Wallan hanging out there without an ambulance station. We are going to build an ambulance station in Wallan, unlike Labor and unlike former health minister and now Leader of the Opposition in the Assembly, Daniel Andrews, who did not regard Wallan as important enough to have its own ambulance station. We think it is important enough, and we are going to build it — you just wait.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I will leave other members of the chamber to determine whether it is appropriate for the minister to tell me I should wait. What does he say to the community members of Wallan, who have been waiting for three years? When people have required ambulances to respond to emergencies during the course of the last two weeks, in fact ambulances have been diverted from Kilmore via Wandong because of the fires and have not been able to comply with code 1 emergency response times. What does he say to those citizens?

Hon. D. M. DAVIS (Minister for Health) — What I say to the people of Wallan is that the government is determined to have that ambulance station in their community to improve their response times. Labor had 11 years, and it still has not admitted that it was wrong in not seeking to build an ambulance station. It has still not responded to the people of Wallan by apologising for its failure to commit to that ambulance station at the last election. It is 11 years, and it has still not apologised for its failure to build that ambulance station.

What I can say to the community is that there has been an allocation of ambulance officers and there is a shift that is to be attached to Wallan, but the ambulance station will be built. I can tell you, President, that it will be built before the election. I look forward to hearing Labor members apologise for their 11 years of laziness, indolence and failure to commit to it.

Technology-enabled learning centres

Mr RONALDS (Eastern Victoria) — My question is to the Honourable Peter Hall, the Minister for Higher Education and Skills. Can the minister advise the house of the number of enrolments in courses being delivered through Gippsland's network of technology-enabled learning centres (TELCs)?

Hon. P. R. HALL (Minister for Higher Education and Skills) — What a debut from Mr Ronalds; what a man! He has hit the ground running with two questions on the same day. That is almost unheard of from a government backbencher. I thank Mr Ronalds for his interest in Gippsland-related issues.

Mr Ronalds has asked me to give an indication of the popularity of the network of technology-enabled learning centres established across Gippsland. Members will recall that the government made a $5 million commitment to establish 22 of these technology-enabled learning centres across the Gippsland region. I have the pleasure of advising Mr Ronalds and fellow members that 18 of those 22 technology-enabled learning centres are now up and running and delivering 10 different programs across the three partners of this organisation — that is, Chisholm TAFE, GippsTAFE and Advance TAFE.

In answer to the question from Mr Ronalds, he would be pleased to know that there are more than 320 enrolments in those programs being delivered across the network of TELCs. They range from Victoria certificate of applied learning mathematics right through to higher education with a bachelor of early childhood education. In between we have got areas like a certificate IV in hospitality, a certificate IV in plumbing, a certificate IV in library and cultural services, a certificate IV in training and assessment, as well as diplomas in community health and advanced diplomas in visual arts and creative product development. A fair diversity of courses is being delivered across the network of TELCs. However, beyond that each institution is using the network to deliver some programs — for example, a number of in-house programs at Advance TAFE are being delivered across two or three different campuses using the network of technology-enabled learning centres.

As I have said before in this house, this is enabling more students to access more programs within the sector, and I am particularly pleased that 18 of those 22 are now up and running. Four are yet to be developed, but we are working very closely with East Gippsland Shire in particular to identify sites in places like Mallacoota, Omeo, Swifts Creek and Yarram. Operational sites are already in Bairnsdale, Chadstone, Churchill, Cranbourne, Dandenong, Leongatha, Lakes Entrance, Morwell, Pakenham, Sale, Warragul, Wonthaggi, Yallourn, Berwick, Frankston and Rosebud. There is a fair spread of these technology-enabled learning centres across the region delivering for the people of this region, and I would think there are plenty of opportunities for programs delivered by other institutions. Auslan is one of those that will be delivered into the region. Some of the programs that are delivered by William Angliss Institute of TAFE can also be delivered into the region.

They are a way of the future. I am pleased to announce to the house that those 320-plus enrolments signal a very healthy start for the technology-enabled learning network across the Gippsland region.

Ambulance services

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. Last week the minister was confronted in Melton by Joanne and Steve Gibbs, whose 23-year-old son, Matthew, died in early October 2013 after collapsing and waiting 16 minutes for an ambulance. Tragically, they were joined at that event by Julie Wilson, whose 18-year-old son, Brodie, suffered an asthma attack in June 2013 and died after waiting 27 minutes for an ambulance to arrive. Has the minister received any report from Ambulance Victoria which indicates that its response was adequate and/or acceptable by any measure?

Hon. D. M. DAVIS (Minister for Health) — The member will understand that individual cases are managed carefully, and obviously there are privacy matters that relate to individual cases. Ambulance Victoria has informed me that both cases have been reviewed. I met with one of the parents separately from recent discussions, and privately, to talk through a number of the issues in the particular case. Ambulance Victoria reviews cases to seek specific learnings and to seek specific improvements, where they can be achieved. What I can say is that I think the whole community would want to see the very best responses and would want to see the best systems.

I was proud to attend the opening of a new ambulance station in Melton. What is clear is that we need more resources and the government, from its election policy, committed $151 million for more resources for Ambulance Victoria, including a promise of 340 additional staff. I can say today to the house that there are actually 465 more paramedics on duty now than there were under the previous government. That 465 is a very significant increase, and there are more to

come, I have to tell Mr Jennings and the chamber. The government is putting in the resources.

On Friday I went to Melton to open a new ambulance station there, so new physical resources have been put in place. I can indicate that last year an expansion of the night shift occurred at Melton in response to a recognition by the government, prior to the election and subsequently, that additional resources were required in that area. I can also indicate that this week a new shift has commenced — a peak period unit — to provide additional resources to Melton. I can indicate further that there are more than 50 additional paramedics on the city west side of metropolitan Melbourne — 50 more than there were under Labor. This is an enormous expansion of resources that is designed to improve the outcomes for the community.

Yes, we inherited a clapped-out and run-down ambulance service, a botched merger by the member for Mulgrave in the Assembly, Daniel Andrews, the then Minister for Health. It took 11 years to lead to that. We are putting the money in place, and we are putting the additional resources in place. It is not easy to turn around 11 years of neglect and mismanagement by Labor and 11 years of failure by Mr Jennings and his cabinet. We are putting in place the resources to turn that around. What I say to the community of Melton is that we are responding to the needs there. We are putting more paramedics in place, a new ambulance station and additional shifts that will assist with the response to the community.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I hope the minister detected that because he was giving an appropriate answer in relation to resource allocation for the western suburbs the opposition did not interrupt his contribution. The minister has sorely tested us, because we recognise the solemnity of the situation and the appropriateness of the response to dealing with the grieving parents. My question was about grieving parents. In relation to the grief experienced by these parents, will the minister personally support their call for an inquiry by the coroner to address the matters that have caused their hearts to break each and every day since their children died?

Hon. D. M. DAVIS (Minister for Health) — What I can say is that I think anyone in the community would understand the grief of those parents. As I indicated, I have personally met with one of those families and spent some considerable time listening very carefully to the points they made.

The State Coroner is an independent officer. He will review these cases as he sees fit, and he will make those specific decisions. It would be wrong for a health minister or indeed any other minister to instruct the coroner in any way. The point I am making is that the coroner is an independent officer, he has those cases on his list and he will make decisions in an independent way as to which cases merit further investigation.

I can also say very strongly to the community that the government recognises the shortcomings that it inherited. We did inherit a mess, and we are fixing it. We are working steadily to put in place the additional resources to ensure that our ambulance service can work as the community would expect.

Early childhood facilities

Mr RAMSAY (Western Victoria) — My question without notice is to the Minister for Children and Early Childhood Development. Can the minister inform the house how the children's facilities capital program has helped Victorian families in communities over the last three months?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in early childhood facilities and early childhood education in Victoria, particularly around the area of Ballarat where Mr Ramsay has been very active in assisting kindergartens and engaging with early childhood facilities.

Since the last sitting week of 2013, 13 major capital projects have opened around the state. On Friday, 13 December, the Minister for Public Transport, Mr Mulder, opened the Millville Child Care Centre in Colac. Also on Friday, 13 December, the Minister for Sport and Recreation, Mr Delahunty, and Mr Koch opened the Kathleen Millikan Childrens Centre in Casterton. I know this was a particularly important opening for Mr Koch because both Mr Koch's mother and grandmother were life governors of the Kathleen Millikan centre. Ms Crozier's grandmother was also a life governor of that centre. In addition to that, Ms Crozier, Mr Koch and Mr Koch's oldest daughter, Jodie, were all students at the centre.

On Wednesday, 22 January, Simon Ramsay attended the groundbreaking ceremony for the Atherstone Childrens and Community Centre. On 24 January, together with Tim McCurdy, the member for Murray Valley in the Assembly, I turned the sod for the commencement of works on the Numurkah Preschool redevelopment. On Friday, 31 January, Mrs Millar

opened the Knight Street Preschool and Childcare Centre expansion in Shepparton. On Thursday, 13 February, seven kindergartens were opened around the state. I opened the Heritage Preschool in Noble Park — —

Mr Lenders — On a point of order, President, I seek your advice. Mr Ramsay asked the minister for information, to which the minister advised him that he opened a child-care centre. I put to you, President, that this strange form of seeking information is irrelevant to question time and is moving on to debating a matter, rather than providing the member with information.

The PRESIDENT — Order! Mr Lenders, there are times when I also need to be reminded of what I have been doing.

Hon. W. A. LOVELL — As I said, Thursday, 13 February, was a big day, with seven openings. I opened the Heritage Preschool in Noble Park and the Heatherhill Kindergarten in Noble Park. Mr Ondarchie — the kinder king — opened five kindergartens in Northern Metropolitan Region: Blossom Park Kindergarten in Mill Park, The Heights Kindergarten in Mill Park, Epping Preschool in Epping, Mernda Villages Kindergarten in Mernda and South Morang Mill Park Lakes Preschool in South Morang. This is a fantastic result for Northern Metropolitan Region. On Friday, 14 February, Minister Delahunty opened the Kaniva Kindergarten.

This has been a fantastic investment in early childhood facilities that has been made available through the more than $106 million in children's infrastructure investment by the Baillieu and Napthine governments. I know the opposition does not like it. It does not like the fact that it neglected early childhood and that the government is investing in it. The amount of $5.8 million has been invested in these projects, and that has leveraged a further $8 million investment from local government and community organisations.

This is a great example of the state government working in collaboration with local communities to provide great outcomes for families and children. In addition to all those openings, 87 additional kindergartens have benefited from around $700 000 in minor capital grants in the last month. We are really excited about early childhood. There will be more openings during this year, thanks to the coalition government's investment in early childhood infrastructure.

Hospital performance

Mr JENNINGS (South Eastern Metropolitan) — Last sitting week the Minister for Health disputed national health data that had been published by the Productivity Commission, and he also disputed figures that had been provided by the Australian Institute for Health and Welfare. On previous occasions he has disputed hospital data that has been reported within his health department report and indeed the hospital performance data that is actually on his own website. Last week the Australian Medical Association (AMA) published a national report card which indicated that the Victorian hospital system failed on every measure. Can the minister tell us why the AMA is wrong?

Hon. D. M. DAVIS (Minister for Health) — There was a long preamble there, all of which was complete and utter nonsense, of course. What a whacker! Let us be quite clear about this. The AMA has released its report card. Its report card, I think, has four items on it.

Mr Jennings — Five.

Hon. D. M. DAVIS — Five, sorry, and you would have to ask why it has chosen the particular ones in question. Why category 3 outcomes and not categories 1 and 2? I would have thought that categories 1 and 2, where Victoria performs extremely well at the head of the national pack, would have been very appropriate ones to put on its report card. Those who come in and need timely response of that type get it.

I have to say in terms of the national emergency access targets that the government has always said these will be very difficult to achieve, but the government's response is improving there and the hospitals are improving. But one of the curious things that the AMA pointed to directly was the cuts by the federal government in the 2012–13 financial year. The AMA's own media statement pointed to the cuts by the Gillard government — by former federal Minister for Health, Tanya Plibersek, and her Labor mates — from our hospitals. An amount of $107 million was cut out of Victorian hospitals, starting on 7 December 2012 — and do you know who supported that? The Labor Party members opposite. All of them voted to tick the cuts — to say, 'We want our hospitals cut. We want $368 million ripped out into the future and $107 million in the year in question'.

Honourable members interjecting.

The PRESIDENT — Order! We have been down this track before. I think the house is very well informed

on this particular matter, thanks to the minister's leading that line on many occasions. But my concern today is that the minister is clearly debating the answer. I ask the minister to continue with less debate and to return more to the substance of the question.

Hon. D. M. DAVIS — The member asked about the AMA documents and the AMA statements on Friday, and the AMA made very clear statements on Friday pointing to federal government cuts in the 2012–13 financial year.

Mr Jennings — So they are right in something!

Hon. D. M. DAVIS — No, the AMA was very clear that the cuts should not have happened. That is what the AMA said. That is what Dr Hambleton said. He said the cuts should not have happened. Who were the only people in Australia who supported the cuts, President?

The PRESIDENT — Order! The Labor Party. I ask the minister to return to the substantive question.

Mr Jennings — On a point of order, President, just for the sake of the permanent record, the facetiousness in your response should not indicate that you were agreeing with the minister's proposition that it was the Labor Party that supported it, because no such proposition could be made in the Victorian Parliament, and I know that you were using some levity and some facetiousness to join in the minister's tirade.

Hon. D. M. DAVIS — On the point of order, President, everyone in this chamber knows, because we all remember the vote, that those people over there voted to support the cuts. It was outrageous and treacherous, and I would — —

The PRESIDENT — Order! Again that is debate, not a point of order. I thank Mr Jennings. With some levity I did try to bring the minister back to the question.

Hon. D. M. DAVIS — What I can say is that there is no doubt that in the financial year 2012–13, to which the AMA statements directly related, there was an impact on our hospitals performance and there was an impact on elective surgery. Thousands of people did not get elective surgery because of Julia Gillard's and Tanya Plibersek's cuts — cuts supported by Labor, supported by the Greens and outrageously delivered midyear, without warning, on the basis of a dodgy population statistic and the massaging of the population figures by the then federal Treasurer. How outrageous.

It is no wonder that Victoria's health performance and the performance of hospitals around Australia were impacted when Julia Gillard and Tanya Plibersek cut money out of our hospitals — $1.6 billion nationally over four years, $107 million in Victoria, delivered in $15 million tranches, month by month. The December payment was $15 million — $15.3 million, actually — less than the November payment. We got cut, cut, cut. Of course that is going to affect the performance of the hospitals. But what did we get out of the opposition? We got them ticking off on Tanya Plibersek's cuts — outrageously. It is time Mr Jennings and Labor said, 'We were wrong, and we should apologise'.
Mr Jennings should say, 'I am sorry for supporting those outrageous cuts which did impact on service in the last financial year'.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — If the minister has a look at the AMA report card published last week, it will show him in the financial tables at the conclusion of that report that the commonwealth allocation for health has actually gone up on average by $300 million each and every year during the life of the agreement and into the forward estimates. The minister may want to reflect on whether his argument stacks up. He may also want to reflect on the accuracy of the budget papers, which indicate that $825 million was not only taken out once and put back but has been permanently removed in three successive health budgets since the government came to office. In terms of performance indicators, will the accurate measure of hospital performance be included in this year's budget or will it be wrong as well?

Hon. D. M. DAVIS (Minister for Health) — There is a whole list of points I could make, but the key point is that this government has increased its hospital funding every year. The funding to the health system is now $14.3 billion, which is $2 billion up on when we came to government — a massive and historic increase. What is clear is that one of the group of people who cut funding to our hospitals was the former federal Minister for Health, Tanya Plibersek; in fact she is the queen of the cutters. She cut more than $5 billion out of our health budget. She cut $2 billion out of private health insurance, but did she put it elsewhere in health? No, she sent it straight back to Treasury — $2 billion from the health system went back to Treasury. It was a straight cut. If you add them up, over two years she made $5 billion worth of cuts. She is the biggest queen of health cuts in the history of the federation, and she will wear that forever.

Docklands development

Mr ONDARCHIE (Northern Metropolitan) — My question this afternoon is to my mate and good colleague in Northern Metropolitan Region, the Honourable Matthew Guy, in his capacity as Minister for Planning. Could the minister advise the house of what action the Napthine coalition government has taken to bring forward iconic new infrastructure for Docklands?

Hon. M. J. GUY (Minister for Planning) — I want to thank my good colleague Mr Craig Ondarchie — a good bloke, colleague, and a member for Northern Metropolitan Region. Like me he is an enthusiastic member, representing some great parts of Northern Metropolitan Region, including the suburb of Docklands. It is a pleasure to come into the chamber again to talk about a new piece of infrastructure that this government has opened in the Docklands suburb.

Melbourne has a number of iconic meeting places. People meet under the Flinders Street clocks. Many people, including many of the members opposite, meet for a variety of reasons — maybe for a demonstration or two — on the steps of Parliament House. Melbourne has a new and iconic meeting place — and that is, the corner of Collins and Bourke streets. No, I am not geographically challenged, and yes, members can probably hear Robert Hoddle spinning in his grave and wondering how this is going to occur. But indeed the corner of Bourke and Collins streets now exists. That is a vision of some two decades from when the Docklands precinct was first launched and the concept of Bourke and Collins streets was mooted as a meeting place to be Melbourne's equivalent of Times Square or even Trafalgar Square — something which is iconic for Melbourne.

Two of Australia's most well-known streets have come together at a meeting place that Melburnians will see as one of the iconic spots for our city. It is not just the meeting of two streets that I launched with Lord Mayor Robert Doyle last week; the corner of Bourke and Collins streets is part of a $63 million initiative between the state government, Lend Lease and the City of Melbourne to create a fantastic new community precinct for Docklands. The corner of Bourke and Collins streets is where our new library will soon open, where a new park is also set to open and where the development of the Docklands family services and boating hub will also get under way later this year.

The next incarnation of Docklands which this government is presiding over is not about building a Docklands based on buildings; it is about developing a new suburb based on people. This new intersection is part of that greater good, if you like, with its focus on people and residents and on bringing people down to Docklands — families and tourists who want to see Melbourne. It is part of our reason for increasing tram services to 1200 a week, which the Premier recently launched. It is about taking Docklands to the next stage. This is not just about Bourke and Collins streets being an iconic meeting place; this announcement is part of an iconic transformation of the Docklands to a brand-new suburb, and no doubt I will soon have much pleasure in informing this chamber when we open the new community facilities in Docklands.

None of it has come about through hope or chance or luck. It has come about through the dedication of this government in working with Lend Lease and the City of Melbourne to ensure that we are transforming this precinct, as I said, to its next incarnation. Docklands is a suburb; it is no longer a precinct. It is a suburb where people live and work and increasingly where they come to play. This great new intersection, an icon for Melbourne, is a symbol to me and to all Victorians of how the coalition government is building a better Melbourne and as such building a better Victoria.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT — Order! I received on 6 February a letter from Ms Mikakos in respect of her questions on notice to the Minister for Ageing, Mr David Davis, 9949 to 10 027 inclusive. She received a number of responses to those questions on 5 February. Ms Mikakos has suggested to me that she does not believe these questions have been adequately answered and therefore seeks that the questions on notice be reinstated on the Legislative Council notice paper in accordance with standing order 8.1.13.

I have reviewed the questions and the responses. The questions are quite detailed, so I can understand that obtaining the information to satisfy each of the parts of the questions could take considerable resources and time. The data is not necessarily kept in a form that would allow an immediate response to each of these questions, and of course there are a substantive number of questions. However, the minister has responded to each of these questions to the effect that work is under way to prepare a response required for the question and the numerous and complex related questions. The Department of Health is also reviewing the data required to answer the question, and the minister will respond more fully in due course.

In tabling what I regard as an explanation on this occasion and, if you like, a progress report to some extent for Ms Mikakos, it has been deemed initially that the questions have been responded to and therefore they have been left off the notice paper. However, I agree with Ms Mikakos that essentially the questions have not been answered, and I think that is indicated in the minister's response. The minister indicates a more comprehensive answer where it is possible to answer all of these parts — it may well be that not all these parts can be answered anyway — is being prepared and that work is being done.

I am satisfied that the response by the minister at this stage is not sufficient to expunge those questions from the notice paper; therefore I order that those questions be reinstated. Nevertheless, I note the good faith of the minister in terms of indicating that he is working towards obtaining responses. As I have said, I also understand that these are detailed and complex questions and that it would take some resources and time to respond effectively to the questions. For the sake of it, questions 9949 to 10 027 are reinstated on the paper.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 2 of 2014, including appendices.

Laid on table.

Ordered to be printed.

CORRECTIONS AMENDMENT (PAROLE) BILL 2014

Introduction and first reading

Hon. E. J. O'DONOHUE (Minister for Corrections), by leave, introduced a bill for an act to amend the Corrections Act 1986 in relation to the conditions for making a parole order for the prisoner Julian Knight.

Read first time; by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. E. J. O'DONOHUE (Minister for Corrections) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Corrections Amendment (Parole) Bill 2014.

In my opinion, the Corrections Amendment (Parole) Bill 2014 (the bill), as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Corrections Act 1986 to limit the circumstances in which the adult parole board may order the release on parole of Julian Knight, a prisoner sentenced in 1988 to seven life sentences with a non-parole period of 27 years. Mr Knight pleaded guilty to 7 counts of murder and 46 counts of attempted murder arising from his indiscriminate shooting which killed or injured 26 people in Hoddle Street. His offending was described by the sentencing judge in the Supreme Court as 'one of the worst massacres in Australian history'.

Under the bill, the adult parole board can only make an order for the release on parole of the prisoner, Julian Knight, if:

> an application for parole is made to the board by or on behalf of the prisoner;
>
> the board is satisfied, on the basis of a report prepared by the Secretary to the Department of Justice, that:
>
> (a) the prisoner is in imminent danger of dying, or is seriously incapacitated, and as a result he no longer has the physical ability to do harm to any person; and
>
> (b) the prisoner has demonstrated that he does not pose a risk to the community; and
>
> the board is further satisfied that, because of matters (a) and (b) above, the making of the order is justified.

Charter rights that are potentially relevant to the bill

Section 21 — Right to liberty

Section 21(1) of the charter act provides that every person has the right to liberty. Section 21(2) provides that a person must not be subject to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds and in accordance with procedures established by law.

It is well established that the right to liberty of the person in section 21(1) is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing. The liberty of Julian Knight has been limited by a court's sentence of imprisonment. The bill does not increase that limitation caused by the court's sentence.

This bill does not alter the head sentences of imprisonment imposed by the Supreme Court under which Julian Knight is detained. It alters the conditions on which the adult parole board may order his release on parole during the currency of the sentence and after the expiration of a non-parole period.

The bill does not require the cancellation of parole for Julian Knight if it is granted.

A prisoner has no right or entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole throughout their sentence. In *Crump v. New South Wales* (2012) 286 ALR 658 at 670, French CJ stated that: 'The power of the executive government of a state to order a prisoner's release on licence or parole or in the exercise of the prerogative may be broadened or constrained or even abolished by the legislature of the state'.

The changes to the parole scheme effected by this bill do not change the position that Julian Knight has been deprived of his liberty and lawfully detained for the duration of the head sentences imposed by the Supreme Court after conviction of serious offences in a fair hearing. In those circumstances, in my view, the bill does not limit the rights in section 21 of the charter.

Section 12 — Freedom of movement

The right to freedom of movement is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence. This bill does not add to that limitation arising from the sentence.

Section 8(3) — Equality before the law

Section 8(3) provides that every person is equal before the law and is entitled to equal and effective protection against discrimination.

Discrimination under the charter act is limited to discrimination on the basis of an attribute set out in s. 6 of the Equal Opportunity Act 2010, such as age, disability or sex. The bill does not give rise to any discrimination based on a relevant attribute and hence does not limit the right in section 8(3) of the charter act to equal protection of the law without discrimination.

It is not clear whether the statement in section 8(3) that every person is equal before the law is a separate right which is not limited by the concept of discrimination based on an attribute. If it is, then I consider that the right is limited in relation to Julian Knight because the bill makes unique provision for him alone. I consider that the limitation on any such right is reasonable and justified because of the egregious circumstances of Julian Knight's 7 murders and 46 attempted murders and because he continues to represent a danger to the community (as the adult parole board found in July 2012, some 25 years after the shootings). That Mr Knight still presents a danger to the community so long after such serious offending means he should not be released on parole while physically capable of doing harm and this justifies the imposition on him of special restrictive conditions for the granting of parole.

Section 10 — Cruel, inhuman and degrading punishment

In *Vinter and Others v. UK* (9 July 2013), the European Court of Human Rights held that a whole-of-life prison sentence with no non-parole period was incompatible with the right to be free of 'inhuman or degrading treatment or punishment' (under article 3 of the European Convention on Human Rights) unless there was both a prospect of release and a possibility of review of the continued detention. The court considered that the possibility of release if a prisoner was terminally ill or physically incapacitated and other criteria were met was not sufficient to comply with article 3. The decision has been strongly criticised by the UK government and others.

Section 10(b) of the charter provides that a person must not be treated or punished in a cruel, inhuman or degrading way. In my opinion, section 10(b) of the charter does not apply to life sentences with no non-parole period in the way the European Court held that article 3 applied in Vinter's case. In *DPP v. Hunter* [2013] VSC 440, the Supreme Court imposed a life sentence with no non-parole period after considering Vinter's case and the charter act. That sentence was upheld by the Court of Appeal (*Hunter v. The Queen* [2013] VSCA 385). It follows that the application in Vinter's case of article 3 to whole-of-life sentences with no prospect of parole has not been followed in relation to the charter act section 10(b) by the Supreme Court of Victoria. Accordingly, I consider that the bill's imposition of restrictive conditions on the making of a parole order in relation to Julian Knight does not limit the right in section 10(b). If a sentence of life imprisonment with no possibility of parole is not cruel and inhuman punishment in Victorian law, a sentence of life imprisonment with a limited possibility of parole under statutory conditions cannot be cruel and unusual punishment.

I therefore conclude that the bill is compatible with the rights set out in the charter act.

I note that it is possible that a court may take a different view than I have as to whether the bill is incompatible with charter act rights. In this exceptional case, the charter act will be overridden because of the need to ensure that the life sentences imposed by the Supreme Court for these egregious crimes are fully or almost fully served and to protect the community from the ongoing and real risk of serious harm presented by Julian Knight. The bill will provide that the charter act does not apply to the special conditions in the bill for making a parole order for Julian Knight.

Edward O'Donohue, MLC
Minister for Corrections

Second reading

Hon. E. J. O'DONOHUE (Minister for Corrections) — I move:

That the bill be now read a second time.

The Corrections Amendment (Parole) Bill 2014 implements a key commitment of the Victorian coalition government in relation to community safety — to make certain the government's commitment to protect the community from Julian Knight by keeping him in jail until he can pose no threat to the community.

The bill changes the preconditions for Julian Knight's eligibility for parole in Victoria to have the effect of preventing Julian Knight from being released on parole unless the parole board is satisfied that he is in imminent danger of death or seriously incapacitated and as a result that he lacks the capacity to harm another.

Changes the Victorian coalition government has made to the adult parole system in Victoria already make it the toughest in Australia. We have passed legislation so that serious sex and violent offenders who have committed further such crimes are subject to automatic cancellation of their parole. We have passed legislation making it a criminal offence to breach parole, with a possible jail term to be served on top of any other time owing. We have legislated to enshrine the principle that parole is a privilege not a right and that community safety must be the paramount consideration of the adult parole board in determining whether to grant parole. We continue to implement the recommendations of former High Court judge Mr Ian Callinan, AC, following his comprehensive review of Victoria's parole system last year.

The changes made by the coalition government have toughened and improved the Victorian parole system and help to make Victoria a safer place.

This bill builds on the coalition government's achievements by protecting the Victorian community from Julian Knight forever.

Julian Knight committed one of the most heinous crimes in the history of Victoria. Victorians can rightly expect that the government will do whatever we can to ensure Julian Knight is never released until he can do no harm, and with this bill, this government is delivering on that commitment.

On 10 November 1988 Julian Knight was sentenced to life imprisonment, with a non-parole period of 27 years. That non-parole period is due to expire later this year. This bill means that Julian Knight will never be released except in very restrictive circumstances, essentially mirroring preconditions contained in New South Wales legislation upheld by the High Court in the decision of *Crump v. New South Wales* (2012) 247 CLR 1. The effect of these provisions are that Julian Knight will die in jail, or will be in such a condition on release that he will be a threat to no one.

These preconditions are that: the adult parole board must be satisfied on the basis of a report prepared by the Secretary to the Department of Justice that he is in imminent danger of dying, or is seriously incapacitated, and as a result no longer has the physical ability to do harm to any person; and that he has demonstrated that he does not pose a risk to the community; and the adult parole board is further satisfied that, because of those circumstances, the making of the order is justified.

By essentially mirroring the preconditions contained in the New South Wales legislation we are seeking to ensure the constitutional validity of the Bill. These provisions change the preconditions on which the adult parole board must be satisfied before it can grant parole to Julian Knight. These same preconditions have been upheld by the High Court in the Crump case.

The bill also includes a provision making it clear that the Charter of Human Rights and Responsibilities Act 2006 does not apply to the new section 74AA, and that this override provision does not need to be re-enacted every five years. Although the government considers that the bill is compatible with the charter act, it is possible that a court may take a different view. In this exceptional case, the charter act is being overridden and its application excluded to ensure that the life sentences imposed by the Supreme Court for these egregious crimes are fully or almost fully served and to protect the community from the ongoing risk of serious harm presented by Julian Knight. To provide legal certainty and to avoid a court giving the bill an interpretation based on charter act rights which does not achieve the government's intention, the bill provides that the charter act does not apply to the new section 74AA which sets conditions for any parole order for Julian Knight. This provision is intended to serve as the override declaration envisaged by section 31(1) of the charter act but goes further to make clear that the charter act does not apply to section 74AA at all and that the override and non-application of the charter act do not expire after five years under section 31(7) of the charter act.

With this bill the Victorian community can be certain that they are protected forever from the possibility that Julian Knight will one day be free to commit another atrocity.

I commend the bill to the house.

Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Mr Lenders.

Debate adjourned until Tuesday, 4 March.

GAMBLING AND LIQUOR LEGISLATION AMENDMENT (REDUCTION OF RED TAPE) BILL 2014

Introduction and first reading

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation), by leave, introduced a bill for an act to amend the Gambling Regulation Act 2003 and the Liquor Control Reform Act 1998 to further improve the operation of those acts and for other purposes.

Read first time.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — By leave, I move:

That the second reading be taken forthwith.

Mr Lenders — On a point of order, President, I offer to the minister the standing offer from the opposition that if he wishes to incorporate the second-reading speech by leave, leave will be given.

The PRESIDENT — Order! I thank the Leader of the Opposition for that offer. The convention of the house — and I think it is probably a sound one, given that this is the first time the legislation has been introduced — is that the second-reading speech is read. I am in the hands of the house. If the house takes a different position, I am prepared to support that, but it is our convention, and there is some advantage to that. I can remember previous occasions where a discrepancy has been picked up when the second-reading speech has been read. Given that it is the bill's introduction to the house, there is some wisdom in the convention.

Motion agreed to.

Statement of compatibility

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Bill 2014.

In my opinion, the Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Bill 2014 makes a number of amendments to remove unnecessary and burdensome red-tape requirements that currently apply to Victorian liquor licensed clubs and to other liquor licensed venues.

Human rights issues

As there are no charter act rights that are relevant to the bill, I consider it is compatible with the rights and responsibilities in the charter act.

Hon. Edward O'Donohue, MLC
Minister for Liquor and Gaming Regulation

Second reading

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I move:

That the bill be now read a second time.

Since its election in 2010, this government has been working to implement its comprehensive plan to restore integrity, probity and responsibility to the forefront of gambling regulation in Victoria and to implement the commitments made in the Victorian Liberal-Nationals Coalition Plan for Liquor Licensing.

This bill amends the Gambling Regulation Act 2003 and the Liquor Control Reform Act 1998 to build on this government's work in this area and makes a number of amendments to reduce unnecessary and burdensome red-tape requirements that apply to Victorian businesses and, in particular, to Victorian not-for-profit clubs.

The coalition government believes that clubs are an important component of the community and play a vital role in creating social capital, particularly through their encouragement of volunteers and through the provision of employment, entertainment, infrastructure and grants to their local community.

Measures to reduce unnecessary red tape for clubs will result in clubs being able to direct the savings towards delivering additional direct and indirect benefits to local communities.

In relation to gambling, this bill will remove the requirement for the minister to approve the conduct of two-up on or around Anzac Day each year.

The bill also makes a number of significant enhancements to the Liquor Control Reform Act 1998, including strengthening the role of the live music industry by removing the requirement for approval of under-age and mixed-age live music events on liquor licensed premises, extending existing exemptions from the requirement to hold a liquor licence that applies to certain businesses, providing an automatic extension to trading hours for liquor licensees on New Year's Eve, and reducing competitive restrictions on clubs.

These reforms are consistent with the Victorian coalition government's commitment to reduce red tape imposed on business.

Two-up on Anzac Day

The bill will remove the requirement for the Returned and Services League to seek ministerial approval to conduct two-up on or before Anzac Day each year. Currently, two-up may be played in Victoria, with

ministerial approval, to commemorate Anzac Day. Two-up is heavily associated with the RSL and the minister accepts the recommendation of the RSL as to where two-up should be played on Anzac Day, or in the week leading up to Anzac Day. Removing the requirement for ministerial approval will allow the RSL to determine where two-up may be played, reducing the regulatory burden on the RSL to seek approval.

Purchasing liquor from wholesalers

The bill will remove an existing prohibition on holders of restricted club licences and renewable limited club licences from purchasing liquor from wholesalers. These clubs, which are typically smaller clubs run by volunteers, are only allowed to purchase liquor from retail outlets. The removal of this anticompetitive restriction will allow all clubs to be free to choose where they purchase liquor, providing greater choice for clubs and potentially reducing the time spent by club employees or volunteers travelling to and from bottle shops.

Minor business exemptions

The amendments relating to minor business exemptions will make hospitals, nursing homes, retirement villages and cruise ships eligible for an exemption from the requirement to have a liquor licence if they comply with certain conditions relating to the safe supply of liquor.

These exemptions build on those already provided to other small businesses such as bed and breakfast operators, butchers and hairdressers. The service of alcohol in these businesses is ancillary to the primary purpose of the business. The extension of the exemption recognises that the supply of alcohol forms a very small and incidental part of their operations and will reduce the financial and regulatory burden on them.

Exempted businesses are only permitted to supply limited quantities of alcohol and must ensure that they do not supply liquor to minors.

The bill will also remove the existing requirement for exempted businesses to notify the Victorian Commission for Gambling and Liquor Regulation that they intend to supply liquor under the exemption. Currently, exempted businesses must notify the commission that they intend to supply liquor in accordance with the relevant conditions and the commission assesses and advises on each notification.

The notification requirement for these businesses is an unnecessary administrative burden and disproportionate to the risk of alcohol-related harm posed.

In addition, the bill amends the definition of bed and breakfast operators in relation to the minor business exemption. The effect of the amendments is to allow bed and breakfast operators where the proprietors do not live on the premises to be eligible for the exemption, and to bring them into line with other exemptions by placing a limit on the amount of alcohol that may be served under the exemption. Given that a 750 millilitre daily limit is being placed on the supply of liquor by a bed and breakfast business, bed and breakfast proprietors will no longer be required to complete responsible service of alcohol training.

All exempt businesses must comply with the conditions that apply to them which support the responsible service of alcohol.

Failure to comply with the conditions of operation for an exemption means the business is effectively supplying liquor without a licence and may result in enforcement action being taken against such businesses.

Extension of trading hours on New Year's Eve

In order to provide greater certainty to hospitality and entertainment businesses around Victoria, the bill provides for an extension to permitted trading hours for the majority of liquor licensees on New Year's Eve each year.

Given the importance of New Year's Eve celebrations as a cultural event and an economic opportunity for the Victorian hospitality industry, the commission has for many years exercised its power to extend the trading hours for hotels, clubs, on-premises licences and liquor licensed restaurants and cafes on New Year's Eve.

The bill extends the trading hours for the relevant licensees until 1.00 a.m. on 1 January each year for hotels, clubs and bars and until 3.00 a.m. for restaurants. This enshrines a longstanding practice of the extension of trading hours on New Year's Eve.

In order to deal with any alcohol-related harm risks that may arise from this extension, the commission will have the capacity to restrict the application of the extension by licensee, by licence type or by local area.

It is up to individual businesses whether they will trade beyond their otherwise usual trading hours and licensees will still be obliged to comply with all relevant conditions on their licence and responsible service of alcohol requirements associated with the supply of liquor in Victoria.

Live music industry

One of the objectives of the Liquor Control Reform Act 1998 is to contribute to the development of the live music industry. The coalition government is strongly supportive of developing Victoria's live music industry, establishing the live music round table to provide a forum to discuss liquor licensing issues that affect the live music industry. From small gigs at a local venue to a sold-out stadium, live music venues make an invaluable contribution to Victoria's social and cultural landscape.

The current application process, in which a licensee must apply at least 45 days before the proposed event, is administratively burdensome and hampers the growth of the live music industry in Victoria.

The bill will assist to maintain a vibrant live music industry by removing the requirement for liquor licensees to seek approval to host alcohol-free under-age and mixed-age live music events on liquor licensed premises.

Instead a licensee will be required to notify the commission of a proposed alcohol-free under-age or mixed-age live music event at least seven business days before the event is to be held. This will enable the commission and Victoria Police to undertake appropriate compliance activities in relation to the event.

This change will facilitate youth events and contribute to the vibrancy of Victoria's live music industry.

Licensees must comply with any conditions for an under-age or mixed-age live music event imposed by regulations. These conditions will deal with matters that affect the safety and wellbeing of those who attend these events.

I commend the bill to the house.

Debate adjourned on motion of Ms PULFORD (Western Victoria).

Debate adjourned until Tuesday, 4 March.

PAPERS

Laid on table by Clerk:

Melbourne City Link Act 1995 — Sub-Lease between CityLink Melbourne Ltd and Transurban Infrastructure Management Ltd as sub-lessors and Boroondara City Council as sub-lessee pursuant to section 60(11) of the Act.

Murray Valley Citrus Board — Minister's report of failure to submit report for 2012–13 to the Minister within the prescribed period and the reasons therefor and Minister's report of receipt of 2012–13 report.

Planning and Environment Act 1987 —

Cardinia Planning Scheme Amendment C183.

Notices of Approval of the following amendments to planning schemes:

Cardinia Planning Scheme — Amendment C174.

Casey Planning Scheme — Amendment C179.

Darebin Planning Scheme — Amendment C131.

Greater Dandenong Planning Scheme — Amendment C168.

Greater Shepparton Planning Scheme — Amendment C167.

Hume Planning Scheme — Amendment C175.

Kingston Planning Scheme — Amendment C139.

Knox Planning Scheme — Amendment C118.

Loddon Planning Scheme — Amendment C33.

Manningham Planning Scheme — Amendment C96.

Maribyrnong Planning Scheme — Amendment C115.

Moreland Planning Scheme — Amendment C34.

Mornington Peninsula Planning Scheme — Amendment C182.

Mount Alexander Planning Scheme — Amendment C54.

Murrindindi Planning Scheme — Amendment C44.

Nillumbik Planning Scheme — Amendment C86.

Port Phillip Planning Scheme — Amendments C64 and C94.

South Gippsland Planning Scheme — Amendment C85.

Stonnington Planning Scheme — Amendment C190.

Surf Coast Planning Scheme — Amendments C84 and C92.

Warrnambool Planning Scheme — Amendment C75.

Whittlesea Planning Scheme — Amendment C141.

A Statutory Rule under the Meat Industry Act 1993 — No. 2/2014.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 160/2013 and 2/2014.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Order 723 — Structured Workplace Learning Arrangements for Non-School Providers of 20 December 2013 made under the Education and Training Reform Act 2006.

Ministerial Order 724 — Work Experience Arrangements for Non-School Providers of 20 December 2013 made under the Education and Training Reform Act 2006.

Notice of amendments to Australian Rules of Harness Racing of 1 March 2014 made under the Racing Act 1958.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Heavy Vehicle National Law Application Act 2013 — except section 53 and Part 2 of the Schedule — 10 February 2014 *(Gazette No. S28, 4 February 2014)*.

Road Legislation Amendment Act 2013 — Part 4 and section 34 — 10 February 2014 *(Gazette No. S28, 4 February 2014)*.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 19 February 2014:

(1) the notice of motion given this day by Mr Somyurek relating to the loss of jobs in the Victorian automotive manufacturing industry;

(2) notice of motion 722 standing in the name of Ms Mikakos relating to funding cuts to residential aged care;

(3) notice of motion 721 standing in the name of Mr Barber revoking amendment VC105 to the Victorian planning provisions;

(4) notice of motion 677 standing in the name of Ms Pennicuik relating to the Formula One Australian Grand Prix; and

(5) order of the day 22, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning response and recovery.

Motion agreed to.

MEMBERS STATEMENTS

Alcoa

Ms TIERNEY (Western Victoria) — This morning I joined the Leader of the Labor Opposition, Daniel Andrews, and my fellow Labor Geelong-based members of Parliament at Alcoa as the announcement was made that Alcoa Point Henry will close in August this year. This is yet another dark day in Geelong, with more than 800 workers now facing unemployment in less than six months. It is a dark day for Geelong, it is a dark day for Victoria and it is yet another dark day for the Napthine government, which has stood by motionless whilst this state has bled jobs, day in and day out. For the last three years this government has been like a deer in the headlights whenever the time has come for it to act in the interests of saving jobs or creating new jobs in Victoria.

Those who listened to ABC 774 this morning would have heard yet another disappointing and lacklustre performance from the Minister for Manufacturing, David Hodgett. There was absolutely no passion, empathy or hope for Alcoa workers in his voice or in his words, just like there has been no passion, will or commitment to do any hard work in providing realistic pathways for workers in Geelong. All workers get is a media release from the Napthine government spruiking the Geelong Region Innovation and Investment Fund. Submissions closed last September and still there is nothing. Geelong deserves better and Victorians deserve better. We have a government that has no passion, no work ethic, no leadership, no industry — —

The ACTING PRESIDENT (**Mr Ramsay**) — Time!

Brian Potter

Ms HARTLAND (Western Metropolitan) — Brian Potter, former chief fire officer of the Country Fire Authority (CFA), died last week after a 17-year battle with a range of cancers and other related illnesses that he believed were caused by his work as a fire officer, especially during his time at Fiskville, the CFA training ground. Brian campaigned for presumptive legislation with dignity and concern and did so more for those firefighters and their families who would come after him. Brian would always come to any meeting or press conference I asked him to, no matter how sick he was.

At his funeral on Saturday I, along with several hundred other people, came to honour not only Brian but also his family. We heard stories about the amazing work that Brian had done over his long career in the

CFA and also about what a great father and husband he was. At the wake afterwards I spoke to several firefighters who have what they and I believe are work-related cancers, including Neil Bumpstead, who made it clear he will be continuing the campaign for presumptive legislation.

To honour Brian and other firefighters in the CFA and the Metropolitan Fire Brigade the best thing the government could do would be to bring forth its own presumptive legation so that the artificial barriers that are in place to stop firefighters receiving workers compensation for these cancers can be removed. I know that when we are finally successful Brian Potter will be looking down from heaven and leading the cheering alongside all the other firefighters.

SPC Ardmona

Mr DRUM (Northern Victoria) — I take this opportunity to acknowledge the work undertaken by the Deputy Premier, Peter Ryan, over the last two weeks in relation to SPC Ardmona in Shepparton. Following the disappointing decision by the federal government to not coinvest with SPC Ardmona, Peter Ryan and his departmental workers started a dialogue with it and Coca-Cola Amatil to see if there was a solution that could be worked towards. Last Friday it was announced that SPC Ardmona had committed $78 million to this project and to maintaining the current employment levels for at least five years. It took two weeks of high-level talks to thrash out an agreement that gives employees and locals within the Goulburn Valley the confidence they are looking for. This course of action is in stark contrast to the Victorian Labor Party and its leader, Daniel Andrews, who without any detailed discussions simply threw $30 million of his Monopoly money at this project when he knew his contribution would never seriously be considered.

Peter Ryan undertook a great process that led to an outstanding outcome, one which shows the benefit of engaging companies in government process and policies that lead towards job creation and consolidation. The Regional Growth Fund enables the government to partner with Victorian communities and businesses in a manner that has never before been witnessed in Victoria. I look forward to hearing from Labor members, particularly John Lenders, as they congratulate Peter Ryan on the outcome he has achieved. As someone who grew up on the outskirts of Shepparton, I know how important the fruit-growing and fruit-processing industry is to the Goulburn Valley and in particular Shepparton.

Climate change

Mr SCHEFFER (Eastern Victoria) — The fires that recently swept though many areas of Victoria, including Gippsland, and the fire that is still burning at the Hazelwood open-cut mine, were preceded by a protracted period of dry weather, low rainfall and extreme heat. During the last sitting week the Parliament observed the fifth anniversary of the 2009 Victorian bushfires, and our remarks were confined to the loss of life, the many who suffered and those who fought the fires and provided support to people in need.

While our immediate focus is on fire and drought at home, we are also fully aware of the fact that profound changes are afoot in the global climate and that the arctic conditions that affected — and are still affecting — Europe and North America over the winter and the severe storms and floods in the UK are consistent with the warnings of scientists. UK Labour leader, Ed Miliband, has said that climate change is now a matter of national security and has criticised British Prime Minister, David Cameron, for backtracking on his commitment to the environmental cause. Mr Miliband said that the country is sleepwalking into a national security crisis because of the political division in Westminster. He called for cross-party unity so that there can be a national consensus on the matter.

So far as I can see, no-one has criticised Mr Miliband for insensitivity in raising the matter in the middle of these devastating floods. It would be a good thing if in Australia we followed his lead and if the Victorian and federal governments reconsidered their adversarial stance on global warming and sought to come to a consensus with all political parties on this crucial matter.

SPC Ardmona

Hon. W. A. LOVELL (Minister for Housing) — Last Thursday was a great day for the people of Greater Shepparton and the Goulburn Valley as the Premier declared SPC Ardmona well and truly open for business for the long haul. As a local, I know just how much the Napthine government's $22 million lifeline means to my community. This funding, which is part of a $100 million coinvestment with Coca-Cola Amatil, reaffirms the Goulburn Valley's place as the food bowl of our nation.

The uncertainty of recent weeks has been difficult. When something affects SPC Ardmona, it affects the entire Shepparton community, from the fruit growers to the factory workers to the shop owners across the

region. There is always a flow-on effect. This funding from the Victorian coalition government is a vote of confidence in the produce and the people of the Goulburn Valley. It is a clear statement that SPC Ardmona's food processing has a very strong future in our state.

I commend the Premier, Dr Napthine, for his leadership during what has been a difficult time for my region. His willingness to meet with SPC Ardmona, local growers and the City of Greater Shepparton to hear their concerns will not be forgotten. I am thrilled to hear that SPC sales have skyrocketed in recent weeks. This is a sign that people want to buy local products and support Victorian fruit growers. I urge everyone to make a conscious effort to look for locally grown and packaged food, including SPC products, when they do their weekly shopping. They will be supporting local businesses and jobs and buying the best quality products possible.

Alcoa

Ms PULFORD (Western Victoria) — This morning we heard the terrible news that 980 jobs will go from Alcoa, the vast majority of which will be lost in the Geelong region with the closure of the aluminium smelter at Point Henry and the adjacent mill. This follows the shocking news that Toyota will cease production in Australia in 2017, which signals the end of car manufacturing in Victoria and puts at peril tens of thousands of jobs in the supply chain, many of which are also in Geelong.

The news about Alcoa will come as a shock but not a great surprise to the affected employees, the Geelong community and the Victorian government. This government suggests there is an industry fund, but it is time for it to take the strong and decisive action that is required — that is, effective intervention from government and innovative industry policy. The government must start to give manufacturing employees across Victoria, specifically in Geelong, some confidence that it has a plan for where new jobs are going to come from. Victorians have had enough excuses from this government; it is time for it to lift its game and develop a jobs plan. Labor has been calling for this to occur for a couple of years already, and it is long overdue. These people deserve and expect much more from their government.

Bushfires

Mrs MILLAR (Northern Victoria) — On Sunday, 9 February, Victoria faced the worst weather conditions since Black Saturday. What followed was a series of devastating fires which affected many parts of the state. Northern Victoria in particular saw serious fires in the Gisborne South, Riddells Creek, Numurkah, Mickleham, Wallan and Kilmore areas. Our thoughts are with all those who were directly affected by the fires and on the recovery process which lies ahead. I note the great price paid by the community at Darraweit Guim, which lies in difficult firefighting country of multiple hills and valleys and which is now largely blackened. Remarkably only a small number of houses were lost there. I note the price paid on the outskirts of Riddells Creek and in the vast affected country around Wallan and Kilmore.

It is thanks to the great bravery and contribution of our amazing Country Fire Authority (CFA) brigades and other emergency services that no lives were lost, no serious injuries were sustained and house losses were limited to approximately 45 houses across the state when this figure could have been so much higher. Each CFA member and each CFA brigade called out deserves our great thanks, and this message has flowed through our local communities.

While we are touched to the core by these events — and I can say that spending time with those who have lost their homes or their livelihood is truly devastating — these times also bring out the best in communities. We have much to celebrate in our CFA and State Emergency Service volunteers and also in those community members who contributed in various ways. I note the superb Romsey staging area, operated by Romsey and Lancefield community members, including the Lions clubs and the students of Romsey Primary School. I thank the fire services commissioner, Craig Lapsley, for his outstanding leadership. I also acknowledge the important role played by the Minister for Police and Emergency Services, Kim Wells. Throughout the fires which impacted on the Macedon Ranges Minister Wells was at every moment immediately available, and he responded quickly to a wide range of needs and issues across the week. My great thanks to Minister Wells, his staff and the Victorian emergency services staff.

In just five short years since Black Saturday the accumulated learning has been profound and is widely acknowledged to have limited losses during recent events. This is not to say that there are no learnings to take away from last week's events. This process has already commenced. Now the rebuild and regeneration begins.

Toyota

Mr EIDEH (Western Metropolitan) — Like many other Victorians, and Australians for that matter, I was extremely disappointed at the recent announcement by Toyota — which is the final motor vehicle manufacturing plant in Australia — that it will cease production in 2017. The announcement will have a detrimental effect not only on motor vehicle and motor vehicle part manufacturing in Australia, which it will completely wipe out, but also on the tens of thousands of workers who will lose their incomes as a result.

I would like to bring to the attention of the Minister for Manufacturing, Mr Hodgett, some statistics based on the 2011 census in relation to total motor vehicle and motor vehicle part manufacturing job losses in communities in my electorate. In Altona it is 909; Derrimut 841; Essendon 202; Footscray 427, Keilor 758; Kororoit 715; Niddrie 241; Pascoe Vale 280; Tarneit 661; Williamstown 324 and Yuroke 825. That is a total of 6183 jobs gone: 6183 families affected. With these devastating announcements for communities across the state, I urge the Minister for Manufacturing, Exports and Trade to make sure that Victorian jobs become a priority for this government and I ask him to intervene to try to salvage what is left of manufacturing in our state.

Latrobe Valley fires

Mr RONALDS (Eastern Victoria) — Two fires are currently burning in coalmines in the Latrobe Valley as a result of the recent bushfires. There is a fire at the Yallourn open-cut mine and larger, much more difficult fire at Morwell in the Hazelwood open-cut mine. I would like to praise the efforts of the firefighters and agencies which have been battling this fire since Sunday, 9 February. Currently there are some 200 Country Fire Authority, Metropolitan Fire Brigade and Department of Environment and Primary Industries firefighters, 100 mine staff, 30 incident management team personnel and 9 medical monitoring personnel working on this incident. There are 80 firefighting appliances including tankers, trucks and aircraft working around the clock to contain a fire that, if it were put end to end, would be some 3 kilometres in length.

This and weather conditions have made the fire unpredictable, and the outlook of south-westerly winds for the remainder of the week is problematic. I would like to commend the work of the Minister for Police and Emergency Services, Mr Wells, who is also the Minister for Bushfire Response, and the Minister for Health, who have worked to inform the community about air quality and potential health risks from the smoke.

Additional monitoring in Morwell and Traralgon and improved communication from the Environment Protection Authority are continuing to inform the community about the real situation. The Latrobe Valley is receiving the best resources and strategic response and the most up-to-date and readily accessible information as it relates to their health and welfare. Residents will be further updated at another community meeting tonight.

Egyptian revolution anniversary

Mr ELASMAR (Northern Metropolitan) — On 31 January I attended celebrations for the anniversary of the 25 January 2011 revolution of the Arab Republic of Egypt. The event was hosted by the Consul General of the Arab Republic of Egypt, His Excellency Khaled Rizk. The evening was highly successful, and I spoke with many interesting people who were also in attendance.

Feast of Saint Maroun

Mr ELASMAR — On 8 February I attended a special event. I was proud to be a part of the celebration to commemorate the feast day of Saint Maroun, a Maronite Christian who was born several hundred years ago. The evening was most enjoyable and brought together a large number of Australian Lebanese in a social setting. This annual event was organised by Monsignor Joseph Takchi under the auspices of Our Lady of Lebanon church.

Northcote Greek festival

Mr ELASMAR — On Sunday, 9 February, I attended the Greek festival held in Northcote with my colleague Ms Mikakos and the federal member for the seat of Batman, Mr David Feeney. The festival was, as usual, well attended and the food stalls and folk dancing were entertaining. I congratulate Mr Andy Mylonas and committee members for their marvellous efforts in bringing together all sections of the Australian and Greek community.

Albert Park Primary School

Mrs COOTE (Southern Metropolitan) — Last week I had a very exciting day when the Minister for Education, Mr Dixon, announced that we are going to get a new $4.8 million double-storey relocatable building at Albert Park Primary School. I can hardly begin to tell members how much it is needed. I put on record my praise for the principal and the entire school

community who have been lobbying very strongly for such a building. I was delighted that Minister Dixon had listened to our concerns and had acted. The school community is particularly happy about this. The coalition government really understands the pressures on inner city schools, and this is a classic example of the government helping them to alleviate what is a very difficult situation, with many more students enrolling than in the past. This help is very welcome.

The building has the following design features: improved floor, wall and roof thermal insulation; double-glazed windows to reduce heat loss; a building management and passive ventilation system; an energy-efficient design to reduce energy usage; external window shades, and mobile storage units to allow various teaching layouts. I congratulate everyone in the school community. They know how hard I worked on their behalf, as did Ms Crozier, who is a Southern Metropolitan Region colleague. It is so pleasing to see that Minister Dixon has understood what the pressures are and has done something very significant about it. I commend the minister.

Alcoa

Mr O'BRIEN (Western Victoria) — I too would like to send my best wishes to the families and workers at the Alcoa smelter and mill at Port Henry. It is a difficult day for Geelong and those families, but as the Premier has said Geelong has a strong economy and will bounce back. The government is continuing to work hard with all participants to ensure that Geelong manages this period of difficulty in the best way it can.

SPC Ardmona

Mr O'BRIEN — I would also like to congratulate the Premier, Deputy Premier, and the Minister for Local Government, Jeanette Powell, as well as the other members of Parliament for delivering an excellent result in relation to SPC out of existing state government programs.

Kingston Avenue of Honour

Mr O'BRIEN — I would like to acknowledge and pay tribute to the community in Kingston, which is outside Creswick, where I had the pleasure of representing the Minister for Veterans' Affairs, the Honourable Hugh Delahunty, at the Friends of the Avenue of Honour dedication. The community has reconstituted itself and continues to maintain and preserve the Avenue of Honour, which contains 286 Dutch Elm trees that were dedicated nine years after the cessation of hostilities on 11 November 1918. I thank Julie Baulch, the president of the Friends of the Avenue of Honour, and Cr Don Henderson, the mayor of the shire. I also commend the Minister for Veterans' Affairs for his dedication to all returned servicemen and women and the veterans for the lasting legacy of their service.

Burials tax

Hon. D. M. DAVIS (Minister for Health) — Today I rise to talk about the death tax that was introduced by the former Prime Minister, Julia Gillard, through changes to the cemetery arrangements and the GST arrangements. In this chamber in the last sitting week I heard members on the other side make strange comments about the government's opposition to the imposition of a tax on burials. We believe that a burial should not attract GST, and I can indicate that we fought very hard against this and were able to convince the Australian Taxation Office (ATO) to change its initial ruling. A ruling made on changes to the GST arrangements put in place by Julia Gillard has been reversed.

We have pushed back for the industry in Victoria and taken a very clear position. Whether it be cemeteries managed by the Southern Metropolitan Cemeteries Trust, such as the Melbourne General Cemetery or the Springvale Botanical Cemetery, or cemeteries in our large regional cities — in Bendigo, Ballarat and Geelong — all of them would have faced a 10 per cent tax on the burial itself, a 10 per cent tax imposed by the ATO and a 10 per cent tax that would have increased the cost of burials.

I am proud to say that the government, with the industry, was prepared to say this was wrong and that the ruling was not one that we could live with. I am pleased to say the ATO has made a different decision, and I welcome that decision. I welcome the support of the industry through this period. What I find extraordinary, however, is the failure of those on the other side of this chamber, Labor members in particular, to support the — —

The ACTING PRESIDENT (**Mr Ramsay**) — Time!

Luke Batty

Ms MIKAKOS (Northern Metropolitan) — I rise today to express my sincere condolences to the family and friends of 11-year-old Luke Batty, who was tragically killed by his father last week. It is a heartbreaking event that has devastated a family and shocked an entire country. I acknowledge the

extraordinary bravery and courage of Luke's mother, Rosie Batty, who fronted the media the day after her son's death. Despite her grief, she challenged each and every one of us to address the fact that family violence affects so many of us behind closed doors, irrespective of class or background. She said:

> … family violence happens to everybody, no matter how nice your house is, how intelligent you are, it happens to anyone and everyone.

Rosie Batty also highlighted the fact that Victoria's courts and police are struggling to deal with all the state's family violence cases. We need to ensure that the processes that deal with family violence and mental health issues, as well as our laws, are appropriate. I sincerely hope the various inquiries that are to be conducted into Luke's death do not just look at the role of the various agencies involved, but carefully examine the way they communicate with each other.

My sympathies go out to Rosie Batty and her extended family and friends, as well as to the entire Tyabb community, who have all been greatly shaken by this terrible tragedy.

MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2013

Second reading

Debate resumed from 12 December 2013; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr MELHEM (Western Metropolitan) — I rise on behalf of the opposition to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2013. Its prime consideration and the issue of immense importance to the state is the regulation of Victoria's earth resources. The purpose of this bill, as set out by Mr Rich-Phillips in his second-reading speech, purports to bring to fruition the 25 recommendations contained in the report of the former Economic Development and Infrastructure Committee (EDIC) on its inquiry into greenfields mineral exploration and project development in Victoria. In its response, the government purported to wholeheartedly support all 25 recommendations.

It should be pointed out from the outset that it was the Labor government that first took up the concerns of industry stakeholders and the community regarding the severe shortcomings of the existing regulatory framework for the earth resource sector. The Mineral Resources (Sustainable Development) Act 2010 is the result of the review conducted by the Labor government. The review entailed a consultation process through which 180 people attended workshops and made submissions on the issues paper.

I note briefly the other clauses of the bill which serve to improve the regulatory regime established by the principal act. Statutory time frames are established by clause 8 of the bill in line with recommendation 18 of the EDIC report. The bill requires that the minister may grant or refuse a licence within 90 days or grant or refuse the retention of a licence within 120 days of acceptance of an application respectively. This is aimed at providing greater certainty surrounding licences and ultimately bolstering Victoria's global competitiveness.

Clause 4 amends section 4(1) of the principal act to clarify that the new definition of 'low-impact exploration' is contained in schedule 4A, which is inserted by clause 41. The bill also amends the definitions of 'work plan' and aligns provisions relating to licences to ensure greater consistency of treatment.

However, there is one glaring omission in the bill which must be emphasised above all others, and that is in relation to recommendation 6 of the EDIC report. It says that the government should develop:

> … a statewide integrated, strategic land use policy framework to better manage competing land uses in Victoria. This framework should be subject to periodic review giving consideration to economic, social and environmental factors.

In its duly submitted response to the report, at page 6 the government states that it supports recommendation 6. It is one of the nice tricks the government played on the community and industry alike for several reasons. The government is basically attempting to make people believe that it has listened and is going to implement all the recommendations. There are reasons for that.

Firstly, the government in its response stated that the cornerstone of its implementation of recommendation 6 will be its proposed regional growth plans, which will provide broad direction for land use and development across regional Victoria. These plans still remain in draft form. Furthermore, while the draft plans are now open to submissions from the public, there is no wider process of engaging the community — no public workshops or community forums — than the process which Labor engaged in in the past.

Secondly, in its attempt to implement recommendation 6 the government wants to get six separate policy responses. That is hardly an integrated response, and it fails to address the elephant in the room — the lack of certainty and simplicity in the

regulatory system which makes Victoria a less attractive place for industry.

Thirdly, and most importantly, this bill demonstrates that the government is not committed to delivering such a policy framework. Clause 5 of the bill, if enacted, provides the minister with the discretion to decide whether to exempt any land from being subject to a licence. In exercising this discretion the minister must have regard to known or potential mineral values as well as the social and economic consequences of any decision. There is no framework or established body of work around which the minister can safely make that discretionary decision. Surely it cannot be that resolution 6 will be fulfilled in such a blunt fashion by simply saying that it is for the minister alone to decide competing interests. It undermines the entire purpose of the whole review, which is to ensure certainty, accessibility and transparency in the regulation of our state's earth resources. The fact is the minister does not have to give any explanation whatsoever for his reasons. He simply makes the decision and moves on.

Therefore I move:

> That all the words after 'that' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the government develops a single, statewide integrated, strategic land use policy framework to better manage competing land uses in Victoria, as recommended by the Economic Development and Infrastructure Committee report on the inquiry into greenfields mineral exploration and project development in Victoria, and which specifically includes a hierarchy of land uses to evaluate their relative values'.

The reasoned amendment is very clear, but if members from the other side missed what I said, they should read the circulated amendment. It is straightforward: the legislation should be put on hold.

The opposition wants to remove clause 5 and to make any decision made by the minister public, and this would be allowable by either house of Parliament. I would also like to flag that I propose moving a second amendment when we go into committee, but I will come to that matter later on. That amendment will be circulated later so opposition members will have time to read it. It is the opposition's belief that members of this house, particularly those representing The Nationals, cannot possibly support this bill without clause 5 being amended. As members will be well aware — —

Mr Elsbury interjected.

Mr MELHEM — Why not? Mr Elsbury does that all the time. My questions to those members will be: what answer are you going to give the farmer in your electorate when she or he asks why it is that the use of their land for agricultural purposes is worth less than other proposed uses? It is a very important question, and I hope they will have the answer. Without establishing a clear regime which provides an answer as to when, where and why search and use of land will be preferred over another use, this bill does not address the prevailing concerns underpinning the need for reform.

The reason Labor always can and will deliver better policy outcomes around the regulation of minerals in this fine state of ours is simply this: the certainty and clarity which industry stakeholders naturally prefer and deserve and which translates into greater market confidence can only be delivered by a regulatory system which brings along the community of the area in which those minerals are found. Time and again Labor is the only party in this state able to work with both business and the community. Time and again it is Labor which industry relies on to confront the real challenges in order to deliver a more certain, transparent and accessible regulatory regime. Time and again it is Labor which has the vision to secure economic growth in this state.

In the interests of industry, the environment, the community and its electors, I urge each member to reconsider the well-intentioned reasoned amendment proposed by the opposition. Obviously the opposition will not be supporting the bill in its current form.

Mr BARBER (Northern Metropolitan) — What this bill represents is just another attack in the multipronged war on the environment that the coalition seems to have declared. While they are at it, they are sucking up to and serving the needs of the big end of town at the expense of people across Victoria and, as we are talking about mining development here, most notably people from rural and regional areas.

I will return to a couple of specific examples in a minute, but I will first turn to the key issues with the bill itself. Mr Melhem referred to the parliamentary inquiry into greenfields mineral exploration and its 25 recommendations. The report of the inquiry was agreed upon unanimously by all of the Labor and Liberal members who served on the committee, and of the 25 recommendations there was hardly one that really meant anything. There were recommendations for further inquiries, further consultations and further research, but one of the recommendations was the very thing the Minerals Council of Australia had been asking for all along — fast-tracked mining and fast-tracked provisions that give less power to the Minister for Energy and Resources as decision-maker and more

rights to miners as applicants, with the community of course being left in the dust, as so many of them are finding now, with the current proliferation of mining and petroleum applications for exploration and in some cases development dropping all over the landscape and sending many Victorian communities into a state of uncertainty.

While minor in nature, this bill continues that trend a bit further. Clause 5 amends section 7 of the principal act, which is the section of the act that allows the Minister for Energy and Resources to exempt certain land from all or certain types of mining. Since a new consideration has been added to that bit of ministerial discretion — that is, the requirement that the value of known or potential mineral resources be considered before exemption decisions are made — it has become a bit harder for the minister to make a decision to exempt certain land from mining.

At the moment this is a very live and real issue. I have received correspondence from residents in the area of Maffra. They have been told by their friendly neighbourhood Nationals and Liberal Party MPs, 'Don't worry — there'll never be coal seam gas, unconventional gas or mining development in the middle of that valuable Macalister irrigation district. We can just use the exemption power if there's a large application across your area'. Right this second the farmers are asking the Minister for Energy and Resources to use that power. They have all written to Minister Kotsiras, and they have not got the response they have sought.

I will read from a piece of correspondence that has come to me. It explains the issue quite well. It comes from a resident of Maffra West Upper, who said:

> I am extremely concerned with the fast-tracking of legislation surrounding mining exploration licences held over Gippsland's farmland that will adversely affect our agricultural industry. This will lead to one of conflict between water allocation and rights, incompatible land use, loss of control over how and what we farm, consequently placing significant uncertainty on our existing land values and the security of our future investments for that of our rural communities and broader regions.

Mr Melhem, on behalf of the Labor Party, has moved a reasoned amendment that asks the government to address exactly this issue. I refer to the question of long-term land use across Victoria, particularly the need to protect for all time our most productive agricultural areas, our areas of biodiversity — few as they are in here in Victoria — and of course our water supplies. We must protect these natural resources in perpetuity, because they will continue to provide us with a productive and prosperous future off into the millennia, as far as we can see. That is up against the quick cash grab of someone who can see that the age of fossil fuels is rapidly running out and wants to have a last gasp of coalmining or gas extraction, put the money in their pocket and run away, leaving the damage to the environment for someone else to worry about.

I return to the correspondence from the resident of Maffra West Upper, who originally wrote to Minister Kotsiras requesting exemption of exploration licence application 4968 in the area of Tinamba and Newry. The application was made by Ignite Energy Resources, and its intention was to mine for minerals, including coal bed methane and mineral sands, over an area of a bit over 1900 square kilometres of the Gippsland Basin. The Maffra West Upper resident told me that the minister's response did not actually address the request for exemption. She went on to say in her letter to me:

> Given that our federal Nationals member is supportive of coal seam gas and this state coalition government is actioning all things resource, are our politicians, both state and federal, declaring that no area of the Macalister irrigation district will be protected from any form of unconventional gas development?

She then continued on in her letter in more detail.

This bill is yet another snub to that resident of Maffra West Upper, and there are many more people working in concert with her to try to protect one of our most valuable agricultural assets, the Macalister irrigation district. The message to her, the farmers in that area and everybody else in Victoria is that it has just got a bit harder. Even if the minister were to exercise this power, his decision could be subject to administrative challenge by miners. Since there is no opportunity for citizens on behalf of themselves, for land-holders or for interested persons on behalf of the environment to challenge the minister's non-action, this is yet another example of the weighting of the mining act towards the miners and away from the ordinary citizen and the ordinary land-holder, not just now but into the future, affecting those yet to be born.

Another clause in the bill makes work plans associated with mining activity, a necessary and very important approval stage, more what you might call outcomes based; not necessarily a negative in itself but dependent entirely on how seriously the department takes its responsibility for environmental protection versus facilitating mining.

On the weekend I visited various local livestock farmers in the area of Seaspray who are neighbours — unwanted neighbours — to a company called Lakes Oil, which is now poking drill bits down into properties adjacent and seeking to continue drilling and

commence extracting gas from not only land on which it is operating but through horizontal drilling to other people's properties as well. I visited various drill sites where drilling typically occurs. Depending on what is intended to be extracted, water could be pumped down into a borehole or water could be sucked out through a process of dewatering, with that water then being pumped into a little dam that has been made next to the drill site.

This is on a topography that is very flat and can be prone to flooding. In an instance where water was to spill, or the land was to be flooded out in a heavy rainfall event, the water could go almost everywhere and across the landscape. It could certainly go into creeks, which some people rely on for their own water supply, including local towns, but also, where there is the issue of cross-contamination of groundwater, into the supplies of other people who rely very much on groundwater for their livelihood. The number of irrigation machines that are visible across the landscape goes to show how important that is for farmers who are in the business of dairying or raising extensive livestock for meat.

One would have thought those farmers would be core supporters of the Liberal and Nationals parties in the area, but they have been abandoned and, as we heard earlier, completely ignored when it comes to demands for some surety from land-holders about what their future holds — about whether their soil, air and groundwater will remain as they are, pure and perfect for producing a premium agricultural product. They would like some of the consideration that other agricultural producers have been given by this government — a bit of certainty about their future and an opportunity to get on and do their best.

These people are very concerned about the immediate issue of a work plan for further fossil fuel extraction. There has been no response from the government, but I am joining with them in calling on the government not to issue the work plan for Lakes Oil. The government's so-called moratorium is actually a moratorium on fracking activities only. Companies like Lakes Oil are moving ahead with an application to do more drilling. The Premier and the Deputy Premier, who is also the local member, need to intervene and ensure that the minister does the right thing by regional communities. We do not need or want onshore gas development in Victoria, nor do we need it popping up like pimples all over the landscape, creating uncertainty and risk. There are better alternatives to gas; the new direction is to renewables, not fossil fuels. Anybody who has examined the issue with an open mind can see the changes going on in the energy industry right now.

On that same subject, and it might seem like a segue, earlier today there was a protest on the steps of Parliament against the proposal by the Napthine government to introduce new laws that would make it possible, in my view, for pretty much any protest anywhere, any time and involving any kind of activity, to be shut down and permanently banned. In considering this legislation I just wonder whether the government may find that a bunch of Gippsland livestock and dairy farmers turn out to be the first people who get pinged under these new laws. If it is not them, it could be a bunch of knitting nannas outside of McDonald's in the Dandenongs or even some people in my area, where the government plans to rip up their parkland. Government members should just think about it before they vote for those laws.

The work plan issue, if a mine or development is to go ahead, is critical. Why would anyone be worried about living next to a fossil fuel development? Just ask the tens of thousands of people in Morwell, a town that I visited on Saturday and Sunday. Members will recall that I spoke on this matter during question time today. The position faced by people who are living next to that coalmine is absolutely dire. The smoke is choking. Anyone who is vulnerable to a heart condition or a lung condition would have to be at real risk.

The best the government has offered so far is a bunch of community service announcements, which really did not seem to get the point across, judging from the ones I heard on the radio as I was driving through. It has belatedly brought in some Environment Protection Authority (EPA) monitoring, which is streaming some minimal data via the internet, and in any case that is only in relation to one station. Across the Latrobe Valley there should be an array of pollution-monitoring stations, and it is the coalminers and coal burners who should be paying for that monitoring so the citizens can be assured that they are breathing clean air, not just during a crisis like the burning Hazelwood mine but at all times of the year as a result of the burning of fossil fuels.

There was some sort of basic minimal fire suppression system — sprinklers, if you like — around certain parts of the Hazelwood mine. From the information I received from firefighters on my visit, that system was knocked out in the early part of the fire. Now it is down to hundreds of humans risking themselves by going down into that smoke-filled pit and trying to hose down the burning coalface to put it out — so far with variable results.

When the fire season is over we should have in this Parliament an inquiry into what happened at

Hazelwood. Present at that inquiry should be the chief health officer, senior management of the Department of Health, the Country Fire Authority and the EPA and, most importantly in relation to this bill and this very clause we are looking at, the department responsible for mines because it is meant to be regulating and governing the operations of these coalmines so that they operate in a safe way. If a large investment in fire suppression equipment is needed, then that is what should be ordered through an amendment to either the work plan or the legislation that governs coalmining in Victoria.

The firefighters of Victoria are probably now a bit sick of being patted on the back by politicians. I do not think I speak on behalf of them, but I think for my own part it is about time we offered them something a bit better than just warm congratulations. They need more equipment, more support — —

Mr Ramsay — What about the new fire trucks?

Mr BARBER — Mr Ramsay interjects. That new fire truck that Mr Ramsay presented in his area could be one of the hundreds that have now been allocated to the Hazelwood mine. A significant contribution from all of our firefighting resources is being put into this one operation, even while there are fires occurring around the state, and many of these firefighters have been fighting it for over a week. They are exhausted and have been put into a hazardous chemical environment, not a traditional fire. They will be fighting it for weeks to come, based on current estimates of what it is taking to put out this devastating coal fire. Clearly the resources are inadequate. We had fires like this in Hazelwood in 2008. There is another fire at the Yallourn power station at the moment, which has barely been mentioned. It is still full of water from the flood disaster and simultaneously parts of it are on fire.

Do we have strong enough regulations for the governing of mining in Victoria? No. This bill does nothing to address that beyond coming up with some minimal changes to the work plan requirement. In a further clause low-impact exploration is redefined in terms of risks and impacts rather than the exploration activity, and that itself is going to reduce the need for exploration work plans. Work plans will no longer be required for much routine exploration work, including narrow diameter drilling. A land-holder will have nothing to object to. There will be no permit required, and therefore land-holders will know nothing about what might be planned in their area. Government members should be aware that by exempting more exploration from approval requirements the government is simply tipping the balance further towards mining and away from land-holders and neighbours.

With regard to the farmers of the Macalister irrigation district, the farmers of the Seaspray area and the tens of thousands of residents of the Latrobe Valley, including those in Morwell, the government has blocked its ears. It is weakening the coverage of the regulations for mining in Victoria. I would not want to be one of the residents of Bacchus Marsh, in Mr Ramsay's electorate, looking at what is happening in the Latrobe Valley and considering the prospect of a giant coalmine in their area next to their food bowl. I support the Labor Party's reasoned amendment that a better land use plan is required to sort out some of these issues before the government goes rushing ahead issuing exploration, mining and gas extraction permits, but I know that both Labor and the Liberal Party are united when it comes to approving this kind of fossil fuel future.

The people in those areas that I mentioned understand very well what it means to them, as will many others across Victoria soon. So far it is only the Greens who are providing some certainty to land-holders so that they can enjoy their lifestyle and promote their farming activities without the looming threat of a miner turning up at their front gate and putting their lives on hold. As this new and unknown threat then starts to wind its way through the bureaucratic processes, the minister for mines is indifferent to the bigger questions, which are: how are we to continue growing our economy based on those important industries such as agriculture, how are we to protect and secure our water supplies for all time and how are we to protect what we value about life here in Victoria — our beautiful bushlands and our natural areas? The Greens will be supporting the Labor Party's reasoned amendment.

Mr ELSBURY (Western Metropolitan) — It is not unusual to get a meandering commentary from the Greens on topics such as this. Mr Barber certainly did not stick to the premise of the bill at all; he tried to confuse the issue by using emotive passages about coal seam gas. In fact this bill does not deal with that particular issue; it does not touch on the moratorium on coal seam gas exploration. Gas and oil are not defined as minerals. They are classified under petroleum and come under the Petroleum Act 1998. That is where they sit.

Mr Barber interjected.

Mr ELSBURY — I continue to receive interjections from Mr Barber, who tries to reaffirm his position.

Mr Barber interjected.

Mr ELSBURY — If I needed Mr Barber's help, I would be in deep trouble. We are also talking to the amendment that has been put by those opposite. There is some conjecture about the ability of communities to get involved in the process of their work plans et cetera. There was an article in the *Age* newspaper of 8 November 2013 in response to which the Minister for Energy and Resources, the Honourable Nicholas Kotsiras, issued a media release headed 'Victorian community will always come first', which states:

> An article printed in today's edition of the *Age* mistakenly asserts that communities will find it harder to obtain mining exemptions for particular areas.
>
> These allegations are incorrect. The legislation before the house does not alter any existing protections.
>
> Victoria has strict mining laws and regulations that ensure the environment is protected and that communities are consulted and land-holders rights are respected. These laws will not be affected.

The press release further states:

> All mining in Victoria needs to be consistent with the water act, the planning and environment act, the environmental effects act, the environment act and the native vegetation framework in addition to the commonwealth environment protection biodiversity conservation act.

That pretty much wipes out the premise of the amendment that is being put by those opposite.

I turn to the substance of the bill. There is no doubt that this state owes much of its development to the resources sector. This was recognised on 6 September 2012 when gold was recognised as Victoria's mineral emblem at separate sittings of the Legislative Assembly in Ballarat and the Legislative Council in Bendigo. Those cities were chosen for that announcement because of the great impact of that mineral on the economic wealth of this state. There were no better places to emphasise that impact than in those two major regional capitals, both of which benefited greatly from the extraction of gold from their goldfields during the 1800s. Even today some extraction still occurs.

This bill seeks to ensure that the mineral opportunities this state still holds can be developed in the interests of the community not only on an economic level but also on an environmental and social level.

The development of this bill benefitted from the input of the Department of Environment and Primary Industries, the Department of Justice and the Victorian Civil and Administrative Tribunal. The bill amends the Mineral Resources (Sustainable Development) Act 1990 in response to the former Economic Development and Infrastructure Committee's report on its inquiry into greenfields mineral exploration and project development in Victoria, which was tabled in the Parliament last year.

Mineral resources being located is important in understanding what potential a mining or resource extraction operation may have. To allow for exploration which is considered low impact, as defined under the Mineral Resources (Sustainable Development) Act 1990, will not require a work plan but will instead require adherence to a strict code of practice for exploration. Low-impact exploration will be redefined to include a broader range of activities, placing greater emphasis upon the impact caused by the exploration, rather than the nature of the method used to undertake that exploration. Low-impact exploration does not include work such as taking water from an aquifer, hydraulic fracturing or excavation using heavy earthmoving equipment. The use of explosives, removal of trees or shrubs and disturbance to Aboriginal or European cultural heritage is also not considered low impact, as we would expect.

Work carried out under the code of practice and under a work plan for exploration will be subject to the same standards and level of regulation. Works will need to be of a low impact to the environment and cultural heritage to qualify for the reduced regulatory burden of an exploration work plan. This activity includes geological surveys and mapping, small-scale soil and rock sampling and some geophysical surveys.

The restoration of a mine or quarry site is of great importance, and the process of retrieving ore and rock is invasive on the landscape. The issue has also been the very steep nature of rehabilitation bonds. The rehabilitation bond is payment for the site of the extraction to have work carried out to reform the site from a working mine or quarry into a regenerated environment. Previously the bond was for the full amount it was believed it would take for regenerative works to take place should the operator of the mine or quarry be unable to meet their rehabilitation obligation and the Department of State Development, Business and Innovation needed to step in.

This is a considerable sum for an operation to provide in the start-up phase of a project. The new requirement will be for 50 per cent of the bond to be paid up-front. This provision will only be given if the risk of default is very low and the government is unlikely to be exposed to additional liability for a rehabilitation. If the rehabilitation liability of a site changes due to a reassessment, then part of the bond may be refunded or an additional amount may be required to reflect the new requirements being placed on the site for rehabilitation.

If an additional bond amount is required, this bill will clarify the time in which a payment will be made and the new penalties will be introduced to reflect the serious nature of failing to pay within the time specified.

The bill also makes amendments which introduce a statutory time frame in which the minister and the Department of State Development, Business and Innovation provide decisions. This means that extractive businesses can understand the procedure of applying for a licence and the time it will take for a licence to be issued or rejected. These time frames include 90 days from the date of acceptance of the application, subject to the provision of all required information, mining warden investigations and native title agreements for the granting or refusal of exploration and prospecting licences; 120 days for an application for retention and mining licences; and 30 days for statutory endorsement of work plans and work plan variations by the Department of State Development, Business and Innovation.

Amendments to the Mineral Resources (Sustainable Development) Act 1990 as a result of this bill will protect the rights of landowners, including that consent to enter private land must be obtained in writing; landowner consent will be required if works are to be undertaken within 100 metres of a residence; seven days notice is needed for the landowner and the Department of State Development, Business and Innovation of the commencement of work; and a rehabilitation bond must be lodged with the Minister for Energy and Resources.

The bill will reduce red tape involved in extractive industries by allowing work plans, other consents and approvals to carry over from one licence to another licence held by the same authority-holder with approval from the Department of State Development, Business and Innovation. If a work plan has been allowed, the need to reapply and go through the whole process seems excessive. A planning permit will not be required to vary a work plan for which an environmental impact statement has been previously prepared if the Minister for Energy and Resources is satisfied that this work will not cause any significant additional environmental impacts. The minister responsible for the Environmental Effects Act 1978 will be consulted in making the decision and judging the impact of a variation to the works permit.

The Victorian Civil and Administrative Tribunal will be able to review decisions to refuse a work plan or variation by the department head as a result of this amendment. Currently this recourse is only available in the extractive industry and not the mineral industry. The purpose of a work plan for extractive and mineral mining is key to the development of a project. These documents have become extensive and complex to satisfy a number of stakeholders and the needs of the Department of State Development, Business and Innovation and other agencies. This becomes a time-consuming process and results in a larger number of variations needing to be made to work plans at later dates. This uses up the company's time and the resources of the government in administering the variations.

The focus of the work plan will become more risk based in identifying how these risks will be mitigated. Consideration will need to be given to how the operation will impact the environment, members of the public and land, property or infrastructure in the area surrounding the site of the mine or extraction.

Work plans will continue to outline community engagement plans and to propose rehabilitation works, process methods and environment management. Work plans for mining and extractive industries will become more consistent across the earth resources industry sector in the state of Victoria, without driving an increase in regulation. The Mineral Resources (Sustainable Development) Amendment Act 2012 has assisted in developing the earth resources sector in generating revenue and jobs in the state of Victoria, with an investment of $19.2 million allocated in the 2013 state budget to support this important industry. On top of this, the Minerals Development Victoria office will be a single point of contact for investors in the earth resources sector to work with the Victorian government, its departments and its agencies.

As a state Victoria has many advantages for the earth resources sector. The compact nature of our state, the extensive road and rail infrastructure we already have in place and the road and rail projects that we are building and have planned — like the regional rail link and the east–west link projects — will improve logistics. Port capacity projects at Webb Dock and the development of the port of Hastings show our commitment to the international export market. New opportunities in lifting the value of earth resources extracted in Victoria can benefit from the strong manufacturing and refining industries that we have in this state to value-add to the base ore and minerals which are extracted and turned into high-quality products sold on global markets.

We have great benefits coming from the earth resources sector, and we have great potential to build more jobs here in Victoria. We are able to present the people of the world with our great products. The ingenuity of our

community and our workers enables us to provide high-quality products to the global market. With those words I commend the bill to the house and look forward to its passage.

Mr RAMSAY (Western Victoria) — I rise to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2013. I do so with some interest in both the discussion by Mr Melhem of his reasoned amendment and the contribution from Mr Barber. I constantly search for some common ground between my own and Mr Barber's contributions, and I struggle. Running true to form, Mr Barber spent most of his contribution muddying the waters and applying frightening terminology in relation to fracking and contaminating aquifers, and generally painting a doom and gloom scenario of the potential consequences of this bill, which is not reflected at all in what are some quite minor changes.

I am surprised that whoever has been instructing Mr Melhem would actually want to impede the passage of this bill, given that really it is a fairly small administrative-type bill to remove some of the bureaucratic red tape and costs associated with licensing for those who wish to mine and create wealth in the local communities in which those activities take place. Having said that, though, I found some common ground with Mr Barber, which was in relation to his comment about Deans Marsh. Some years ago Mantle Mining was looking to open up an old coal seam in that community, and it is true that it was people power that encouraged Mantle Mining not to proceed with the exploration and eventual open cut of that seam. What is important about that is that the community spoke very clearly, very loudly and very passionately, asserting that it did not want mining in its local area. To the credit of Mantle Mining, it responded by deciding it would not go ahead.

I was interested to see the definition of 'low-impact exploration' in the bill. I was pleased to see that the Victorian Farmers Federation was consulted, because in a previous role I did quite a lot of work with the minerals industry and the farmers, whom I represented. Ironically enough, Mr Barber stood here and said that he was representing the interests of farmers in his opposition to this bill, but as we know the policies of the Greens are not supportive of productive farming. In fact they hinder progress and opportunities for increasing productivity on much of the farmland within Victoria.

That aside, I noticed that in this bill there is a requirement for those companies that are wishing to conduct activities on local farmland to get written consent. I also note that there is a land-holder permission required for works within 100 metres of a residence and that seven days notice must be given to the Department of State Development, Business and Innovation and landowners of commencement of work. I am also pleased to see that there is a requirement for a rehabilitation bond, which must be lodged with the Minister for Energy and Resources.

I would also like to make it very clear that the new low-impact exploration definition in this bill does not include work involving the taking of water from an aquifer, does not include hydraulic fracturing and does not include excavation using heavy earthmoving equipment, which Mr Barber suggested would be a consequence of this bill being passed. This is to ensure that the holder of an exploration or intention licence must not carry out any work on land covered by the licence, unless, as I said, written or informed verbal consent of the owners and occupiers of the land has been obtained, providing that the work does not involve the use of heavy equipment. As my parliamentary colleague Mr Elsbury has said, the bill does not allow explosives or the removal or damage of trees and shrubs. That is a win-win, both for the farmers and for the environment.

The bill furthers the government's commitment to maintaining an effective and robust regulatory framework for the earth resources sector in Victoria. The earth resources sector, including the mining and extractive industries, is a valuable part of the Victorian economy and provides an important source of economic growth and stability, particularly in regional Victoria. In recognising this, the coalition government is setting out a clear plan to deliver a strong and responsible earth resources industry that makes a bigger contribution to Victoria's economy and creates more jobs and investment in rural and regional areas. That is particularly important given the demise of the manufacturing industry.

The amendment bill requires the minister to consider the known or potential value of mineral resources on the land and the impact that a proposed exemption may have on potential mineral values as well as social and economic implications when deciding whether to exempt land from being subject to a licence, and that is the way it should be. The bill contains other proposed amendments, which are aimed at reducing the administrative and regulatory burden on industry, including the introduction of statutory time frames for the processing of licence applications and the streamlining of work plan requirements.

The bill provides that a Victorian Civil and Administrative Tribunal review is available both for the mineral and extractive industries in respect of conditions imposed on a work plan approval or variation and in relation to a decision of the department head to refuse to approve a work plan or variation.

Amendments to work plans will provide that unless declared by the minister, a work plan does not have to be lodged if the licensee proposes to only carry out low-impact exploration work; if the licensee holds a mining licence that covers an area of 5 hectares or less and does not relate to underground operations, blasting, clearing of native vegetation or the use of chemical treatments; or if the licensee holds a prospecting licence that does not relate to underground operations, blasting, clearing of native vegetation or the use of chemical treatments. In my understanding such work plans will transition into a code of practice.

A further amendment provides that a work plan must contain the prescribed information, and if a licence is a mining licence or a prospecting licence under which mining activities are proposed to be carried out, it must also include a community engagement plan and a rehabilitation plan. If the licence is a mining licence relating to a declared mine, the work plan must also include the prescribed mine stability requirements and processes.

To reduce the time and costs that proponents face in the approvals process, the bill provides that the formal work authority for mining and prospecting licences will be replaced with a checklist of matters that must be satisfied before mining work can commence. It will continue to be mandatory that the department be notified prior to commencement of work, at which point the department will ensure that all the necessary requirements have been met.

The earth resources sector contributes to not only regional jobs but also jobs in metropolitan areas. In light of the recent decisions by Holden and Toyota, and the Alcoa decision we heard about this morning, it is important for the government to consider any red-tape hindrances which can impede the viability of entire industries. The former Economic Development and Infrastructure Committee noted following its inquiry into greenfields mineral exploration that the contribution of the sector to the Victorian economy is substantial. In the period 2009–10 the earth resources sector contributed $5.9 billion to the Victorian economy, which is around 2 per cent of Victoria's gross state product.

The Economic Development and Infrastructure Committee made 25 recommendations, many of which this amendment bill attempts to implement, including recommendation 18, that the Victorian government establish statutory time frames; recommendation 6, that the government develop a statewide integrated approach to better manage competing land uses in Victoria; recommendation 15, that the government review the current rehabilitation bond system in Victoria; recommendation 18, that statutory time frames be implemented under the Mineral Resources (Sustainable Development) Amendment Bill 2013 that must be binding upon the department and its referral agencies; and recommendation 19, that the government consider redirecting the regulatory focus of exploration, mining and extractive work plans toward outcomes and away from preservative conditions in order to better manage risk and achieve socially, economically and environmentally sound outcomes.

In closing, I note that this is not a large bill. It reduces some of the bureaucratic regulatory costs for those wanting to mine, but most importantly it also gives some protection to land-holders in relation to requirements to get written consent for the use of land, it provides compensation for those land-holders, it provides for good environmental outcomes and standards in relation to rehabilitation and it provides significant wealth to local communities where mining activities occur. I commend this bill — and not the reasoned amendment — to the house.

Mrs MILLAR (Northern Victoria) — I am pleased to speak in support of the Mineral Resources (Sustainable Development) Amendment Bill 2013, a bill which sets out to achieve the right balance between the interests of land-holders and the need to protect the value of our state's mineral resources. This is a fine balance between reducing the administrative and regulatory burden while also maintaining a robust regulatory framework for the mineral resources sector in Victoria. This is about cutting red tape and the administrative burden on industry but at the same time not lessening environmental and social protections.

The amendments included in this bill have arisen in response to the 25 recommendations made by the former Economic Development and Infrastructure Committee (EDIC) in its report titled *Inquiry into Greenfields Mineral Exploration and Project Development in Victoria — May 2012*.

All mining in Victoria is conducted in accordance with the Water Act 1989, the Planning and Environment Act 1987, the Environment Effects Act 1978, the Environment Protection Act 1970 and the native

vegetation framework, as well as the commonwealth Environment Protection and Biodiversity Conservation Act 1999, and this bill will not change that in any way.

The bill's main purpose is to reduce regulatory burden on the minerals and extractive processes by making amendments to the Mineral Resources (Sustainable Development) Act 1990, including amendments to the definition of low-impact exploration, to various licence provisions and to provisions relating to work plans.

The new definition of low-impact exploration contained in this bill will see a broader range of activities fall within this category and will reduce the need for exploration work plans only where impacts and risks are low. The definition is set out in new schedule 4A, to be inserted by clause 41. This amendment reflects recommendation 19 of the EDIC report, which was to redirect the regulatory focus of exploration, mining and extractive work plans towards outcomes and away from prescriptive conditions, such as the types of equipment used, in order to better manage risk and to achieve both economically and environmentally sound outcomes.

If you like, this is a more balanced definition which considers issues of food security, residential land use and environmental sustainability against the productivity gains and benefits, importantly including jobs yielded by mining activities. The effect of the new definition is that formal work plans, which are a core element of the work approval for mining and quarries, will not be required for much routine exploration work but rather will be regulated by a code of practice similar to that currently successfully used for the code of practice for small quarries.

Regulatory burden will also be removed in the instance of a licensee progressing from one form of licence to another as work plan approvals and rehabilitation bonds will be able to be transferred or carried over in respect of the same area. This will avoid approved work activities needing to be ceased while new approvals are sought. Work plan requirements will also be amended to be more consistent, less cumbersome and more outcome focused on potential risks and risk reduction.

New statutory time frames will be introduced under this bill to provide greater regulatory certainty in respect of these activities, including licence applications being either approved or rejected within 90 days of the application date, except in circumstances where all the relevant information is not included or mining warden investigations or native title agreements are required. Applications for the retention of mining licences will be approved or rejected within a time period of 120 days. Land-holder interests will be protected in respect of low-level activities by the requirement for written consent to be given by the land-holder, by notice requirements and by rehabilitation bonds being held. These are important protections, which were reinforced during the consultation process undertaken during the development of this bill and in particular in discussions with the Victorian Farmers Federation, as was noted by Mr Ramsay.

There will also be some amendments to rehabilitation bonds to allow for a reduction of bonds for the start-up phase of new low-risk mining and quarrying projects. Bonds are also able to be amended and reassessed when the rehabilitation risk changes, in which case part of the bond can be returned or a further bond payment may be required to be made.

The mineral resources sector is and always has been an important industry in my electorate of Northern Victoria Region, which contains many of this state's most valuable and historically significant mining sites. Mr Elsbury traced some of the history of mining in Victoria and the importance it has always played and continues to play. I am certainly aware of the continuing need to reduce regulatory burden in situations which are classified as low-impact exploration, but I am equally mindful of the need for even low-impact mining activities to be carried out within a balanced framework which considers the environmental, economic and social benefits and risks.

Mr Melhem's amendment seeks to address all the recommendations arising from the Economic Development and Infrastructure Committee report. This was never the bill's intention, and for those reasons I will be voting against that amendment. Mr Barber, in his comments, largely sought to trade on fearmongering in relation to matters which include what he described as a war on the environment and the interests of those not yet born. This completely misses the point of this bill, which is — even in Mr Barber's own words — very minor in nature. It seeks to balance important red-tape reduction with the environmental needs of Victoria. The bill before us, which arises in response to the recommendations of the Economic Development and Infrastructure Committee's recommendations, achieves this balance, and for this reason I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to make my contribution to the debate on the Mineral Resources (Sustainable Development) Amendment Bill 2013. I say that with a considerable amount of pride and interest, because we need to bring into focus what is locked up in the state of Victoria by way of mineral wealth. We have seen the bounty that

other states have been able to yield, including the economic development and job creation opportunities which have flowed from things that have had a very significant impact on the economy not only of those particular states but of the entire country.

I have a particular interest in this, having had the opportunity to spend two or three days a week for three years as part of the operation of a pilot plant at the bottom of the open-cut mine in Morwell. I see myself as a bit of a creature of our mineral wealth. I note the vision of Sir John Monash for this state. Just imagine if we had not acted upon his vision to bring forward, through open-cut mining, the brown coal deposits of the Latrobe Valley as a resource for the people of Victoria.

We need to remember that before the imposition of the carbon tax by the Gillard government one of the competitive advantages that helped build the economic base and the industrial powerhouse that is the state of Victoria — Melbourne and its regional centres — our economic success was derived from readily accessible, cheap and sustainable power generation sources. We have a proud history in Victoria. This very building was constructed upon the wealth of goldmining in central Victoria. The mineral wealth locked up in this state provided the 30 000 people who lived here with the vision for this Parliament.

It is really exciting. We can now say very clearly to those potential investors who approach the government that we have established a single point of contact through the action plan to invigorate access to our earth resources in this state. We are not only removing red tape but providing an essential balance between the needs of the environment and the impact of any mining on it, the effects on stakeholders and communities and the prospects it brings. What sort of economic bounty will we derive from it?

The balance derived from the fantastic recommendations in the report of the former Economic Development and Infrastructure Committee has provided the guiding light for the government to develop this bill. The government has responded in a very measured way and in a fashion that sends an important signal to the investor community or the people who are going to put in serious money to further develop our extractive industries — you cannot have a built environment without extractive industries — and the mineral wealth of this state, which will increase its confidence, prospects and prosperity.

We need the investment and jobs that will flow from such a response. These are very encouraging. To facilitate and expedite things, we now have on offer the minerals development unit, which will be the single point of entry for investors in their dealings with the government. Everybody loves the one-stop shop. We do not want to be running all over the place, spending a whole lot of money on advisers and chewing up important moneys that could be directed towards the mining or extractive project.

Alongside this there will also be a major investment attraction program, which will be underpinned by access to cutting edge geoscience technology. Everybody will be equipped to do things to extract the mother lode — this valuable resource — with minimal impact, all the time making Victoria an attractive place for investment. Coming out of this will also be an annual international mining and resources conference, and that is going to add to the suite of conferences that we offer here in Melbourne.

I am very excited about this. I can see that because the approvals process is going to be easily expedited, the cost burden to people making applications for approvals will be lessened; the costs will be scaled down. This is really important, and I think the community can be assured with such a bill that project and investment opportunities will be in safe hands. They are in the hands of the coalition government, which cares for the environment, cares for the community and cares for the economy. I recommend the bill to the house.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I want to make some comments in reply, particularly on the reasoned amendment. The reasoned amendment encourages members to vote for the implementation of recommendation 8 contained in the Economic and Development and Infrastructure Committee's report on its inquiry into greenfields mineral exploration. Reference to that report has been made by members from both sides of the house who have contributed to the debate.

The reasoned amendment calls for the bill not to be read a second time until that particular recommendation is implemented, but the government would argue that that particular recommendation is being implemented. It is a long way towards being implemented now, if not already fully implemented. I therefore want to put on the record the government's response to recommendation 6 of the Economic Development and Infrastructure Committee. The government supports that recommendation. I quote from the government's response, which states:

> The Victorian government supports one statewide integrated land use policy framework to manage multiple uses.

> The existing land use policy framework in Victoria is governed by the Planning and Environment Act 1987 and related policies and regulations, which consider multiple land uses and also set out processes for community engagement.
>
> The Victorian government is currently preparing regional growth plans in partnership with local government, communities, state agencies and authorities. The plans will provide broad direction for land use and development across regional Victoria and will be completed by mid-2013.
>
> The regional growth plans will aid future strategic planning by identifying important resources, providing direction for accommodating growth and change, showing which areas can accommodate growth and streamlining planning policy.

In terms of those regional growth plans, I am aware that some of those are now complete while others are in a draft form. Each of those plans, however, is being developed under a single integrated land use policy framework. There is consistency between those. Those regional growth plans have the ability to identify and create priorities within those areas. In terms of this reasoned amendment, the government would claim that it is doing that now. The view of the government is that this reasoned amendment is not necessary. We need to get on with the job of making responsible amendments to the various acts referred to in this bill. In terms of the recommendations of the all-party parliamentary committee, we believe we have accepted recommendation 6. We are implementing recommendation 6. This reasoned amendment is simply not necessary, so we will not be supporting it.

House divided on amendment:

Ayes, 17

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms (*Teller*)
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr (*Teller*)
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Melhem, Mr	

Noes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr (*Teller*)	Millar, Mrs
Davis, Mr D.	O'Brien, Mr (*Teller*)
Drum, Mr	O'Donohue, Mr
Elsbury, Mr	Ondarchie, Mr
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Ronalds, Mr

Pairs

Viney, Mr	Ramsay, Mr

Amendment negatived.

House divided on motion:

Ayes, 35

Atkinson, Mr	Lovell, Ms
Broad, Ms (*Teller*)	Melhem, Mr
Coote, Mrs	Mikakos, Ms
Crozier, Ms	Millar, Mrs
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Drum, Mr (*Teller*)	Ondarchie, Mr
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Elsbury, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Ronalds, Mr
Hall, Mr	Scheffer, Mr
Jennings, Mr	Somyurek, Mr
Koch, Mr	Tarlamis, Mr
Kronberg, Mrs	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms
Hartland, Ms (*Teller*)	

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Mr MELHEM (Western Metropolitan) — I move:

Clause 5, after line 26 insert —

"(3) After section 7(7) of the Principal Act **insert** —

'(8) If the Minister exempts land from being subject to a licence under subsection (1), the Minister must cause a summary of the reasons for the decision to be published on the Department's Internet site no later than notice of the exemption is published in accordance with subsection (4).

(9) A decision to exempt land from being subject to a licence under subsection (1), may be disallowed in whole or in part by either House of Parliament.

(10) Parts 3A and 5A of the **Subordinate Legislation Act 1994** apply to an exemption under subsection (1) as if —

(a) a reference in those Parts to a "legislative instrument" were a reference to an exemption under subsection 7(1) of the **Mineral Resources (Sustainable Development) Act 1990**; and

(b) a reference in sections 16B and 25C of that Act to "section 16A" were a reference to section 7(1) of the **Mineral Resources (Sustainable Development) Act 1990**.'.".

Hon. P. R. HALL (Minister for Higher Education and Skills) — I was waiting for an explanation of why this amendment was being moved, but let me just move to what we understand the effect of this amendment will be. The amendment seeks to give the Parliament the ability to disallow a particular exemption that the minister may have granted. If the Parliament were to disallow an exemption under this particular provision, my understanding and the government's understanding of this is that it would simply mean that the land could be therefore subject to mining activity. I would have thought that the motivation for and reason behind this amendment was to do the opposite. In their contributions on the bill Mr Melhem and Mr Barber spoke about how they believed it is balanced in favour of the interests of the mining industry rather than community or other uses of the land.

My understanding and interpretation of this amendment is that it would simply mean that Parliament could disallow a decision by the minister to exempt a particular piece of land, which would give more or easier access for mining operations. Therefore in terms of what has been said by the opposition during the course of the debate, the amendment seems to be illogical in terms of the general thrust of the arguments put. We do not believe this amendment is necessary. We cannot see a logical reason for it, and the government will not be supporting it.

Mr BARBER (Northern Metropolitan) — I too would like to hear further elucidation from the opposition as to the intent of its amendment, which has just come into my hand. But I also want to raise some broader issues in relation to clause 5, if that is appropriate while we are here. I was not intending to labour the committee stage of a bill that I have just voted against, but a number of government MPs who have now fled the chamber made claims about the operation of this and other sections, and they also made claims about my knowledge of the Mineral Resources (Sustainable Development) Act 1990. I admit that until Mantle Mining Corporation Ltd rolled into the Otways some years ago I did not know much about the act, but now I know a lot more about it than I ever wanted to. I have had many, many conversations with farmers and land-holders across all parts of Victoria who have now also become very familiar with the workings of the act, because they have a mining exploration or development licence across their land and they want to know what it means for them.

One of the speakers for the government quoted from a media release from the Minister for Energy and Resources, Mr Kotsiras, claiming that the exemption provision that exists in the current act and is being amended by the bill really would not change anything from the point of view of someone who would like to see certain areas exempted. Therefore I need to ask a few questions of the minister at the table, the Minister for Higher Education and Skills, about this. Perhaps the minister might also answer some of my questions about the opposition's amendment, if I ask those. I will start with my own questions first.

As I understand this provision, it gives the minister a further matter that he must take into account in deciding whether or not to exempt certain land, and that exemption can occur either under section 7 in relation to a particular licence that is under consideration or in some cases in other parts of this act. But is it not the case that when this proposed section is added the minister must take into account these issues and therefore in the sense of administrative law it would be open to challenge that the minister had failed to take them into account or had considered irrelevant material when making a decision?

Hon. P. R. HALL (Minister for Higher Education and Skills) — That particular proposed section adds to those matters which the minister must take into account when considering whether an exemption or a permit for that land should be granted. The minister must now also give consideration to the value of the mineral on that particular land. The answer to Mr Barber's question, 'Does it therefore pose additional points or matters on the basis of which somebody might object to a decision?', is yes. But in consideration of all these matters, it is common sense that in the past there would have been some consideration of them, although it was not required. The practice would have been that of course consideration would be given to the estimated value of the mineral resource on that particular piece of land.

In terms of whether this does anything new, we would argue that it does not do anything new to the extent that it follows existing practice. But it makes it very clear now that the minister needs to give consideration to the value of that resource.

Mr BARBER (Northern Metropolitan) — My question was not about customs in the past but about legal reality once this bill is passed. At the moment the minister only needs to consider the following things under section 7(2) of the principal act:

(2) The Minister may grant an exemption for any reason he or she decides to be appropriate, including but not limited to the following reasons —

(a) if, in the Minister's opinion, the exemption is required to protect land that is of significant environmental importance;

(b) if, in the Minister's opinion, the exemption is required for the implementation of a recommendation of the Land Conservation Council of which notice has been given under section 10(3) of the Land Conservation Act 1970;

(c) if, in the Minister's opinion, the exemption is necessary to enable the orderly and optimal development of mineral resources in Victoria.

Then there are some mechanics as to how this is to be done. The government proposes to replace section 7(3) of the principal act, which states:

(3) In deciding whether to grant an exemption the Minister must take into account the social and economic implications of the decision.

and insert clause 5(2), which states:

"(3) In deciding whether to grant an exemption, the Minister must take into account —

(a) the known or potential value of the mineral resources and the impact that the proposed exemption may have on that value; and

(b) the social and economic implications of the decision.".

The minister does in fact have extra legal requirements, but administrative law is also brought in, as it always is, and the question of how the minister balances certain considerations against other certain considerations. By adding the requirement that the minister must look at almost the dollar value of the minerals it is tipping the weight more towards a presumption that mining should go ahead — that is, that an exemption should not be issued. The minister and I disagree about that. I remind him about the second part of my question, which is: is the minister's decision under this clause, including the section of the principal act that is being amended, something that could be appellable by someone with an interest in the outcome of the decision?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The advice I have received is no, that decision is not appellable.

Mr MELHEM (Western Metropolitan) — In response to the government's comments on the explanatory notes, and I made reference to recommendation 6 in my contribution to the second-reading debate, the point I want to make is this: the amendment is very simple. It seeks for the minister to establish the reasons behind his or her decision on the department's website. That is not a big ask. My second point is that the Parliament should from time to time be able to question decisions made by ministers. Basically ministers can do whatever they like without being accountable to the Parliament. The amendment is quite reasonable. It could be that a minister might make a decision to deny a licence for all sorts of reasons. Maybe a minister — and this is no reflection on the current minister; I am talking about the future — might have a relationship with — —

An honourable member interjected.

Mr MELHEM — It could be a Labor minister, a Nationals minister or a Greens Party minister. You never know, the Greens party might make it past 'Go' on this one day; they might form a coalition. The amendment is firstly, constructed to force the minister to give a justification for and reasoning behind his or her decision. Secondly, if the Parliament forms the view that a particular minister in a particular case has gone too far, it can deal with the matter. It is straightforward; there is no hidden agenda here. If we are going to deny the Parliament an ability to hold the government to account, then what the hell are we doing here?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My response to this in a general sense is that if every decision by every minister made by way of regulation was disallowable by the Parliament, we would spend an inordinate amount of time here considering those decisions by ministers. The Parliament has the opportunity at any time to debate matters, and the government needs to stand up and publicly defend its decisions on matters every single day. There is no reason why an outcome or a decision made by a minister cannot be raised in Parliament in one form or another. Ministers are charged with the responsibility to make those decisions and members have a right to challenge any of those decisions.

The government's view on this matter — and we have made no secret of it; we are trying to reduce red tape but in a way that balances all the competing land use interests — is that it does not believe that this particular measure is necessary, particularly given that this is an exemption about granting a mining permit. As I said, the balance of this debate is one that both the opposition and the Greens have suggested is tipped towards the miners' best interests. The amendment would most frequently be used to counter that in terms of giving some favouritism to land use other than mining. Again, I do not see that this amendment fits in with the logic

generally expressed by the opposition and the Greens during the course of the debate.

Mr BARBER (Northern Metropolitan) — I am not sure there is a logic to the minister's decision making with this clause, because section 7(2) of the principal act states:

> (2) The Minister may grant an exemption for any reason he or she decides to be appropriate, including but not limited to the following reasons —

and that is where the environment gets a guernsey —

But section 7(3) states:

> (3) In deciding whether to grant an exemption the minister must take into account …

What is being added here is the dollar value of the mineral resources. When the bill passes, which we know it will, there will be a provision that says the minister can if he or she wants consider the environment, but later they must take into consideration the dollar value of the minerals. If that does not tilt the minister's decision making in one particular direction, I do not know what does.

On the opposition's amendment, I seek from the minister a couple of points of clarification that might help me. It is common, is it not that, when issuing an exploration licence that covers a very large area that the minister uses this and other exemption powers to excise, if you like, Crown land and areas of public land as being not available to mining or exploration by the applicant?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My advice on this particular point is that, for licences, areas of land can be excised from activity in terms of the areas the licence covers, but the exemptions do not particularly apply for categories of land. They are excised from the areas which permits are granted for, rather than given exemption for.

Mr BARBER (Northern Metropolitan) — I have seen copies of exploration licences that note that not all Crown land is covered by the exploration licence. In other words — —

Hon. P. R. Hall — Excised from it.

Mr BARBER — Excised from it?

Hon. P. R. Hall — Yes.

Mr BARBER — So it is not using the exemption clause; it is actually excising from the permit?

Hon. P. R. HALL (Minister for Higher Education and Skills) — That is correct.

Mr BARBER (Northern Metropolitan) — Thank you very much. That is in fact an important clarification in my consideration of this amendment. So the effect of Mr Melhem's amendment would depend on what land had already been excised as opposed to the use of the exemption clause, the minister's proposed one and also Mr Melhem's changes?

Hon. P. R. HALL (Minister for Higher Education and Skills) — That is a correct interpretation.

Mr BARBER (Northern Metropolitan) — In other words, if the minister makes the decision to excise Crown land from the exploration permit, then the use of the exemption clause is not really going to make any difference one way or the other because Crown land is not part of the permit in a technical sense?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My understanding is that if an area of land is excised from the area for which a licence is being sought, then an exemption is redundant.

Committee divided on amendment:

Ayes, 17

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms (*Teller*)
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Melhem, Mr (*Teller*)	

Noes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	Millar, Mrs (*Teller*)
Davis, Mr D.	O'Brien, Mr
Drum, Mr	O'Donohue, Mr
Elsbury, Mr	Ondarchie, Mr
Finn, Mr (*Teller*)	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Ronalds, Mr

Pairs

Viney, Mr	Peulich, Mrs

Amendment negatived.

Clause agreed to; clauses 6 to 43 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the bill be now read a third time.

In doing so, I thank members for their contributions during the second-reading debate and the committee stage of the bill.

Motion agreed to.

Read third time.

SUSTAINABLE FORESTS (TIMBER) AND WILDLIFE AMENDMENT BILL 2013

Second reading

Debate resumed from 4 February; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms PENNICUIK (Southern Metropolitan) — Despite being warned that a large number of duck shooters were gathering at a wetland where it had been reported a massacre had occurred the previous year, no officers of the Department of Environment and Primary Industries (DEPI) were present on the opening morning — they turned up only after hundreds of birds, including more than 100 precious freckled ducks, had been massacred. Had DEPI been fulfilling its wildlife protection function it would have been aware of the presence of a large number of freckled ducks at Box Flat swamp and would have closed it to shooting. Instead the game unit of the DEPI acts as a cheer squad for duck shooting.

Finally, Field and Game Australia is always talking about responsible shooters; however, as the deputy secretary said, 100 to 150 shooters were present. A large number were interviewed and admitted to being there and to hunting, but nobody saw any offences committed. No-one showed any responsibility. One hundred to 150 shooters blasted hundreds of birds out of the sky and illegally left them to die on the water. That is not responsible. This bill is a disgrace, and the Greens will oppose it.

Mr DRUM (Northern Victoria) — The Sustainable Forests (Timber) and Wildlife Amendment Bill 2013 is a good piece of legislation that is designed to keep our forests and our waterways clear and prevent them from becoming quite dangerous environments.

Ms Pennicuik — Dangerous for birds, that's for sure.

Mr DRUM — I will take up Ms Pennicuik's interjection that it is dangerous for birds. Duck hunting has always been dangerous for birds. It has only been in the last 5 to 10 years that it has also become dangerous for protesters who flout the regulations and protest under the guise of animal welfare support. Ultimately those protesters are putting themselves at genuine risk to highlight the plight of wildlife, particularly during the opening of duck hunting season. They place themselves in the line of fire, between the shooters and the ducks that are there to be shot. A couple of years ago we needed to enhance the laws that were put in place by the Wildlife Act 1975 to prevent protesters from moving within a 25-metre exclusion zone. These laws have been flouted by the protesters, so the penalties will now be increased from $1400 up to $8500. There will be fines associated with this legislation that will see protesters who wish to harass duck hunters fined to the tune of $3000. New offences of breaching an exclusion order in logging zones will attract similar penalties.

These are the two main aspects of this legislation. The legislation will put in place a framework for people who wish to protest against logging and duck hunting and make sure that authorised officers have the capacity to enforce the law so that these types of activities can occur in a safe manner. These amendments are probably driven by a need to protect public safety. However, in relation to timber harvesting a considerable part of the legislation is based around enabling people to go about their work in a dignified manner. If we are going to have people continually protesting, chaining themselves to trees and chaining up gates that give logging companies access to selected harvesting areas, these types of behaviours simply have to be addressed.

There seems to be a lawlessness to the behaviour of many of these protesters. They do not care what the law states. They simply want to carry on in a manner that suits them, and they do not care about the consequences of their behaviour. It is not anyone else's concern — that is their thinking. It is very important to understand that these amendments are not going to prevent anyone from protesting against timber harvesting. People can protest outside the harvesting zones for as long and as often as they like and have all the safety afforded to them that would normally come with such an activity.

When the legislation is in operation the Secretary of the Department of Environment and Primary Industries will designate the area of the state forest a public safety zone. Not only will protesters need to stay clear of that zone but they will also have to move on when they are instructed to. If protesters have dogs that are running

free, an authorised officer can direct them to bring their dogs under control and take them away from the respective areas. It will be an offence to pull down a fence that has been erected to outline the dimensions and area of a particular timber harvesting coupe. There are a lot of common-sense provisions within this bill that fit with the day-to-day operations of a timber harvesting company, and they will enable authorised officers to ensure that timber harvesters can go about their everyday business. The provisions will enable them to deal with many of the behaviours that have been causing so much trouble in recent times.

An invaluable aspect of this legislation is that it inserts into section 3 of the Sustainable Forests (Timber) Act 2004 a definition of 'authorised person'. Clause 6 expands the purposes of the act to provide for timber harvesting safety zones. Currently the purposes are too broad in relation to what a public safety zone is, so the bill narrows them down and adequately addresses specific issues to counter forestry protests. The bill also provides for a stronger enforcement regime. The current offences and penalties in the framework have been seen to be too limited in deterring forestry protesters and far too lenient in relation to stopping forestry protesters from disrupting lawful forestry operations. Stronger enforcement is required to effectively deter unlawful, dangerous and disruptive forestry protest activities.

I turn to the new offences and penalties introduced by the bill. It will now be an offence to refuse or fail to comply with the direction of an authorised person to leave and not re-enter a timber harvesting safety zone. It will also be an offence to direct a person operating a vehicle in a timber harvesting safety zone to stop or manoeuvre the vehicle as directed. This will incur a penalty of 20 penalty units, which is effectively $2887.

Authorised officers will also be empowered to direct a person in apparent control of a dog in a timber harvesting safety zone to remove that dog from the zone. Protesters have been using dogs as a way of intimidating forestry workers from going about their lawful activities. It will be an offence for people in apparent control of a dog not to remove that dog from a harvesting zone. The bill also makes it an offence to enter or remain in a timber harvesting safety zone and to be in possession of a prohibited thing in a timber harvesting safety zone. A 'prohibited thing' is defined in clause 4 of the bill.

More significant fines will be associated with some other offences, including hindering, obstructing or interfering with timber harvesting operations by using a prohibited thing, which will incur a penalty of 60 penalty units or $8661.

Hindering, obstructing or interfering with timber harvesting operations will incur a penalty of 20 penalty units. Contravening an exclusion order will incur a penalty of 60 penalty units, and refusing or failing to comply with a directive to leave an area will incur a penalty of 60 penalty units.

Some offences have been replicated and strengthened and a range of penalties will be associated with them. Simply contravening a direction of an authorised officer will incur a penalty of 20 penalty units, and the offence of entering or remaining within a timber harvesting safety zone if you are not an authorised person will be strengthened. Removing or destroying a fence or barrier that has been set in place to outline the area of a coupe — which effectively becomes the timber harvesting safety zone — and removing or destroying a notice of a timber harvesting zone will also incur a penalty to the tune of 60 penalty units.

Authorised officers have very important work to do. It is interesting that some of the new powers in this act empower authorised officers to direct a person to leave a timber harvesting safety zone. An authorised officer will also be able to direct a person to stop or move a vehicle in a timber harvesting safety zone and direct a person in apparent control of a dog to remove that dog.

The bill provides that authorised officers will also have the power to seize items which potentially come under the heading of 'prohibited things'. Clause 4 of the bill contains definitions of 'prohibited thing', including a bolt cutter, cement or mortar mix, a constructed metal or timber frame, a linked or heavy steel chain, or a shackle or joining clip. No-one would doubt that many of these items have been used in a very dangerous manner by timber harvesting protesters. These items have been used for such activities as locking fences and gates and putting chains around trees. Sometimes protesters have even driven metal spikes into trees, which can cause incredible damage and be unbelievably dangerous for timber harvesting workers through no fault of their own when they are going about their business and doing their jobs.

The vast majority of Victorians will see the provisions in this bill as common sense. It is about time we let timber harvesting workers go about their work in a lawful manner. It is also about time we put some restrictions around people who wish to protest so that their protests are made in an orderly fashion. The people who want to protest have every right to protest whenever they want, but such protests should be

conducted in a lawful manner that enables workers to continue to do what they have to do in order to make a living.

This legislation provides those involved in the timber harvesting industry with some confidence into the future. A whole range of reviews have been conducted over the last 5 to 10 years, including an inquiry by the Victorian Environmental Assessment Council. The council conducted a study and handed down some recommendations, including that many timber harvesting companies have their available timber harvest allocations cut by up to 80 per cent. As a result, many people involved in the forestry industry faced a serious loss of livelihood, and many timber harvesting companies have had to adapt to these conditions.

Members of the government understand that many of our most pristine forests have had selective harvesting operate within their areas for not just 5, 10 or 15 years but 150 years. Many forestry coupes are providing a fourth generation of trees — that is, they are being harvested for the fourth time. These forests provide a glowing example of people working in and using forests. They are enjoying forests with all their associated natural beauty and working in conjunction with selective harvesting companies that understand what it means to look after the health of a forest. In no way are people in the industry going to damage the asset that provides their livelihood. The sooner we understand that some of the best custodians of our forests are the people who have the capacity to work with the departments, the better.

Staff from the Department of Environment and Primary Industries will go out and selectively mark appropriate trees that need to be removed to allow timber harvesters to reach the trees that remain. In this way we can look after our forests. This is the way we can generate the best outcome for the people who love using our natural wonderland and environment. There are also bushwalkers, four-wheel drivers and — God help us! — prospecting miners who would also love to be able to use our forests and national parks in a more user friendly manner. However, there is a continual push from the environmental movement, the members of which seem to want all human activity to be removed from national parks and state forests. They want forests to be locked up and — —

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

Mrs MILLAR (Northern Victoria) — The Sustainable Forests (Timber) and Wildlife Amendment Bill 2013 is about increasing public safety, both in the context of lawful timber harvesting activities and duck hunting activities. Forestry operators and duck hunters should be able to pursue their lawful commercial operations and recreational pursuits without disruption, intimidation, interference or risk to their personal safety. This bill is not about preventing anyone's right to protest, which is an important right supported by this government so long as the protest activities do not put anyone's safety at risk or break a law. This bill is about better ensuring the safety of all the stakeholders involved in these activities, including timber harvesting workers, duck hunters, protesters, authorised officers and members of the public.

I understand that duck hunting and perhaps to a lesser extent timber harvesting — given the significant innovations in that industry in recent decades — are highly emotive subjects for which people on both sides of the ledger have strong feelings, and in the past this has led to some very regrettable incidents in which people have been injured. I suspect that the debate is often fuelled by emotion rather than fact, which leads to a great deal of misinformation. This bill is not about entering the fray of the substantive merits of duck hunting or timber harvesting; rather it is implementing provisions which will govern the safety of those engaged in these activities or those who are seeking to be within the vicinity of these activities for whatever purpose.

The bill amends the Sustainable Forests (Timber) Act 2004, the Wildlife Act 1975 and the Safety on Public Land Act 2004. The main purpose of the bill is to amend the Sustainable Forests (Timber) Act to establish and provide for the enforcement of timber harvesting safety zones, enforceable undertakings and exclusion orders, and to amend the Wildlife Act to provide for banning notices and exclusion orders. The primary objective of these measures is to preserve and protect public safety.

Again I stress that this bill does not remove any person's ability to protest against duck hunting or timber harvesting — and I would not support any bill which purported to silence freedom of speech — but it amends provisions to ensure that protests in relation to these activities are conducted in a safe and lawful manner. There is a line between freely expressing our thoughts, if you like freedom of speech, which involves expressing ideas, debating and influencing thought, and some of the violent and intimidatory conduct that occurs within the sphere of what can be called a protest. I stand up and say: there is no place in our society for any form of violence, or for any form of intimidation or other form of physical aggression, no matter how important the underlying cause.

It was the author Edward Bulwer-Lytton who coined the phrase, 'The pen is mightier than the sword' — a concept that I hope all in this place would agree with. It is equally true that there are some in our community who do not shy away from resorting to violent, menacing, intimidatory and aggressive behaviour to further their cause. Some of these are well known to us as 'rent-a-protestors', turning up time and again and moving from protest to protest. There are many examples of violent protests that have occurred in relation to both timber harvesting and duck hunting, and these have been well detailed in the other speeches on this bill. We are all familiar with footage of these types of clashes between duck hunters and protestors and between timber workers and protesters. Again I say that there is no place in our society for any form of violence as a means of influencing public policy. Equally I note that there are law-abiding people who also engage in protests against duck hunting and timber harvesting, and they should be able to continue to do this in a context which maximises their safety as well as their freedom of speech.

In relation to timber harvesting, forestry remains an important though significantly smaller industry than in times past. Many communities continue to rely heavily on this industry for the provision of their livelihoods. Significant changes have been made within the industry to ensure greater sustainability, and we all welcome this. The timber harvesting industry has certainly been hit hard in recent decades by factors including the reduction of stock through fire events and increasing global competition, with significant cheap imports flooding the market. There are many fine people in this industry, many of whose families have worked in this industry for a number of generations. This industry and the people who work in it deserve to have their safety protected when they engage in their lawful commercial endeavours.

Thus this bill will implement timber harvesting safety zones, which will include the coupe, any road that is within the coupe and any area of state forest that is within 150 metres of the coupe. The bill sets out the offences and penalties which will apply to those entering the timber harvesting safety zone who are not authorised, those who allow dogs to enter this zone, those who possess prohibited things including chains, bolt cutters, shackles, cement et cetera in this zone, and those who remove or destroy barriers. People can protest outside the timber harvesting safety zone as long as they do this in accordance with the law. New penalties will be imposed under the bill, significantly increasing fines from approximately $1600 up to 60 points, which is $8660, and introducing banning notices and exclusion orders, as is appropriate for the severity of the offences being committed. Again I will not comment on all of these in detail, as other speakers have already done so.

In relation to amendments to the Wildlife Act, a number of offences already exist under that act which apply to those engaged in duck hunting protests. This bill will strengthen the penalties that will apply in order to reduce recidivism — as a significant number of offenders do repeatedly offend — to create incentive to reduce aggressive, violent and confrontational behaviour and conduct and to give priority to the safety of all. This will include giving courts the ability to impose an exclusion order of up to a year. Again I say there that there is no place in our society for any form of violence as a means of influencing public policy.

In supporting this bill, I note and commend the excellent work of the staff at the Department of Environment and Primary Industries (DEPI) and in particular the department's leadership under Mr Adam Fennessy, its secretary. In my electorate I work with the staff from DEPI on a very wide range of issues of great importance and significant complexity, as can be seen in this bill, and I can only say that I always find the work of the departmental staff at DEPI to be exceptional. I am pleased to commend this bill to the house.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure to rise to speak to support the Sustainable Forests (Timber) and Wildlife Amendment Bill 2013. In doing so, I can only endorse the comments that Mrs Millar made about the right to protest. I am a strong believer in the right to protest, and I have been involved in a number of protests myself, although I must say I am more inclined to defend the human species than perhaps the animal species — however, I do not believe there is a place for any form of cruelty. I am certainly not one who holds the view that animals are more important than humans, as clearly some people in this house do.

This bill is very much a matter of personal safety. What we have with the duck hunting season, for example — and we have all seen it on the news, and some in this chamber may have actually been involved in it on one side or the other — is a situation where a great number of people are lined up with shotguns, rifles and things that go bang in the night, and they are confronted by fanatics running across the wetlands in the dark. That is a recipe for big, big trouble. That is a recipe for people to get hurt, and that is not something we as a government should be encouraging or condoning. In fact this bill goes a fair way towards attempting to stop that.

If people want to object to duck hunting, fair enough; that is their right. I have to say I have never been duck hunting. I do not think I will ever go duck hunting. I have no reason to go duck hunting, but I know some people who go duck hunting. A good many people in the western suburbs go duck hunting, and from their point of view that is a legitimate pastime, though it is not one I would partake in. I also respect the rights of those who object to this particular pastime, because in a free country we have a right to do that.

The timber workers and demonstrators are a little different. In some of the timber areas we have seen groups of extremists who are prepared to do just about anything to stop the timber workers. That, again, is very big recipe for disaster. These extremists, or demonstrators — call them what you will — do not particularly care if they put themselves in harm's way, and they particularly do not care if they put the timber workers in harm's way. The timber workers have a right to be protected in their workplace. From that point of view it is an occupational health and safety issue and one the Labor Party should be wholeheartedly endorsing. One would hope it would, but there does not seem to be a great deal of enthusiasm from the ALP members in the chamber just at the minute.

This bill is about protecting the timber workers, and it is about protecting the demonstrators — the extremists I speak of — and that has to be a very good thing. This is a very important bill. It does not just lay down or draw a line on where certain activities can be carried out. It also reinforces a very important line and sends an important message to people in terms of how far they can go in expressing their views before they put themselves or others in danger, which is something that we as a Parliament and we as a government are concerned about and should be very concerned about. Protest by all means, but do not put people's lives or physical welfare at risk, which is what we have seen far too often in protests against the timber industry and in the protests against duck hunting. I am very supportive of this piece of legislation, which sends a clear message to those people who wish to engage in that sort of activity. I strongly support the bill.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply I just want to say a few words. I thank members for their contribution to the debate. As always, debates on these subjects — timber harvesting and duck hunting — cause strong views to be expressed. I acknowledge and respect that people in this chamber have different views regarding duck hunting and timber harvesting, particularly timber harvesting that takes place on public land. Subject to the laws that govern both practices, both are lawful activities, so this debate — held today and on a previous day — should not be about whether or not we have timber harvesting on public land or whether or not we have duck hunting in Victoria. That is not what this bill is about. This bill is predominantly about how we conduct those lawful activities in a safe and proper manner while respecting the rights of those with an interest in those activities.

As many people have said, this bill is predominantly about the safety of those interested parties — the safety of duck hunters, that of timber harvesters, and that of authorised officers, who have not been mentioned much; those who go out and regulate and oversee these activities — and that of protesters as well. It has been made out very clearly that we all have an absolute right to have a view and express that view, but it is the way in which that is done that this bill is predominantly about, and about it being done in a safe, proper and responsible manner.

Bells rung.

Mr Lenders — On a point of order, President, under cover — I am putting something over my head — my recollection is that last sitting week I moved a reasoned amendment to this motion. I moved that the bill be referred to a Legislative Council legislation committee for further consideration. That question has not been put. I was not in the chamber when the division was called, so I seek the chair's guidance as to a potential solution. My recollection is I moved the amendment. I certainly spoke to it during the second-reading debate on this bill. We are now at the vote on the second-reading motion, and we have not addressed the reference to the committee.

The PRESIDENT — Order! We will deal with Mr Lenders's motion after the second-reading motion vote. It is just a sequence issue. I thank Mr Lenders for raising the matter. It has been a while since we have had somebody put a piece of paper on their head. That is one of the grand traditions of the Parliament. For those newer members of Parliament, in the course of a division you are not supposed to move from your seat or stand or suchlike, so the convention is that if there is an issue — a point of order or an issue with process — a member may stand, but they have to have their head covered.

House divided on motion:

Ayes, 35

Atkinson, Mr	Lovell, Ms
Broad, Ms	Melhem, Mr
Coote, Mrs	Mikakos, Ms
Crozier, Ms	Millar, Mrs
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Eideh, Mr (*Teller*)	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Elsbury, Mr	Ramsay, Mr
Finn, Mr (*Teller*)	Rich-Phillips, Mr
Guy, Mr	Ronalds, Mr
Hall, Mr	Scheffer, Mr
Jennings, Mr	Somyurek, Mr
Koch, Mr	Tarlamis, Mr
Kronberg, Mrs	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Motion agreed to.

Read second time.

Referral to committee

Mr LENDERS (Southern Metropolitan) — I move:

That the Sustainable Forests (Timber) and Wildlife Amendment Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 30 June 2014 on the impact of the measures of the bill and that the committee specifically be required to call as witnesses —

(a) Secretary of the Department of Justice in relation to the severity of penalties; and

(b) Secretary of the Department of Environment and Primary Industries in relation to the resources currently applied to enforce the laws regarding duck hunting.

Hon. D. M. DAVIS (Minister for Health) — On this occasion the government will not support the motion. I understand the reasons Mr Lenders may wish to move it, but the government believes that the legislation needs to proceed.

The PRESIDENT — Order! I will give Mr Lenders another opportunity to speak, given that the Leader of the Government has said no.

Mr LENDERS (Southern Metropolitan) — For the reasons outlined in the second-reading speech debate, we think that the severity of the penalties ought to be reviewed to see how they match up with other sanctions under state law. We also think that there should be a full, frank and open discussion as to what resources from the Department of Environment and Primary Industries go into the start of the duck hunting season to make sure the law is enforced. We think the secretaries would be the appropriate people to give that evidence and therefore the motion should be carried.

House divided on motion:

Ayes, 17

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr (*Teller*)	Tarlamis, Mr
Leane, Mr	Tee, Mr (*Teller*)
Lenders, Mr	Tierney, Ms
Melhem, Mr	

Noes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	Millar, Mrs (*Teller*)
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Ronalds, Mr (*Teller*)

Pairs

Viney, Mr	O'Brien, Mr

Motion negatived.

Sitting suspended 6.33 p.m. until 8.07 p.m.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — Clause 1 sets out the purposes of the bill; clause 1(b) makes amendments to the Wildlife Act 1975 and clause 1(a) and (b) provide for increases in penalties for certain offences related to hindering logging operations and to hunting. Some penalties have been tripled and some have been increased by six times — that is, from 10 to 60 penalty units. My question is: on what evidence was such a massive increase in penalties based?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In response to Ms Pennicuik's questions, the penalties were increased to bring them into some alignment, particularly with the Sentencing Act 1991. I am more than happy to make available to Ms Pennicuik

and any other members of the committee who would be interested a chart which clearly demonstrates whether there has been an increase in those penalties. It also suggests an explanation of those penalty levels. In many of those, as I have said, they have been increased to align with penalties in the Sentencing Act.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister, I have looked at the increase in penalties, and as I stated some have been tripled and some have been increased by six times, particularly those under the Wildlife Act 1975. What penalties does that come in line with under the Sentencing Act 1991? As the minister said he would like to table or give me some information, I would be very happy to receive that. However, in some cases it is quite a massive increase, and one wonders what the rationale is given the infrequency of the actual charges being laid against people on the wetlands with regard to hindering hunting or offences related to hunting.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In response to that question, again I am advised that in respect of some of those penalties relating to wildlife offences it was considered that the existing penalties have not proved to be a deterrent. As I have said, there is evidence to suggest that the penalties set at the current level simply do not deter people; therefore it was felt that increased penalties may prove a greater deterrent and help to achieve those objectives. I might go back and re-emphasise what I said in my summary of the second-reading debate: this is all about safety, and there needs to be sufficient incentive for people to give regard to safety. In that regard the evidence had suggested that the existing penalty rate was not sufficient for people to give regard to those safety factors in the way that we would want them to.

Ms PENNICUIK (Southern Metropolitan) — I hear what the minister says, but in fact the actual charges brought against people for these offences are so infrequent that it would seem to me there would be hardly any data on which to base an assertion that they are not deterring people. In previous discussions on this topic in the Parliament I have pointed to the frequency of those charges and lack of success in the courts. Given that, it seems there is not much of a rationale for them. Another point I made in my contribution to the second-reading debate was that other offences under the act have been occurring where protected species have been shot in great numbers and no-one has been charged with those offences.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The only thing I can say in reply is that the offences are in the act for a good reason, and one would hope they would be applied fairly and equally to those who contravene provisions in the act, whether they be a duck shooter or whether they be a protester. Those penalties should apply equally to any inappropriate and unlawful actions by any party.

Ms PENNICUIK (Southern Metropolitan) — Without wanting to pursue the point too far, the point I was making is that there has been no data from the very few charges that have been brought to or have succeeded in the courts on which to mount a case for a massive increase in the penalties.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Mr Leane — Acting President, I draw your attention to the state of the house.

Quorum formed.

Mr LENDERS (Southern Metropolitan) — For the reasons outlined in my contribution to the second-reading debate, I inform the house that the opposition will be opposing clause 5.

Hon. P. R. HALL (Minister for Higher Education and Skills) — For the completeness of the argument, the government will not be supporting the deletion of clause 5 from the bill. As has been said by me and others during the course of the second-reading debate, while the predominant reason for this bill is to address safety issues with regard to all those with an interest both in timber harvesting and duck shooting, there were some measures designed to improve the efficiency of the way the timber industry operates in Victoria. Part of the intent of this legislation was to reduce red tape for VicForests, and a key reform was to enable VicForests to approve timber release plans consistent with environmental regulations and requirements. I am further advised that VicForests consults with the Department of Environment and Primary Industries during the preparation and finalisation of the timber release plan, so a further requirement for the Department of Environment and Primary Industries to approve the final release plan, after having been consulted throughout the process, is not considered necessary by the government.

Mr LENDERS (Southern Metropolitan) — For completeness, as I said in my contribution to the second-reading debate, part of the Labor Party's concern on this is that there was a comprehensive review of this legislation last year and a detailed committee stage of this legislation last year. The

government told us last year that this was part of a review leading to all the efficiencies and the reduction of red tape. I am not expecting the minister to comment on this, but it seems a tad ad hoc, when we have had a systemic review of the system, that a year later and at the first available opportunity we tack on another little bit as a result of a review and another tweaking of the system. It smacks to me of it being ad hoc last time and this being a chance for a fix up. I will leave my comments at that and reiterate that on this side of the house we will be voting against clause 5.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support the deletion of clause 5 from the bill. I do not believe the government has put up a good rationale for the repeal of section 39 of the principal act.

Committee divided on clause:

Ayes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Lovell, Ms
Crozier, Ms	Millar, Mrs
Dalla-Riva, Mr (*Teller*)	O'Brien, Mr (*Teller*)
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Ronalds, Mr

Noes, 17

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms
Eideh, Mr (*Teller*)	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms (*Teller*)
Melhem, Mr	

Pairs

Kronberg, Mrs	Viney, Mr

Clause agreed to.

Clauses 6 to 19 agreed to.

Clause 20

Mr LEANE (Eastern Metropolitan) — I ask the minister to clarify clause 20(1)(a), which states:

> (1) A person must not enter on or remain in any specified hunting area at any of the following times —
>
> (a) from the beginning of the first day of an open season for ducks until 10 a.m. of that day …

Does that mean that shooters should not be in that area until after 10.00 a.m.?

Hon. P. R. HALL (Minister for Higher Education and Skills) — For Mr Leane's sake I am advised that this clause means an unauthorised person is not allowed to enter into that area between midnight and 10.00 a.m. An unauthorised person would be somebody other than a departmental officer who is authorised to oversee the operation or a person who has a hunting licence by way of that licence being given to them. In effect it means either a protester or an individual who is not in possession of a hunting licence.

Clause agreed to; clauses 21 to 29 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

> That the bill be now read a third time.

In so doing I thank and commend all members who contributed constructively to the debate on this bill.

Motion agreed to.

Read third time.

BUSINESS OF THE HOUSE

Sessional orders

Hon. D. M. DAVIS (Minister for Health) — By leave, I move:

> That the sessional orders adopted by the Council on 11 October 2011 and amended on 17 October 2013 be amended as follows:
>
> (1) Interruption of business
>
> In sessional order 1, in standing order 4.06(1)(c), omit '6.30 p.m.' and insert 'not later than 7.00 p.m.'.
>
> (2) Insert the following new sessional order —
>
> 'Routine of business
>
> 2. That standing order 5.02(2) be suspended and the following will apply:
>
> "(2) On Wednesday —
>
> Messages
>
> Formal business
>
> Members statements (up to 15 members)
>
> General business

At 12 noon questions

Answers to questions on notice

General business (continues)

At 5.30 p.m. statements on reports and papers (60 minutes)

Government business (maximum 30 minutes)

If standing committees meeting

Not later than 7.00 p.m. adjournment

At conclusion of sitting standing committees

If standing committees not meeting

At 8.00 p.m. general business or government business

Adjournment (up to 20 members).".'.

(3) Insert the following new sessional order —

'Urgent bills

6. In standing order 14.33 insert —

"(4) Notwithstanding standing order 7.06, when a bill that has been received from the Legislative Assembly has been declared urgent, if, after the second-reading speech has been given —

(a) the minister makes a statement to the house declaring the bill is the same in substance as a bill already read a second time and for which the report of the committee of the whole (if any) has been adopted by the Council in the same session; and

(b) the President is of the same opinion;

any further debate on the question 'That the bill be now read a second time' will be dispensed with and the question will be put immediately without amendment. No other question may be proposed except the question 'That the bill be now read a third time and do pass' which will be put without amendment or debate.".'.

This is a long motion, but essentially it does two things. It provides for a small window of time for government business on Wednesdays. This has been a challenge from time to time for the government, and I suspect that any government would face the same issue with all of Wednesdays devoted to non-government business. I seek to in no way diminish non-government business. This is a small wedge of time that would enable the government to either first or second read a bill, or indeed allow it to give notice of a bill, and in that way provide a way forward for the movement of a bill and facilitate a smooth process.

The second part of the amendment seeks to provide a mechanism by which the chambers could concurrently debate bills from time to time or debate bills in reasonable concurrence and consider the bills in a reasonable way. At the same time the Council's normal procedures relating to debates, committees and questions would remain intact. All of those features would remain unchanged. This amendment will allow a bill to proceed in this chamber and to rest at the end of a second-reading process prior to the third reading being put. From time to time there may be an interruption to the flow of business in the Assembly that is less predictable, and this amendment would allow for a bill to be debated in the Council and then for that bill to come through to the Council from the Assembly after the Council has already examined it. Of course only non-financial bills would be treated in this way.

Today we saw two bills introduced by Mr O'Donohue, the Minister for Liquor and Gaming Regulation. These bills originated in the Council, and they will proceed down to the Assembly in the normal way. Equally of course bills can still come to the Council from the Assembly in the normal manner. This amendment will allow the Council from time to time to choose to debate a bill that may at the same time be making some progress in the lower house. It will enable us to smooth the flow of legislation, and it will allow the house to debate matters in a timely way and one of its choosing. As I say, this in no way diminishes the opportunity to debate bills, it in no way diminishes the committee stage of bills and it in no way diminishes the ability to ask questions in the committee stage or for members to debate within the standing orders in the normal way. I believe this is a sensible and practical amendment to the sessional order.

We simply seek to try these amendments, and I am happy to discuss and review this matter in the Procedure Committee as we proceed through the period ahead in the lead-up to the next Parliament. In doing that, I flag that this would be one of the items to be discussed, including the mechanisms behind it, and whether it has worked well before it is seen as further innovation of long standing.

In a very simple way the amendment seeks to enable the Council to control the flow of its work in a more harmonious and timely way. In saying that, I make no negative commentary on the chamber, because largely it functions very smoothly. I pay tribute to all parties in the chamber for the progress of bills and other matters. Obviously matters come before the chamber on which members have disagreements — that is normal — and members vote in accord with their views. This amendment will not in any way diminish members' capacity to do that; it will simply allow the government

the option of having some bills dealt with concurrently in this chamber and the lower house. I see no constitutional impediment to that. I am not aware of any impediment that exists in the various procedure and guideline books that are available. I have looked at a number of them to establish whether there may be any impediment. The Council is able to introduce bills as it sees fit within the constitutional limitation of financial bills, so it obviously cannot introduce bills that have financial measures. However, non-financial bills can be introduced, and they are matter for the house to deal with as it sees fit, according to its standing and sessional orders.

The chamber can introduce these bills in that way, and it can pass them to the lower house in the time line that it sees fit. This is a reasonable and modest way to ensure that the Council has a clear and smooth flow of work and in that sense is able to manage its own destiny in an even manner.

Mr LENDERS (Southern Metropolitan) — While I welcome discussions at any time in this chamber to try to find a better way to run the place, I find this an extraordinary proposal from the Leader of the Government. On the face of it, 15 or 30 minutes of government business on a Wednesday is neither here nor there. The amendment does not seek to eat into the time of non-government business. However, there is an issue of how this house manages its time if it is not in a committee stage and there is no evening adjournment in any way, shape or form. However, I leave that aside; it is a small and pedantic point.

The fundamental issue with this amendment to the sessional order, and the reason why the Labor Party will be voting against it, comes down to the why and the how. I have been in this place since 2002. I have been in situations where my party has been in the majority, where it has been in the minority and where it has been somewhere in the middle. When there are debates in here, the parties use their numbers, but let us go back to what this really is about.

To give the Minister for Health credit, this motion was put on the notice paper in the last sitting week or the sitting week before. We have not been ambushed; I am not accusing the government of that. We have had an opportunity to discuss procedures at extraordinary length in the Procedure Committee, but the pattern of the government seems to be that it will use its numbers to put through its motion. Yes, it is an amendment to sessional orders that has been proposed, so it will be extinguished in October. It is not as if this amendment would remain in this Parliament's standing orders for all time. I am trying to retain perspective in this debate. This amendment has really come about because of the current state of the Legislative Assembly and due to the fact that the government is struggling with its business program in the lower house. That is a problem for the government. I am not dismissing the fact that it gives the government anxiety at the legislation committee of cabinet or whatever the internal process of government is. It obviously causes the government anxiety that in one week it will get its business program up, the next week it will not and the week after it will — a pattern emerges. Presumably in the first week of March the government's business program will not go through again. I understand the anxiety of ministers and of the Leader of the Government in this place — they want a flow of business.

However, let us look at what the house is being asked to do — it is being asked to adopt a sessional order that provides the government with one form of response when it is uncertain of how to maintain its flow of business — rather than what the amendment actually does to the institution. Bills come from the government, and today Mr O'Donohue, the Minister for Liquor and Gaming Regulation, introduced two bills. We gave leave to have them first and second read, and they will be debated in two weeks time. If the government is concerned about the flow of bills, an option is for it to introduce all its non-financial bills in this house.

We gave leave for the first and second readings today. The government did not seek it, but we gave leave for a third bill, the Fences Amendment Bill 2014. I will dwell on this a bit, because it shows the dilemma we are in. The Fences Amendment Bill has been second read in the Legislative Assembly. Minister O'Donohue gave notice today that the bill will be second read on Thursday, or if this amendment to the sessional orders goes through tonight, it could potentially be second read tomorrow.

If we were in the US House of Representatives or the legislatures of the states of Massachusetts or New Hampshire, there would be nothing particularly unusual about either house of the legislature dealing with bills concurrently. However, to my knowledge this has never happened in the Legislative Assembly and Legislative Council of Victoria. That is not a reason why it should not happen; change is a good thing. We are a progressive party that likes change, but there has to be a reason for the change.

As an example, let us look at what would happen with the Fences Amendment Bill. Presumably the government wants this amendment so that if its business program does not go through in the Legislative Assembly, it would have greater control over legislation going backwards and forwards. Presumably

if the Fences Amendment Bill, which I have not inspected closely, has an operative start-up date, the government would have the option, if it is in both houses, to bring it forward in one house and then the other to try to juggle the legislative program.

If the government looks at the Parliament as a legislative sausage machine — as governments of all persuasions do at times; that is not a value-laden statement but a factual statement — there are ways the government can deal with it. If the government is worried about a clear line, it has a majority in this house, and it could introduce a bill in this house and then send it to the Assembly when it happens to get the numbers for its business program needs to get a particular bill through that house. However, what the house is being asked to do here is somehow or other fix up the government's scheduling problem.

Take the fences bill. If I am a citizen who is concerned about the fences bill and I am trying to follow what is happening on the parliamentary website, it is going to be confusing. Presumably there will be a copy of the Fences Amendment Bill 2013 on the Assembly notice paper. I assume the minister for fences — I am not sure who it is, but let us say it is the Minister for Environment and Climate Change — —

Hon. D. M. Davis — The Attorney-General.

Mr LENDERS — The Attorney-General. So the Attorney-General has given a speech on the Fences Amendment Bill 2013, which is on the notice paper in the Assembly, and which is incorporated. Today we will have one from the minister representing the Attorney-General, Mr O'Donohue, which will be on the Council notice paper, so there will be two fences bills. It is confusing enough when there are acts which have multiple names, like the drugs, poisons and controlled substances acts or planning acts. There will be an unnecessary confusion with this going forward.

The amended version of the motion that the house gave leave to the minister to move today, at least in this new sessional order, refers to the bill having gone through the stage where the committee of the whole has completed consideration. That is an improvement on the original sessional order; again, I will give the minister credit for that. But the central premise of all of this is the assumption that the Parliament is a legislative sausage factory and that if the government does not have the certainty of a flow of bills in the Assembly because it cannot get 44 votes for the government business program, it fixes the problem by introducing the bill into the Council. Then presumably if the Council adjourns it for one or two weeks, or whatever it adjourns it for, it then has a go at it in the Council, but ultimately it has to go back to the Assembly.

I do not see how it fixes the government's problem. I am not being pedantic; I genuinely do not know how it fixes the problem. If the problem is that the government has no certainty of timing in the Assembly, I do not see how this fixes the problem. To me the problem is fixed on a bill like the fences bill, and by definition it can only do non-finance bills here.

Those members of the Economic and Infrastructure Legislation Committee could spend many hours of enjoyable time quoting from Rowena Armstrong, QC, the former chief parliamentary counsel, on what is or is not a finance bill, but I think we in this house have formed the sensible view that in the end that is the view of the house rather than having a St Thomas Aquinas-type statement of how many angels can dance on the head of a pin. Leaving that aside, it still does not fix the problem. Is the world going to end if what the minister suggests goes through? No. Is democracy as we know it going to fall into a screaming heap? No. But are we adding complexity to how the Parliament runs for citizens?

Believe it or not, some citizens actually look to the parliamentary website to find out the progress of legislation and to see what is happening to their laws. What we have here is a proposal that an identical law be debated in both houses of Parliament, and presumably at the whim of Mr Davis — or Ms Asher, the Leader of the House in the Assembly — the pin is suddenly pulled on which house is going to be predominant in this debate, and it is going to come through.

If this sessional order is passed, as it will be on the government's numbers, I am sure that we will work a way through it. As I said, the roof will not fall down on us and we will not have to reinvent the treaty of Runnymede and have a big constitutional debate. But it is an extraordinary overreaction to a problem. If the government wants order and a clear run, it could run the risk of introducing all these bills in the Legislative Council first and then sending them to the Assembly, with the Geoff Shaw roulette, or whatever you want to call it down there, determining whether there is reliability and whether or not it is going to come up, without changing the sessional orders.

The opposition will vote against it. We are not opposed to change. We welcome the Procedure Committee having discussions on this, but for the life of me, no matter how charitable I am in trying, I do not understand this. As I said in my opening remarks, if this was the New Hampshire House of Representatives,

with 400 delegates coming in from their towns once every six months for a session with the great idea of a bill, and the New Hampshire Senate, where 24 salaried senators suddenly roll up with a good idea for a bill, and they both happened to come at the same time and you were trying to reconcile them, I would get why you would do it. But this is the Parliament of Victoria. We have an established party system that has been in place for some time.

My party was formed in 1891, and the other parties — it depends on how you describe them, as the protectionist or free trade parties; the early versions of the coalition parties — have been around for a long time. We have had a party system for a long time. This is unusual, unnecessary, and it will be ineffective. We will vote against the motion as being an unnecessary regulatory burden and red tape — all the things the government rails against. The world will not change but, my goodness, it is an overreaction — an overly complicated, regulated bureaucratic reaction — to Geoff Shaw roulette. We will vote against this proposal.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting Mr Davis's motion either. I agree with many of the comments made by Mr Lenders. It does not seem to me to be an effective way to carry out the business of the house. It also sidesteps the processes of the Parliament, particularly in terms of the Procedure Committee, which is set up as a committee of this Council to look in detail at proposals to amend the sessional orders or standing orders to ensure that the processes of the chamber work better.

This particular proposal moved by the Leader of the Government has not been discussed by the Procedure Committee, and I feel that the correct way to proceed — if I could make a pun there — is to take it to the Procedure Committee. I agree that we have seen this motion. When the Leader of the Government read his notice of motion he came over and gave some indication that he was going to have a discussion about this proposal, but he never has. In fact between when it was read into the notice paper and today we have not had a discussion as to what the thinking behind it is.

As I mentioned in a contribution last sitting week, when we had just made a change to the sessional orders with regard to the taking of audiovisual evidence in committees, there were some other worthy changes that could have been made to the sessional orders that had been discussed at length by the Procedure Committee, but for the minister's own reasons, not well articulated to the rest of the committee, they did not come forward; only that particular change to the sessional orders came forward. This one was not discussed. In that time a new standing orders booklet has been printed — I presume at some cost to the Parliament — with the new sessional order about evidence given before committees, and now we have this one. In terms of process, at least the Leader of the Government could have anticipated that, so we do not have to have yet another copy printed.

What is going on here is quite ad hoc. One of the two proposals that the Leader of the Government is putting forward is the insertion after statements on reports and papers of 30 minutes of government business, taking time out of the dinner break, which goes from 6.30 p.m. until 8.00 p.m. That time is traditionally used for many purposes. It is not necessarily just for members to go off and have dinner but also for meeting with constituents — all sorts of activities go on. It is common time, and if people want to attend to matters in that common time, they can do that. Just this evening there was a particular event with regard to medical research. That is the type of activity that does go on. That timing is curtailed by the Leader of the Government's proposal.

I agree with Mr Lenders. I cannot see how this is going to make it easier for the government. It is going to make the whole situation messy, with bills being on the notice paper in both houses of Parliament at different levels of debate. As Mr Lenders said, and I agree — he stole quite a few of the things I was going to say — it is going to be confusing enough for the government to deal with and difficult for members of the public to follow, particularly if there are bills in which there is community interest.

I make the point that two bills were introduced into this chamber this morning, and there is nothing to stop other bills from being introduced. There are five ministers in the chamber — —

Mr Lenders — Six.

Ms PENNICUIK — There are six ministers in the chamber who could do that. It seems to me that this is a solution without a problem. Mr Lenders went to the issue of the government's perceived problem in the lower house regarding the government business program. Certainly it has been portrayed as a crisis in the lower house if the government business program is not voted for on the first sitting day, but it is worth drawing to the attention of this chamber and to the people of Victoria that the use of the guillotine at 4.00 p.m. on Thursdays in the lower house is not a common way of running a parliament. It is not the way other parliaments behave. If there is not a government program agreed to and guillotined on a Thursday, it does not stop legislation from passing through the

Parliament if the leaders of the parties and other members are able to negotiate the legislation through. You can still have legislation going through the upper house. You can still have legislation introduced during formal business, as is the case now.

This is going to make for a confusing situation. There has been no discussion with either ourselves or with the opposition parties as to how this might work. The Leader of the Government has just plonked it on us.

I also do not particularly understand the value of the proposal to insert a new subsection (4) into standing order 14.33 with regard to urgent bills. I cannot see a lot of difference from the current situation. I also make the point that urgent means urgent. As it is defined in the *Oxford Dictionary*, or any other dictionary you care to name, urgent means what must be done for particular reasons. I recall from a couple of years ago a bill that was declared urgent where we had to make retrospective changes regarding the appointment of people by the Governor in Council because it had not been done according to a particular procedure. That was urgent, and we were able to facilitate the passing of that bill through both houses in one week because it genuinely was urgent. However, to put in a standing order that a bill is urgent if the minister makes a statement that the bill is urgent is not in the spirit of what we do in this place.

In the seven years that I have been here we have been able to accommodate any bill that is truly urgent. If it is not a truly urgent bill, it should go through the normal process of debate being adjourned to give people time to consider the legislation, to consult with constituents and stakeholders and to come back. That has worked well and there has been no problem with that. Again, this is a solution looking for a problem. There is no need for this messy process that the Leader of the Government wants to put in, and it will make Wednesday even jumpier than it already is — jumping from one thing to another and now slotting another 30 minutes in as well. There will be bells ringing and all sorts of things happening for no good reason.

Because the government has the numbers, sometimes, in my view, it plays fast and loose with the processes here, and that does not reflect well on the Parliament. It certainly does not reflect well on the government in doing so. I can think of things like references sent to a legislation committee which should not be sent to a legislation committee but the Leader of the Government has couched them in such a way that they are sailing very close to the wind, if not off the wind, in terms of correct references going to those committees; or the putting up of these types of changes to the sessional orders without going through the Procedure Committee and without discussion with anybody. These things do not reflect well on the government and its respect for the processes of the Parliament. For all those reasons, the Greens will not be supporting this motion.

Hon. D. M. DAVIS (Minister for Health) — Very briefly in reply, I appreciate the spirit in which this debate has been conducted, and I give a commitment to the chamber that this sessional order — and I make the point that it is a sessional order — will be debated in the Procedure Committee. Ms Pennicuik made the point that a new standing orders booklet has come out today. This will not change the standing orders in any way. We are amending sessional orders here and, in that sense, as the Leader of the Opposition said, this is a temporary change to the standing orders which will lapse with the Parliament. If it proves unsuccessful and does not assist in any way, we need not continue it. If it is successful, it is something that we can continue with. If it is something that needs refinement, we can also do that.

This proposal gives the chamber a greater capacity to control the flow and spread of legislation. It does not in any way diminish the opportunity for members to speak, to ask questions, to amend bills or to change bills. All those points are unchanged. It fits with the constitutional requirements and it fits with the books on practice that I have consulted. It is new, but I believe it is a worthwhile step.

House divided on motion:

Ayes, 20

Atkinson, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Crozier, Ms	Millar, Mrs
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr (*Teller*)	Peulich, Mrs
Finn, Mr	Ramsay, Mr (*Teller*)
Guy, Mr	Rich-Phillips, Mr
Koch, Mr	Ronalds, Mr

Noes, 17

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr (*Teller*)
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms (*Teller*)
Melhem, Mr	

Pairs

Hall, Mr	Viney, Mr

Motion agreed to.

ADJOURNMENT

Hon. D. M. DAVIS (Minister for Health) — I move:

That the house do now adjourn.

Coatesville Primary School

Mr LENDERS (Southern Metropolitan) — My adjournment matter is for the Minister for Education and concerns the upgrade to Coatesville Primary School in East Bentleigh which was promised by this government but has not been delivered. The action I seek is that the minister end the uncertainty and commit to allocating construction funds in this year's budget.

At the 2010 election an upgrade of the school was promised by both sides of politics. Under the Labor government's school rebuilding and modernisation plan, more than $60 million was invested in schools in the Bentleigh electorate, including Bentleigh West Primary School, McKinnon Primary School, McKinnon Secondary College and Bentleigh Secondary College. An upgrade of Coatesville Primary School was next on Labor's agenda for Bentleigh.

By way of contrast, not a single school in the Bentleigh electorate has been rebuilt or modernised since the election of this government. The problems at Coatesville Primary School are well known. The school is in a state of disrepair, with birds nesting in the walls and stumps underneath some classrooms rotting away. One classroom has become so unstable that it is uninhabitable and has been closed for use. Usable space at the school has become so limited that the library is being used for additional classroom space, and the school cannot hold whole-of-school assemblies indoors because there is simply not a room big enough.

Coatesville is a school of around 600 students. Despite the great demand in the community, the school is turning away families due to the shortage of usable space. Some $260 000 was allocated for planning in the 2012 budget, and the school community was hopeful of receiving construction funds in 2013. The 2013 budget had nothing for Coatesville, and this government is refusing to say whether there will be anything in the 2014 budget, which is causing a lot of uncertainty.

The uncertainty turned into confusion recently when the member for Bentleigh in the Assembly was spotted handing out bizarre political material outside the school, leaving many parents believing that the government had finally funded the upgrade. Those people were most disappointed to discover that the member was simply reannouncing planning funds announced two years earlier. The member needs to deliver for her electorate rather than just make it look like she is delivering for her electorate.

This government's record on education in Bentleigh is shameful. Across the state there have been more than $625 million in cuts to Victoria's education system, including some $48 million from the Victorian certificate of advanced learning, a $300 million cut from TAFE and the abolition of the School Start bonus. Members of this government even cut the free fruit on Fridays program for primary school kids, which is interesting considering that earlier today the Minister for Health said how important fresh fruit is.

This is a government that has halved spending on school buildings, and we have seen the impact of this in Bentleigh. I call on the minister to do the right thing by the people of Bentleigh and fund the construction of the Coatesville Primary School upgrade as promised.

Beaconsfield Parade–Victoria Avenue, Albert Park

Mrs COOTE (Southern Metropolitan) — I raise a matter for the attention of the Minister for Public Transport. It relates to the need for a pedestrian crossing in the very busy area of Victoria Avenue and Beaconsfield Parade in Albert Park. I ask the minister to investigate the matter and to commission a feasibility study on the need for this crossing.

My view is that this is a particularly busy intersection. There are no other pedestrian crossings in the vicinity, and the tram terminus is in Victoria Avenue. That is a very busy tram stop. A lot of young families in the area have children who attend schools nearby, and many young professionals catch the tram into the city, as well as tourists at the weekend. The tram route I am speaking of is route 1, which runs from the city, down St Kilda Road, along Southbank Boulevard, beside the Victorian Arts Centre, down Park Street, along Montague Street and down Victoria Avenue, where it passes behind the back of the Albert Park Primary School.

As I mentioned, many Melburnians who use tram route 1 also visit the beach. It is a terrific beach, and I encourage any members who have not been down there to go and have a look at it. As I said, the tram route stops right outside Albert Park Primary School, which is a particularly successful primary school. A lot of the students from the school are drawn from young families in the area, and they use public transport to get to and from school. These people also go to the beach, which is opposite Beaconsfield Parade. Although there are

pedestrian crossing lights about 20 metres further along from Victoria Avenue, there is no pedestrian crossing across Victoria Avenue from the tram terminus.

Given that children use this route, that Beaconsfield Parade is very busy and that the traffic moves very quickly, I believe it is timely to have a pedestrian crossing by the route 1 tram terminus on Victoria Avenue. I hope the minister will have staff in his department look at and conduct a feasibility study to see if installing a pedestrian crossing at this location would be a worthwhile project. I certainly endorse it.

No to Violence

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Community Services, and it is in relation to the No to Violence program that is run in the south-west of Victoria. I have spoken in this place on numerous occasions about the need for appropriate funding for programs to tackle this extremely important issue.

The incidence of family violence in Victoria is increasing at a high rate, with Chief Commissioner of Police Ken Lay reporting that around 40 per cent of police work is family violence related and 65 per cent of that is responding to repeat offenders. In the past financial year there were 1148 incidents of family violence in south-western Victoria. I think it is incredibly important that we make sure that the south-western No to Violence program is fully supported. It is a state-funded program, and unfortunately there are only 27 places in the program — so there are 1148 incidents of family violence but only 27 places in the No to Violence program. The program which is run by Brophy Family and Youth Services. Its base is in Warrnambool, but it has offices in Portland and other places as well.

Due to the fact that there has been a significant increase in reported family violence in the south-west and there are only 27 places available, there are long waiting lists of people who have been referred to the service. I have been talking to people who work in the area, and they are saying this is totally unacceptable, because while men are waiting they are losing their motivation to address their issues and change their attitudes.

Statewide, as I understand it, there is government funding available to treat 2500 family violence offenders each year. One-third of offenders in Victoria are referred by police to family violence programs. The police are also saying that that is not nearly enough. When we combine these referrals with those of other organisations and departments that refer people to these programs, such as the courts through court orders, we find that less than 20 per cent of offending men are in the programs.

I ask the minister to urgently consider increasing funding to the No to Violence program in the south-west so it can work with family violence offenders and protect those vulnerable people in our community who are subjected to family violence.

Laverton P–12 autism school

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. It will come as no surprise to the house, I am sure, to discover that I am and have been a very enthusiastic supporter of the new P–12 autism school currently being built in Laverton. It will serve the western suburbs in a way that, quite frankly, they have never been served before. At long last children with autism will receive an education that has long been denied them in the western suburbs.

I have to say that the fact that we have got to 2014 with these children being treated as second-class citizens brings some considerable shame upon those who were responsible for that — namely, the members of the previous government, who, despite the pleas of many parents, turned their backs on those children in the western suburbs who have autism, and their families. That is something that has long mystified me.

This new school is much anticipated. It is being greeted with enormous excitement, and it presents an opportunity to change autism education not just in the western suburbs or even in Victoria but indeed in this country. I think there is a revolution coming in autism education, and it is going to begin at this school in the western suburbs. That makes me, for one, very excited and adds to my pride in the role this government is playing in providing for the educational needs of children with autism in the west and of course their families. A lot of people do not realise that the family situation is very much bound up in how well the child is doing at school and how well the child is doing in life.

The minister has said an advisory committee will be appointed which will report to him. I urge the minister to appoint and to announce that committee. There are a number of what I would regard as urgent decisions to be made, and I believe the time has come for us to see the input the minister has suggested will come our way. I ask the minister to appoint and announce publicly the membership of that committee so that we can get on with delivering for the people of the western suburbs of

Melbourne in a way that Labor never could and certainly Labor never would.

Woods Point fire refuge

Ms BROAD (Northern Victoria) — My adjournment matter is for the attention of the Minister for Bushfire Response, Mr Wells, and the matter I wish to raise is about a fire refuge for Woods Point. Until recently the old horizontal mine tunnel at Woods Point was the community fire refuge, and anyone who has been to Woods Point and examined the mine tunnel, as I have, would readily understand why the community wishes to retain it as a fire refuge. I am absolutely certain that if I had the misfortune to be trapped in Woods Point by a bushfire, that is where I would go to take refuge. Residents of Woods Point are understandably furious that they have recently been informed by the Victorian government that the tunnel does not meet new building requirements to be a community fire refuge.

In the past it has been recognised that the old mine tunnel does not meet modern building standards; however, common sense dictated that the community should be allowed to use it as a fire refuge, and common sense was exercised by the Labor government with, as I recall, the support of other political parties. As I understand it, the Baillieu and Napthine governments have built just three new fire refuges, which are being evaluated, and no new fire refuge is on offer to Woods Point at this time.

Mansfield Shire Council has been advised that it should un-designate the mine tunnel as a community refuge. However, at its January meeting the council agreed to an eight-point recommendation to continue to advocate on behalf of the Woods Point community to retain the tunnel as a place of safer refuge, and a town meeting in Woods Point agreed to continue to fight for the tunnel to be retained as a refuge. Many of the town's population recall that some 750 people crammed into this mine shaft and others in the area during the 1939 fires and that only one life was lost in the area as people safely sheltered in the tunnel.

For all of those reasons, on behalf of the community of the small town of Woods Point and of Mansfield Shire Council, I am raising this adjournment matter and calling on the minister to reconsider this decision and to allow Woods Point to retain the tunnel as a community fire refuge.

Tomcar Australia

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Manufacturing, Mr Hodgett. As members of the house are well aware, our manufacturing sector is facing significant challenges at this time. Some of those challenges are due to the high Australian dollar and competition with international labour costs as well as other factors that have significantly impacted on the sector in Victoria. This government is doing much to support the sector where it can. As members are also aware, a number of automotive companies have made some significant corporate decisions. I refer of course to Ford's announcement last May, Holden's announcement in December and Toyota's more recent announcement that it will cease manufacturing in coming years.

There is, however, an automotive company based in Oakleigh that is manufacturing a revolutionary all-terrain utility vehicle — the Tomcar, as it is known. I first visited the company in 2012 when the Tomcar was quite new. It was in the manufacturing stage; manufacturing commenced in 2011. The vehicle is based on an Israeli military vehicle. The company spent five years modifying it for Australian purposes and conditions and specifically for use in our mining sector, in the agricultural sector, in defence and in tourism. Interestingly the company also exports the vehicle to a number of international military markets. Demand for this vehicle is growing in both local and international markets.

I would like the minister to come and visit the company to understand further the relevant opportunities from the perspectives of both the local and international markets. There are many suppliers in the existing automotive sector that are feeding into this company. The demand, as I said, is growing. This is a great manufacturing story, and I would appreciate it if the minister could come to Oakleigh to see firsthand the company and the Tomcar in operation.

Public housing tenant

Ms PULFORD (Western Victoria) — I wish to raise a matter this evening for the attention of the Minister for Housing, and I am pleased the minister is in the house on this occasion. The matter regards the case of a public housing tenant — an autistic boy, Jack Gregory — who is living in Department of Human Services public housing. I have been contacted by Jack's family — and I am happy to provide whatever further detailed information the minister requires.

Jack's family advises that Jack is a 12-year-old autistic boy who also suffers severe anxiety. Following a situation involving domestic violence, Jack and his mother were forced into public housing. The Department of Human Services placed Jack and his mother in a unit which shares an adjourning wall with an alleged perpetrator of domestic violence. Due to Jack being located so close to an alleged perpetrator of domestic violence, his mental health has further deteriorated. This has been attested to in medical reports provided by a qualified psychiatrist — and a copy of the same can be provided to the minister upon request. Jack's paediatrician also attests to the fact that the living situation has resulted in a regression in Jack's mental health.

On 29 November 2013 police were called to an altercation between Jack's mother and a neighbour and the attending police allegedly advised Jack's mother to obtain a restraining order. I have been informed that she has requested rehousing from the Broadmeadows office of the Department of Human Services but has been rebuked at every turn.

My request of the minister is that she take immediate action to rectify this situation by asking the Department of Human Services to immediately re-evaluate the situation affecting this family and explore any opportunities that may exist to relocate the family to a less hostile environment so Jack can begin to overcome some of these terrible obstacles he has encountered in his short life thus far. They are having a very immediate and negative impact on his health.

Olympic Village child and family centre

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is for the Minister for Children and Early Childhood Development. It relates to the Olympic Village child and family centre in the city of Banyule. The issue I raise relates to an announcement made by the government in May 2012 that it was going to fund the construction of the Olympic Village learning hub, which was going to include a child and family centre. At the time I certainly welcomed that announcement, as did the local member, Mr Carbines, the member for Ivanhoe in the Assembly.

The concern I have relates to the considerable delay and the time that has elapsed between the funding announcement made by Mr Ondarchie and any action being taken by the City of Banyule. Mr Carbines, who is a terrifically hardworking local member for the electorate of Ivanhoe, has a long history and association in supporting this particular project, having served as a City of Banyule councillor. He has a strong association with this project as the council committed funding to it during the time he was on the council. This project will greatly benefit this community, as it will bring together Banyule Community Health, the Olympic Village Primary School, the Olympic Leisure Centre in West Heidelberg and Olympic Adult Education.

I note that Mr Carbines raised this issue with the minister during the adjournment debate in the other place on 27 November last year and is yet to receive a response. The action I am seeking is for the minister to investigate with the City of Banyule the reasons for the delay — given that it is now getting on to two years and there has not been a sod turned; there is no construction under way — in particular why it seems to be dragging its heels and not delivering the child and family centre to the people of West Heidelberg when it is much needed.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have written responses to adjournment debate matters raised by Ms Pulford on 18 September 2013, Ms Tierney on 19 September 2013, Mr Tee on 16 October 2013, Ms Crozier on 17 October 2013, Ms Pulford on 29 October 2013, Mrs Coote and Ms Hartland on 12 November 2013, Ms Broad on 13 November 2013, Ms Mikakos and Ms Pennicuik on 27 November 2013, Mr Leane, Mr Lenders and Mr Melhem on 11 December 2013 and Mr O'Brien on 12 December 2013.

Tonight on the adjournment eight matters were raised. Mr Lenders raised a matter for the Minister for Education. He expressed his regret that in its 11 years in government Labor did not invest in schools in the Bentleigh electorate, instead allowing them to decay. He is now asking the coalition to invest in those schools.

Mrs Coote raised a matter for the Minister for Public Transport regarding the possibility of a feasibility study into a pedestrian crossing in the area of Victoria Avenue and Beaconsfield Parade in Albert Park.

Ms Tierney raised a matter for the Minister for Community Services around funding for the No to Violence program.

Mr Finn raised a matter for the Minister for Education regarding the P–12 autism school in Laverton and the appointment of an advisory committee.

Ms Broad raised a matter for the Minister for Bushfire Response regarding a fire refuge in Woods Point.

Ms Crozier raised a matter for the Minister for Manufacturing, asking him to visit a local company in her electorate which is manufacturing the Tomcar and also set out a very good picture of what was happening in her electorate in manufacturing.

Ms Pulford raised a matter for me regarding a public housing tenant with an autistic son, and a neighbourhood dispute. I note Ms Pulford has placed that information on my desk and I will get the department to review it.

Ms Mikakos raised a matter for me in my capacity as Minister for Children and Early Childhood Development about the Olympic Village child and family centre in the city of Banyule, which Mr Carbines, the member for Ivanhoe in the other place, had raised on the adjournment last year. He has been sent a response, and I will make sure Ms Mikakos gets a copy of it.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 9.26 p.m.