

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 10 November 2015

(Extract from book 16)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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Legislative Council committees

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Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris, Mr Ondarchie and Ms Tierney.

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, #Ms Hartland, Mr Leane, #Mr Purcell, #Mr Ramsay, Ms Shing, Mr Somyurek and Mr Young.

Standing Committee on Legal and Social Issues — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, Mr Drum, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Joint committees

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Opposition:
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Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

TUESDAY, 10 NOVEMBER 2015

ROYAL ASSENT	4153	<i>Monica Fakhry</i>	4173
BOER WAR MEMORIAL	4153	<i>St Nicholas Philanthropic Society of Proty</i>	4173
QUESTIONS WITHOUT NOTICE		<i>Cage fighting</i>	4174
<i>Mr Melhem</i>	4153, 4154	<i>Barmah and Gunbower national parks</i>	4174
<i>Melbourne Metro rail project</i>	4154, 4155	<i>Remembrance Day</i>	4174
<i>Government contracts</i>	4155, 4156	<i>Kristallnacht</i>	4174
<i>Cage fighting</i>	4156, 4157, 4158	<i>Port to Port bike ride</i>	4175
<i>Victoria University</i>	4158, 4159	<i>Roghayeh Sadeghi</i>	4175
<i>Livestock biosecurity</i>	4159, 4160	<i>Jayne and Daryl Collins</i>	4175
<i>Financial report 2014–15</i>	4160	<i>Lorne Kindergarten</i>	4175
<i>Written responses</i>	4161, 4220	<i>Michelle and Stevie Payne</i>	4175
QUESTIONS ON NOTICE		GAMBLING LEGISLATION AMENDMENT BILL 2015	
<i>Answers</i>	4160	<i>Section 85 statement</i>	4176
CONSTITUENCY QUESTIONS		WRONGS AMENDMENT BILL 2015	
<i>Northern Victoria Region</i>	4162	<i>Second reading</i>	4176
<i>Western Metropolitan Region</i>	4162, 4163	<i>Third reading</i>	4183
<i>Eastern Victoria Region</i>	4162	PREVENTION OF CRUELTY TO ANIMALS	
<i>Southern Metropolitan Region</i>	4162, 4163	AMENDMENT BILL 2015	
<i>Western Victoria Region</i>	4163	<i>Second reading</i>	4183, 4193, 4195
<i>Northern Metropolitan Region</i>	4163	<i>Instruction to committee</i>	4203
<i>South Eastern Metropolitan Region</i>	4163	<i>Committee</i>	4205
PETITIONS		<i>Third reading</i>	4209
<i>Special religious instruction</i>	4164	DISTINGUISHED VISITORS.....	4193, 4194
ADOPTION AMENDMENT (IDENTIFYING		VICTORIAN ENERGY EFFICIENCY TARGET	
BIOLOGICAL PARENTS) BILL 2015		AMENDMENT (SAVING ENERGY, GROWING	
<i>Introduction and first reading</i>	4164	JOBS) BILL 2015	
STANDING COMMITTEE ON LEGAL AND SOCIAL		<i>Second reading</i>	4209
ISSUES		<i>Third reading</i>	4214
<i>End-of-life choices</i>	4164	ADJOURNMENT	
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE		<i>Sunbury rail services</i>	4214
<i>Investigation into allegations against</i>		<i>Health system performance</i>	4215
<i>Auditor-General</i>	4167	<i>Family violence</i>	4215
SCRUTINY OF ACTS AND REGULATIONS		<i>Goulburn Valley Health</i>	4216
COMMITTEE		<i>Bayswater level crossing</i>	4216
<i>Alert Digest No. 14</i>	4168	<i>Bacchus Marsh traffic management plan</i>	4216
BUDGET SECTOR		<i>Manufacturing innovation</i>	4217
<i>Financial report 2014–15</i>	4168	<i>Grand Final Friday</i>	4217
PAPERS	4168	<i>Team Respect</i>	4218
PRODUCTION OF DOCUMENTS	4169	<i>Bendigo region occupational therapy forum</i>	4218
BUSINESS OF THE HOUSE		<i>Portland aluminium smelter</i>	4218
<i>General business</i>	4170	<i>Kangaroo control</i>	4219
MINISTERS STATEMENTS		<i>Dandenong-Pakenham-Cranbourne rail</i>	
<i>Early childhood education</i>	4170	<i>corridor</i>	4219
<i>Vocational education and training</i>	4170	<i>Responses</i>	4220
MEMBERS STATEMENTS		WRITTEN RESPONSES TO QUESTIONS WITHOUT	
<i>Public transport</i>	4171	NOTICE	
<i>Prahran secondary college</i>	4171	<i>Disability services</i>	4222
<i>Jones and Bunting roads, Brooklyn</i>	4171	<i>National assessment program — literacy and</i>	
<i>Daryl Millar</i>	4172	<i>numeracy</i>	4222
<i>Darren Weir and Michelle Payne</i>	4172	<i>Youth employment</i>	4222
<i>Bellarine and Surf Coast agribusinesses</i>	4172	<i>Regional and rural employment</i>	4223
<i>United Firefighters Union</i>	4172	<i>Information and communications technology</i>	4223
<i>Duqm Special Economic Zone delegation</i>	4173	<i>Government-subsidised training</i>	4223
<i>Members for Polwarth and South-West Coast</i>	4173	<i>Youth mental health first aid training</i>	4224
<i>Melbourne Cup</i>	4173	<i>Game management</i>	4225

Tuesday, 10 November 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.06 p.m. and read the prayer.

The PRESIDENT — Order! On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

ROYAL ASSENT

Message read advising royal assent on 27 October to:

Local Government Amendment (Improved Governance) Act 2015

National Parks Amendment (No 99 Year Leases) Act 2015

Public Health and Wellbeing Amendment (No Jab, No Play) Act 2015

Victims of Crime Commissioner Act 2015.

BOER WAR MEMORIAL

The PRESIDENT — Order! In this particular week I mention a historical curiosity, if you like, in the life of the Parliament. This week we are commemorating Remembrance Day and the end of the First World War. Many members will be attending RSL ceremonies, many at the Shrine of Remembrance. For those who are not able to attend the shrine, there will be an opportunity to go out on the front steps of Parliament House tomorrow for a minute of silence to commemorate those who fell during all wars. Obviously the initial focus of 11 November was on Armistice Day, which became Remembrance Day, and of course Armistice Day recalled the end of the First World War.

The historical curiosity is that this Parliament actually sent off troops from Victoria to fight in the Boer War. The anniversary passed late last month on 28 October. As members are obviously aware, we did not have a federation — the nation of Australia was not formed until 1901 — and prior to that period each of the colonies had their own defence forces, including navies and troops and certainly cavalry forces and so forth. Indeed this Parliament organised troops to go to the Boer War, and that was on 28 October 1899.

In respect of the Boer War I note that there has been a significant campaign running recently to try to have a

memorial that is currently in St Kilda Road — on an island, rather locked in, in the middle of all the traffic — moved to the Shrine of Remembrance as a mark of respect to those Victorians who fell during the Boer War. I hope members of Parliament will support the people of the Boer War memorial committee in having that monument relocated.

It is unlikely that the shrine would reject such a proposition, but in the event that it did, it is worthwhile for the Parliament to consider whether that particular monument ought to be relocated here, if not at the shrine, on the basis that it recognises a point in history when the Victorian Parliament exercised its responsibility as a Parliament within the British Empire at that time and sent young Victorians to participate in the first international conflict that this nation encountered, that being the Boer War in South Africa.

QUESTIONS WITHOUT NOTICE

Mr Melhem

Mr O'DONOHUE (Eastern Victoria) — My question is to the Leader of the Government. On 10 February last year the then Leader of the Opposition in the Assembly, now the Premier, Mr Andrews, issued a press release with the federal Leader of the Opposition, Bill Shorten, saying:

... if you are a union official who has engaged in corrupt behaviour then you have betrayed the union movement and the millions of working people it represents.

Noting the serious allegations of betrayal that have been made against Mr Cesar Melhem regarding alleged misuse of union funds and the fraudulent creation of invoices in order to conceal alleged corrupt practices, as Leader of the Government in the Legislative Council does the minister stand by the statement by Mr Andrews of 10 February last year, noting specifically Mr Melhem's alleged conduct?

Mr JENNINGS (Special Minister of State) — I thank Mr O'Donohue for his question. He will be well aware that a virtually identical question was asked in the Legislative Assembly, the only difference being that the questions referred to the Premier in the Legislative Assembly and to me in the upper house, about whether the Premier or I stand by the Premier's statements in relation to integrity matters — that is, that the community has every right to expect that the trade union movement does operate to the highest degree of standards and it is the expectation of the Victorian government that in fact activities undertaken in the name of unions and by the members of unions would be of the highest calibre.

In instances where there are matters that warrant scrutiny, the then opposition leader in Victoria and now Premier, Daniel Andrews, and the opposition leader in the federal jurisdiction, Bill Shorten, made it very clear that we, as part of the labour movement, are happy to have scrutiny applied to the activities of members of the labour movement. There has been no resiling from that situation from that day to now. What has actually happened in the intervening period, as the member would well and truly be aware, is there has been an elaborate royal commission undertaken in the federal jurisdiction — —

An honourable member — No expense spared.

Mr JENNINGS — No expense? In fact I have heard speculation about an \$80 million exercise in relation to going through matters that may or may not reach conclusions and findings about appropriate or inappropriate behaviour and make recommendations about the remedies that may ensue from that scrutiny.

In fact on many occasions during the running of that royal commission, which has run over a significant period of time from February 2014 until now — that royal commission has not concluded its work — the Premier, on every occasion when he has been asked to comment upon evidence and statements that have been made before the royal commission — —

An honourable member interjected.

Mr JENNINGS — I will stand by my answer. I will not change my answer depending upon the interjection of others. I do not need assistance in relation to my contribution.

My point is reaffirming the principal position enunciated by the leader of the Labor Party in Victoria and indeed the federal leader in relation to our expectation of the highest standards of probity and appropriate behaviour by members of the labour movement. During the course of the royal commission and to this very day the Premier has indicated that he will not be making comments which pre-empt the considerations of the royal commission. I will not pre-empt the conclusions of the royal commission in its deliberations.

As part of the Labor government in Victoria, we are very comfortable to have matters thoroughly examined, for the evidence to actually find its level that would make recommendations and findings and to act in accordance with those and due processes of the law. That has been our position continually over the last 20 months in relation to the time since the Premier, as the then Leader of the Opposition, made the statement that Mr O'Donohue refers to.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I note the remarks by the Leader of the Government about the expectation of the highest standards, and in that context I ask: can the minister advise the house of any discussions that have been held by his office or the Premier's private office for Mr Melhem to move to the crossbenches until this matter is resolved, as the then Prime Minister, Julia Gillard, did with the then disgraced federal member for Dobell, Craig Thomson?

The PRESIDENT — Order! I am a little uncomfortable, but I call Mr Jennings.

Mr JENNINGS (Special Minister of State) — I am certain your sentence, President, does not quite reflect what you meant. Perhaps you might have been a little bit uncomfortable with the nature of the supplementary question rather than being uncomfortable with me, as a strict reading of *Hansard* may suggest. I just thought it might be useful for the public record to clarify that.

In fact I share your view, President. I think what the member is seeking is in fact disclosure of conversations that may or may not have taken place — a very hypothetical construction and juxtaposition of issues — beyond the facts and what has been determined as the facts in any findings that have been found and speculative in relation to what conversations may have taken place. I think that speculation should not be accorded until there is something definite to say.

Melbourne Metro rail project

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government, and I ask: who selected Advisian as the winning tenderer of almost \$2.5 million in contracts for the Melbourne Metro Rail Authority? Was it cabinet, the authority's CEO, the department or the minister herself?

Mr JENNINGS (Special Minister of State) — During the last sitting week the member asked me a question about contractual matters and consultancies that may relate to the Melbourne Metro rail project, and again she has asked the question today. On the last occasion I was unable to furnish the advice that she sought in relation to the nature of the contractual arrangements, and on this occasion I am none the wiser in relation to the specific elements of the contract that she refers to, so I will have to take advice on that subject.

But certainly the government recognises the value of the project. We are committed to doing it. We have allocated \$1.5 billion in the forward estimates to this

project. We are very determined to make sure that it occurs. We certainly do not resile from the announcements and the determination of contractual arrangements and getting work undertaken, although I will have to square off the ledger in relation to the process of that procurement. But I am confident that it was undertaken with rigour and will satisfy further scrutiny.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the Leader of the Government for taking that question on notice, and I further ask: as the minister may be aware, Advisian is the new name for Evans & Peck, which was the former workplace of the Melbourne Metro Rail Authority CEO, Evan Tattersall. When, if at all, were concerns identified that contracts for the Melbourne Metro Rail Authority worth almost \$2.5 million were being awarded to former colleagues of the CEO, Evan Tattersall?

Mr JENNINGS (Special Minister of State) — Apart from the imputation in the question, I have not been made aware of those concerns, and I would say that the imputation in the question is far in excess of any information I have been able to provide to the house, and I would be surprised if the member is in a position to be able to verify or validate it herself. Let us deal with the sequence of the cart and the horse in relation to the due process. First of all, I will acquit my obligation in relation to the substantive question and then let us come back to what has been imputed, potentially at the expense of someone's reputation, in the supplementary question.

Melbourne Metro rail project

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is also to the Leader of the Government. It also relates to the Melbourne Metro Rail Authority's awarding of \$2.5 million of contracts to Advisian. I ask the minister: how can Victorians be confident of the probity surrounding those transactions?

Mr JENNINGS (Special Minister of State) — I am confident that the people who advise my colleague the Minister for Public Transport will be thorough in both their due diligence and the appropriateness of awarding contracts. I am confident in that. I do not know the details of the matter at hand. I am happy to take advice and provide that advice back to the chamber, but I start from a premise of assuming that due process has been followed and will withstand the scrutiny that the Parliament is now seeking of it.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. The minister said he is confident in the process followed by the minister and in the people she received advice from with respect to these transactions. The probity auditor for the Melbourne Metro Rail Authority is O'Connor Marsden and Associates, run by Rory O'Connor. Mr O'Connor previously gave a probity tick to the corrupt New South Wales deal where the resources minister awarded his own friend a coal mining licence. The current New South Wales Labor leader, Luke Foley, has said that Mr O'Connor was used by Labor governments to 'sprinkle holy water' over a 'dodgy exercise'. Given all the evidence that has emerged from the New South Wales Independent Commission Against Corruption investigations, why is the Andrews Labor government using the same probity auditor as the corrupt former New South Wales Labor minister, Ian Macdonald?

Mr JENNINGS (Special Minister of State) — Whilst I do not have the answers at hand to these questions, can I say in relation to the narrative that has been created, it is about as powerful a narrative and a line of inquiry as I have heard from the opposition in the last year, but in terms of whether there is any substance to this issue, that is another point entirely. Whether there is anything in this flurry of accusations and the use of parliamentary privilege to criticise people's professional standing and what they may bring to bear in relation to probity or in relation to acquitting their responsibilities, let us leave that intrigue aside and give them credit for creating the intrigue. Let us see what the substance says and come back on that matter when I have got some details to provide the house.

Government contracts

Mrs PEULICH (South Eastern Metropolitan) — My question is also to the Leader of the Government, and I ask: what is the number and financial value of the contracts awarded to Labor lobbyist Andres Puig's The Civic Group since December 2014, including those worth under \$100 000?

Mr JENNINGS (Special Minister of State) — I know I have on occasions surprised the house with my command of details of information, and I just want to say that at one time I surprised Mr Young by knowing the details of funding that had been provided to scouts in the national parks. I was able to actually have some recall of that information and in fact I would be able to tell you how much that amount was to this very day, but I will not do so. But on this issue, the level of detail that

the member has sought from me is not immediately to hand. I will have to take advice on that subject; I do not have that information. It has not been compiled for my benefit at any stage and so I am not able to speculate on it.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — I would have thought that as Special Minister of State that information would have been at the minister's fingertips. My supplementary question, nevertheless, is that as the minister is aware, only some contracts awarded to Andres Puig's The Civic Group were made public by the government after inquiries from the *Age*. I ask: will the minister now commit that contracts to Labor lobbyist firms are disclosed on relevant government websites to ensure this secrecy for Labor lobbyists does not occur again?

Mr JENNINGS (Special Minister of State) — I give an undertaking on behalf of the Victorian government that all contracts that are subject to scrutiny of the terms of engagement will be complied with whether they relate to any network connection within the labour movement or the Labor Party. Regardless of those connections, there are obligations in relation to the reporting requirement for contractual arrangements, and they will be complied with for one and for all.

Mrs Peulich — On a point of order, President, given the minister's undertaking to provide the information in relation to the substantive question, could I just ensure that that is indeed followed up?

Cage fighting

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Dr Phil West, initiator and co-founder of the Alannah and Madeline Foundation, has issued a plea to the government to stop the violence of cage fighting. He states in his open letter to the Premier, copied to you:

In the past few weeks our state has witnessed shocking violence, including children killed, a war veteran murdered and a horrific alleged gang rape by savage brutes against a 14-year-old girl.

In cage fighting, one person can be cowering on the ground while being savagely and repeatedly punched in the head and face (up to seven or eight times: left, right, left, right) by their opponent, who is sitting on their legs and groin rendering them unable to get up.

There are no age restrictions on attendance. Mr Premier, you will be allowing children to watch this violence. Such exposure will normalise violence and hatred in the minds of vulnerable and impressionable children and desensitise them to cruelty.

I ask the minister: in her capacity as the minister responsible for the safety and wellbeing of Victorian children, is it in the best interests of Victorian children that they can attend a brutal and bloody cage fighting match this weekend?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. It is a question that is virtually identical to a question she asked me earlier this year, in March. I am prepared to remind the member of the answer I gave her at that time. The member would be well aware that mixed martial arts were legal under the coalition government, and during the whole time of the coalition government children were also able to attend mixed martial arts events. So this is really the height of hypocrisy for Ms Crozier and for the coalition to make an issue of this, because they know full well that children were able to attend mixed martial arts events during the entire time that Ms Wooldridge was the Minister for Community Services. The only change that has occurred is that octagonal perimeters are now in place at mixed martial arts events to enable competitors to participate in these events in a safer environment.

Whilst the opposition may wish to advocate a position essentially of a nanny state, we on this side take the view that parents are very capable of making decisions for themselves as to which events, including sporting events, their children are going to attend. So if the coalition's position has changed from that that was in place during the entire time of the previous government, then it is time that it was up-front with the Victorian public and let the Victorian community know which events, including sporting events, it proposes to ban children from attending in the future.

Ms Crozier — On a point of order, President, the minister refuses to answer my question: is it in the best interests of children to attend this event this weekend? I ask you to draw her back to my question.

The PRESIDENT — Order! On the point of order, there is no point of order, in part because I am actually being quite fair to the member in allowing this question to proceed. Indeed the question asked for an opinion; therefore the minister is entitled to respond in any way she likes because, frankly, the question is not about fact. The question is not about her jurisdiction. The question is asking for an opinion. The minister to continue.

Ms MIKAKOS — I want to make it clear that I greatly respect the work of the Alannah and Madeline Foundation. In fact I was very grateful for the fact that that foundation recently made a significant contribution to the Broadmeadows Children's Court in terms of

providing a safe space for children who are attending court matters, including child protection matters, in that court. I am very grateful to that foundation for providing that safe space, which will benefit children in the northern suburbs in years to come.

But I think it is highly hypocritical for the member opposite to try to play politics with this issue when she knows full well that for the entire time that her leader was the Minister for Community Services the exact same position applied — that is, parents had the ability to make a decision as to whether they wished to take their children to boxing events, mixed martial arts events or any other sporting events. We take the view that parents are very capable of making these decisions about what events they wish to take their children to. If the coalition has changed its point of view and is now proposing banning parents from taking their children to a range of events, including sporting events, then it needs to make its position clear.

Supplementary question

Ms CROZIER (Southern Metropolitan) — The minister says it is the parents' responsibility to make the decision if their children attend. However, there are lots of situations which the state determines children should be prevented from attending; for example, gaming venues and licensed premises. So I ask: why is the minister prepared to exclude children from people gambling and drinking but not violently beating the living daylights out of each other?

Ms MIKAKOS (Minister for Families and Children) — I know the member opposite is a slow learner. As I said in response to the substantive question, I made clear in March that it was a matter for the Minister for Sport. Now the member is asking me about questions that relate to the gaming minister. The point that I make to the member is the legal position that applied during the entire time that the coalition was in office was the same in that parents had the ability, as they do now, to make decisions about what events they took their children to. If the coalition is proposing changing its position, it needs to make that clear. The member needs to outline which venues and events, including which sporting events, the coalition is now proposing banning children from attending with their parents, despite parents being in the best position to make decisions for their children.

Cage fighting

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children, Ms Mikakos. This Sunday, as Ms Crozier has

pointed out, Docklands Stadium will be home to Victoria's first major Ultimate Fighting Championship event. Ultimate Fighting Championship is keen to present itself as a legitimate form of cage fighting, and efforts by American legislators to ban it have resulted in a long list of fouls that cause competitors to lose points. Fouls now include biting, eye gouging, groin attacks of any kind and stomping on an opponent's head while they are on the ground. Merely continuing to punch an opponent while he or she is on the ground is apparently not even a foul. At Etihad Stadium on Sunday children over the age of two will be required to purchase a general admission ticket, but children under the age of two will be allowed in free. Is the minister aware that these things happen, and does she stand by her answer to Ms Crozier that the government has no role in regulating this activity and what children see?

Ms MIKAKOS (Minister for Families and Children) — It has been interesting to see that the coalition and the Greens party have the same position in relation to this particular issue; it has been a really interesting convergence of points of view from the coalition, which traditionally has taken a libertarian perspective on many issues. It is now taking the same nanny state position as the Greens political party. Congratulations to Ms Crozier for having aligned herself with the Greens political party.

For the benefit of Ms Springle, who was not a member of Parliament during the last Parliament, and to be fair to her, I understand that she may not have been aware that mixed martial arts was in fact a legal sporting activity during the entire time the coalition was in office. During that Parliament it was permissible for children to attend mixed martial arts events as well as a range of other sporting events, and that continues to be the case.

It is possible for promoters of these events — and venues — to take a different position in relation to who they allow entry to, but there is no legal provision that prohibits children from attending them. We take the view that parents are the ones who are best placed to make decisions about whether their children should attend these events.

I have already explained to the house the fact that the position that applied during the previous Parliament is the one that applies currently — that is, that we treat parents with respect; we leave it up to parents to make a decision about the appropriateness of their children attending with them mixed martial arts events and various other sporting activities.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her response, but I remind her that cage fighting involves intentional violence in the form of kicking and punching to the head that often results in blood loss and concussion — —

Ms Mikakos — So does boxing.

Mr Drum — No, it's not. It's not boxing.

Ms SPRINGLE — No, not only boxing. I am just wondering about the promotion of sensationalised, commercialised cage fighting violence to Victorian children and whether it aligns with the government's efforts to promote amongst children an awareness that violence is not acceptable. It seems to me that allowing children to witness such a brutal — —

Honourable members interjecting.

The PRESIDENT — Order! I ask Ms Springle to start again, from the top.

Ms SPRINGLE — I thank the minister for her response, but I remind her that cage fighting involves intentional violence in the form of kicking and punching to the head that often results in blood loss and concussion. I am just wondering how the promotion of sensationalised, commercialised cage fighting violence to Victorian children aligns with the government's efforts to promote among children an awareness that violence is not acceptable.

It seems to me that allowing children to witness such a brutal event may contravene at least the spirit of the principles contained in the Child Wellbeing and Safety Act 2005. Should these events not be limited to adults-only attendees? Will the minister at least refer this matter to the Commission for Children and Young People for further investigation?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. The member is again expressing a point of view — an opinion. She is inviting me to express an opinion, which is contrary to the standing orders. Can I just say that I have already responded to this matter; this is now the fourth question in relation to the same issue.

I want to make it clear to the member that this government takes the issue of family violence very seriously. That is why we have established — we are very proud of this fact — Australia's first Royal Commission into Family Violence to look at how we

can prevent family violence from occurring in the community.

As for sporting events, we leave it to parents to make a decision about which events they wish their children to attend with them.

Ms Springle — On a point of order, President, the minister has not answered the question. My question was about a referral to the commissioner.

The PRESIDENT — Order! I uphold the point of order. The minister is out of time. Ms Springle can be assured that the minister will be required to provide a written answer to her question.

Victoria University

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Training and Skills. There has been a great deal of concern and confusion among students, staff and the wider community after the revelation that Victoria University (VU) is considering leasing the Berwick campus from Monash University. This follows the closure of VU's Sunbury and Melton campuses and the planned downsizing of the Werribee and St Albans campuses in coming years.

In the Victoria University Act 2010 section 5(j) states that the objective of the university is to foster participation in post-secondary education for persons living or working in the western suburbs. My question for the minister is: will Berwick become a Victoria University campus, and how does the government see this aligning with its objectives to serve the west, as stated in the act?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her excellent question. VU of course is an important university, and it is very important to the delivery of educational opportunity in the western suburbs. I acknowledge the member's genuine concern about this and about ensuring that VU grows its delivery in an area in which it makes a huge difference to people's lives.

On the issue of asset sales, we know that under the previous government there were a number of assets that were agreed for sale. They include 300 Spring Street in 2013, 225 King Street in March 2013 and 301 Flinders Lane. To date 300 Flinders Street has been sold and leased back. We also know that VU closed its operations in Sunbury, and of course Melton has been quite an issue, with closed operations there. Part of that was to do with the major funding cuts it had under the previous government in terms of TAFE. Absolutely, part of it was to do with that. Simply, for a large dual-sector university

it was not viable to be running TAFEs under the funding model that the previous government had.

The university has had discussions with me, and in all positions in regard to those properties that it wants to sell I have a viewpoint that there has to be a net benefit to people in the west in terms of its operations. On the issue of Monash's Berwick campus — and I can be as direct as I can be on this one — firstly, it belongs to Monash. That is the first thing. As minister, I have the capacity, as the member would know, to intervene in asset sales or long-term leases, depending on the amount of money. Berwick campus is a very important campus. It is very important to the people in that region, and I will not make any decisions on that.

If I am asked — and I do not have anything before me on that as a proposition for Berwick — my position is very simple: I will not agree to anything that does not deliver increased benefits to the people of those communities. On the issue of VU and the Berwick campus, I understand — although I do not have anything formal on this — from reading media reports that the VU council decided not to pursue the purchase and takeover of that campus recently in its board and council meetings but that it is interested in offering courses if that is possible in the future.

I assure the member that I share her concern that VU remains totally committed — I have been assured of this — to the provision of education, both in the vocational education and training sector and the higher education sector, in the west of Melbourne.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I thank the minister. As a former student of VU St Albans I know how important that campus is, especially to mature age students. Would it be possible for the minister to write to VU and actually ask for a guarantee from it that it will not be engaging in the purchase of Berwick and will actually maintain and upgrade its current facilities in the western suburbs, as it is required to do under the act?

Mr HERBERT (Minister for Training and Skills) — I thank the member for the question. It is probably inappropriate for me to write at this point on that. However, what I will say is that VU has been asked to provide a detailed asset management strategy for the long term. It has a lot of properties there, some of which have been agreed by the previous government to be sold, others which are closed. It seeks to expand its Sunshine campus and the VET sector there and have assets there. It is quite a detailed issue.

As I say, I am in discussions with the university, and my position is very clear that there needs to be a net gain there. I understand from VU that there is no proposition on the table to sell assets in the west and put the proceeds into the purchase of assets in any other part of Melbourne. I understand it has considered proposals to sell some assets that are currently totally closed and reinvest that money into new provision in the west. That is an issue which will unfold.

Livestock biosecurity

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Agriculture. Whilst I had some spare moments I was leafing through the Victorian Auditor-General's Office report on biosecurity relating to livestock. I noticed some concerns regarding the staffing and general resourcing of the state's core biosecurity functions and the subsequent weakening of our ability to deal with any exotic livestock diseases, such as anthrax. The on-the-ground implications of this weakening may be that an outbreak may not be detected until it has become established, therefore making containment much more difficult. Given that our primary industries rely much on their reputation, it is reasonable to expect that a government will take the necessary steps to protect our livestock and enhance biosecurity. My question is: what steps have been taken to improve biosecurity since the government took office in 2014?

Ms PULFORD (Minister for Agriculture) — I thank the member for his question on this really important issue. I share the member's very deep concerns about the lack of capacity that Victoria has to deal with biosecurity issues, particularly multiple events, as the system that protects our nearly \$12 billion industry has been substantially weakened by cuts made during the term of the former government.

The former Department of Environment and Primary Industries was the one department that did not have any frontline services protected during the sustainable government initiative that so contracted our public sector workforce. One of the most alarming consequences of this is the reduction in core livestock biosecurity activity. The funding for this activity was cut by 49 per cent between the 2009–10 and 2014–15 financial years. The number of key animal health officers and veterinary officers decreased by 42 per cent. These are not modest cuts. These are the kinds of cuts that really go to the heart of maintaining capacity in what is by any definition a frontline service. There was also a significant decline in livestock surveillance activity of 39 per cent during the period 2011–12 to 2014–15.

This was something that the Victorian Farmers Federation raised alarm at during the period before the state election. It was something I was terribly concerned about, particularly when given briefings on the situation on coming into this role, and indeed these matters were canvassed a little at the budget estimates hearings earlier in the year. The Auditor-General's report, as Mr Bourman has indicated, has confirmed exactly how thin our capability is, so I have been very keen for us to try to rebuild a much-depleted service.

In response to Mr Bourman's specific question of what have we done, what I can indicate is that in the first instance in its first budget the government provided an additional \$9.4 million to stop further decline in these crucial services, and I certainly give the house an undertaking that this is something that I will consider to be a very high priority as we go forward. Exports are such an important part of creating and supporting our agricultural industries and all of the jobs that flow from that, and our reputation as a clean, green, safe food-producing environment is something you almost cannot put a price on.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her response. My supplementary question has partially been answered, but what plans have been made to protect our vital rural industries into the future?

Ms PULFORD (Minister for Agriculture) — I thank Mr Bourman for his further question. In addition to rebuilding capacity in biosecurity, there are many things that the government is doing to support our rural industries. We are investing in freight rail and we are supporting producers' access to export markets, but on this particular question of our biosecurity capability, I will be working hard with my department and with industry to ensure that we rebuild this capacity. This is a terrible thing that has been allowed to occur, and we will work to repair it.

What I would indicate to Mr Bourman, in addition to my earlier remarks, is that the Auditor-General made five recommendations and our department has accepted all of those and will continue to work to overcome the deficiencies that exist in the system at the moment.

Financial report 2014–15

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Leader of the Government, representing the Treasurer. I refer to the obligation under section 27 of the Financial Management Act 1994 for the Treasurer to release the

annual financial report by 15 October each year, and I ask: why did the government fail to meet that statutory obligation this year?

Mr JENNINGS (Special Minister of State) — I believe that my colleague the Treasurer has made statements about that matter in the public domain. I will rely on his public statements, but my recollection of them is that he drew attention to time frames both within the public service and within the Auditor-General's office in relation to satisfactory completion of those matters. Beyond that broad description, I will rely on the Treasurer's words, and if Mr Rich-Phillips want a further explanation, he has the opportunity to ask me for that and I will see what I can obtain from the Treasurer.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. Can the minister confirm that the reason for the three-week delay was because the Treasurer and the government were trying to convince the Auditor-General to withdraw his damning audit statement?

Mr JENNINGS (Special Minister of State) — Certainly I cannot confirm that at all, and in fact I would rely on the statements that have been made by the Treasurer and my knowledge of matters that relate to the time frames by which the departments provided the information to the auditor and the auditor was then able to respond in an appropriate fashion. I know that from firsthand conversation with the auditor on those matters.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 38, 50–2, 61, 777–93, 1116, 1219–22, 1224, 1274, 1279, 1281, 1289, 1290, 1295–8, 1305, 1306, 1313–16, 1327, 1328, 1334, 1348–50, 1354–8, 1363, 1368–415, 1432–55, 1496–511, 1528–35, 1560–75, 1584–91, 1600–31, 1672–87, 1743–72, 1780–1800, 1808–98, 1900–79, 1997, 1998, 2001, 2005–7, 2010–12, 2049–50, 2053, 2054, 2098, 2099, 2112, 2169–244, 2249–50, 2331–409, 2420–2, 2424, 2430, 2432, 2435, 2436, 2441, 2443–7, 2449–51, 2462, 2464–5, 2471, 2477–8, 2488, 2494, 2499, 2587, 2589, 2594, 2599, 2609, 3375–430, 3515–30, 3751–70, 3781, 3882–6.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In relation to questions asked today, I seek a written response within two days by the Leader of the Government to Ms Wooldridge's substantive question, which was question 2, in respect of who made the decision on the awarding of a tender to Advisian.

In respect of Mrs Peulich's question to Mr Jennings on contracts to The Civic Group, Mr Jennings undertook in his response to that substantive question to see if he could obtain some further information, and I would ask again that a written response be provided to that substantive question within two days. Mrs Peulich actually sought by way of a point of order to have the supplementary question also considered for a written statement. My view is that the minister did provide an answer that satisfied the supplementary question.

In respect of Ms Springle's supplementary question, I thought it was a very specific question as to whether or not the minister would refer the issue of children's attendance at these events to the children's commissioner for an opinion. That was a very specific question and I do not believe it was answered, so I would seek a written response from the minister within one day to the supplementary question posed to Ms Mikakos.

In respect of Ms Hartland's questions to Mr Herbert, the substantive question in particular, this may seem a little pedantic, but I note that the minister — and I am not sure whether the minister was saying that this was his only source of advice — indicated in his answer that he had noted media reports as to the intentions of Victoria University (VU) with regard to the Berwick property. It is my view that it would be unsatisfactory for a minister to rely on media reports, and indeed for the house to rely on media reports, in respect of this sort of matter.

I ask that the minister inquire further to check whether or not that is VU's position. I am not really interested in whether the media reports were accurate or not. I am more interested in VU's position. I ask that this also receive a written response. The minister indicates that he may be prepared to clarify that now.

Mr Herbert — On a point of order, President, the issue about media was more commentary in terms of responding to the substantive question. The property is not for sale, so it would be conjecture on my part or on the part of anyone else to talk about a sale or a purchase.

The PRESIDENT — Order! I suppose that information satisfies what was sought. It might have been better to bring that forth, rather than what the media happened to say.

Ms Wooldridge — On a point of order, President, I ask you to consider the responses to two supplementary questions. The first is the Leader of the Government's response to my supplementary question in relation to the tender for Advisian. The question was when, if at all, were concerns identified about the contracts, given the relationship. I put it to you that the Leader of the Government did not respond to that supplementary question. I ask if you would be prepared to review *Hansard* in relation to that.

The second is a response from the Leader of the Government to a supplementary question from Mr Rich-Phillips about the probity auditor. The question was very clearly asking why the government is using the same probity auditor as was used in New South Wales. I do not believe the Leader of the Government addressed that question in his response.

Mr Jennings — On the point of order, President, it may assist you that I volunteered to provide information beyond the scope of what was requested of me in terms of Mr Rich-Phillips's question. I volunteered to provide further information, and I shall do so.

The PRESIDENT — Order! That is in relation to the supplementary question?

Ms Wooldridge — As well as the substantive question, to which Mr Jennings did volunteer to respond further.

The PRESIDENT — Order! In regard to Mr Rich-Phillips's questions, I will seek some written response, which the Leader of the Government has indicated he is prepared to give, in respect of both the substantive question and supplementary question, within two days.

In regard to the response to Ms Wooldridge's supplementary question, I have some difficulty with the wording of the question, which is why I did not seek to obtain a written response to it. The wording is 'when, if at all, were concerns identified'. That does not really establish a definitive position. It is sort of fishing. To that extent I did not think it warranted me giving a direction on this occasion. It was the wording that concerned me.

I regard Minister Herbert as having discharged the matter with respect to Victoria University.

Mr Morris — On a point of order, President, in regard to a written response to a question without notice asked by me on 21 October. The question, asked of Minister Mikakos, was:

How many fewer young Victorians are in full-time employment since December 2014 ...

The written response refers only to employment, not specifically to full-time employment. I ask that you consider reinstating the question and supplementary question.

The PRESIDENT — Order! My concern is whether or not anybody actually keeps that information.

Ms Wooldridge — On the point of order, President, it was a very specific question in relation to full-time employment, which is data that is published by the Australian Bureau of Statistics. The minister has chosen not to answer the specific question and instead answer a general question. That in my assessment is more advantageous to the government, which is why she has chosen not to answer the question that was asked. Similarly, the supplementary question was very specific in relation to the target, and it was not answered in the response provided, hence Mr Morris asking you to reinstate both of those questions.

The PRESIDENT — Order! I have not had a chance to read that. I will give it some consideration and make a determination later this day.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Health. It regards the recently appointed Goulburn Valley Health Community Advisory Group. The process of forming the Goulburn Valley Health Community Advisory Group seems to have been an arduous one for the minister. First we saw her apparent lack of interest in advertising for applications for the group, causing a three-month delay. Once she did get around to opening applications, which closed two weeks later, we experienced a five-week delay from the close of applications in responding to applicants and selecting members of the group. Now we are told by the media that the group has supposedly been finalised, but no information has been provided to the public by the minister about who is actually on the group or what has qualified the people she has chosen to be involved. My question to the minister is: what was the process for selecting the members for the advisory group, and when will she announce the names of its members?

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question is for the Minister for Training and Skills, Mr Herbert. I welcome the minister's announcement that the government recently completed a campaign to crack down on employers who were not providing appropriate supervision, work and equipment to support the apprentices undertaking training through their training contracts. This is an important part of the government's commitment to crack down on poor-quality training. Can the minister advise me how many employers in my electorate have been disqualified and what assistance has been made available to any of my constituents who might have been affected?

Eastern Victoria Region

Mr BOURMAN (Eastern Victoria) — On Tuesday, 27 October, I had the pleasure of touring the Maryvale paper mill, which in recent years has spent \$90 million or thereabouts upgrading its facilities to produce 100 per cent recycled paper. I spoke with rural residents who are concerned that the federal government's recent abandoning of its policy to use recycled paper will result in a loss of jobs in the area. My question is for the Minister for Finance. Will the government make a pledge to use and promote the use of Australian recycled paper in government offices and small businesses to sustain rural jobs at the Maryvale plant?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question today is for the Minister for Police, and it concerns the Ashburton police station. Those who have been in this place for some time will remember that prior to 2010 the number of police at that station was cut by the Brumby government from 11 to 1. The then member for Burwood in the Assembly, Bob Stensholt, was not able to stand up for his area. Now he is chief of staff to the Minister for Police, Wade Noonan. Despite police numbers having been restored in the coalition period, the station being renovated and upgraded and being reopened five days a week, as it ought to be to protect the people in the community, Wade Noonan and the government are cutting police and reducing it to only a Tuesday and Thursday operation. It is shameful, and what I seek from the minister is the answer to the question: when will he restore police in full to Ashburton police station to guarantee community safety?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is for the Minister for Families and Children, the Honourable Jenny Mikakos. It relates to the children's facilities capital program minor grants announcement implications for Melbourne's west. This year the state budget delivered in full the Andrews Labor government's election commitment to invest \$50 million over four years to build and upgrade kindergarten facilities across Victoria. This represents a 35 per cent increase in state budget funding for children compared to the last four years. The Minister for Families and Children recently announced successful minor grants recipients in the 2015–16 facilities capital program. I ask the minister to detail to me the benefits of the program for Western Metropolitan Region, including an outline of funding received by kindergartens in my electorate.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Public Transport. I make reference to 21 June, the date the minister's new rail timetable was launched, which is viewed by Ballarat commuters as a very black day. The latest V/Line performance data has been released for October, and it is not pretty. In October 2014 punctuality on the Ballarat line was 92.2 per cent. This has now fallen under this minister to 87.3 per cent, which is absolutely disastrous. Given the minister has refused to do anything to fix the mess she has caused on the Ballarat train line, I ask: why has the minister abandoned the Ballarat rail service?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My constituency question is for the minister representing the Minister for Housing and comes via the Murundaka Cohousing Community Association, which I had the pleasure of visiting. Murundaka is home to about 50 residents in Heidelberg Heights, with shared facilities provided so that residents on very limited incomes can live sustainably whilst reducing their resource use. With up to 10 per cent of all food being grown on site as well as governance and chores being shared by all the residents, it is an incredible example of comfortable, sustainable community living in Northern Metropolitan Region. Decreases in the availability of affordable rental properties and increases in median house prices have meant that many people require this type of housing. My question is: can the minister outline what support there is for alternative affordable housing models in Victoria?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Environment, Climate Change and Water. I understand the government has indicated that Parks Victoria will move from its current location in Albert Park to another location, also within the park, by 30 June. I ask the minister to advise details of the planned move, including where Parks Victoria will go within the park, when, the cost of this move and also which department the money will come from.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is for the Minister for Public Transport. I note that the minister in reply to a previous question on 2 September said she welcomes the input of the Sunbury community with regard to Labor's broken promise on V/Line services to and from the town. Since then the minister has accepted my invitation to attend a community meeting in Sunbury. Despite her reluctance to discuss the issue everybody else wanted to talk about that night, I am sure the 200-plus locals in attendance left the minister in no doubt as to the community's feeling on the plan to kick Sunbury residents off V/Line services. Rather than merely welcoming community input, will the minister actually listen and act on it and stop the \$435 fine for Sunbury V/Line customers as of January 2016?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — The question I wish to raise on behalf of my constituents is for the Minister for Education, and it is in relation to representations I have received from a range of community members, including Ms Nina Kelly who is involved with an action group in the Keysborough area, as well as representations from the City of Greater Dandenong about the provision of education in the Keysborough area.

The department, I understand, has based its forecasts on its own — from the Australian Bureau of Statistics — stats. However, the maternal and child health stats, and given the growth in the area, indicate that there will not be sufficient capacity in the local area to accommodate the growth from prep through to year 12. I ask the minister: what plans are afoot to develop the capacity of the local area to cater for the growth, and are there any time lines for the construction of a new school, which is clearly needed, especially given the growth in the Keysborough area? I commend Nina Kelly for spearheading this issue.

PETITIONS

Following petition presented to house:

Special religious instruction

The petition of residents of Victoria draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year they will break this promise.

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews government reverses its broken promise and allow students attending government schools to attend SRI during school hours as has been the case in Victoria for decades.

**By Ms WOOLDRIDGE (Eastern Metropolitan)
(100 signatures)**

Laid on table.

**ADOPTION AMENDMENT (IDENTIFYING
BIOLOGICAL PARENTS) BILL 2015**

Introduction and first reading

Dr CARLING-JENKINS (Western Metropolitan) introduced a bill for an act to ensure the names of biological parents are included on the birth certificate of all adopted children, to amend the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996 and for other purposes.

Read first time.

**STANDING COMMITTEE ON LEGAL AND
SOCIAL ISSUES**

End-of-life choices

Mr O'DONOHUE (Eastern Victoria) presented interim report.

Laid on table.

Ordered to be published.

Mr O'DONOHUE (Eastern Victoria) — I move:

That the Council take note of the report.

It has been my absolute privilege to chair the inquiry into end-of-life choices since the house gave the reference to the Standing Committee on Legal and

Social Issues back in May. Let me say at the outset, we have worked very hard as a committee to discharge this most important reference that the house has given us. I thank the deputy chair, Nina Springle, and the other members of the committee — Margaret Fitzherbert, Cesar Melhem, Daniel Mulino, Fiona Patten, Inga Peulich and Jaclyn Symes — for the way the committee has worked together. I also acknowledge Lilian Topic, who has worked incredibly hard as the secretary to the inquiry and to the committee, Joel Hallinan, who is the inquiry officer, and the other Council committee staff, who have been so helpful.

The Parliament has a strong history when it comes to multiparty committees working to resolve and find practical solutions that reflect the will of the community with very difficult issues. What is often cited is the Road Safety Committee, the committee that originally recommended the implementation of mandatory seatbelts in Victoria, and Ms Crozier's committee's child abuse inquiry that has led to such substantive legislative change and has shone such a light on inappropriate past practices, abuse and the like. In previous parliaments I was proud to be part of the organ donation inquiry and to chair the Scrutiny of Acts and Regulations Committee review of the Charter of Human Rights and Responsibilities Act 2006. Both were challenging and somewhat politically contentious, but we achieved good outcomes.

As the Leader of the Government, Mr Jennings, in his speech on the motion for this reference, said, the government:

... hopes the inquiry will be acquitted in the spirit in which it has been commissioned, which is to acquit its responsibility on behalf of the Parliament and the community in a proper, respectful and inclusive way that does the best to establish a legislative framework, models of care and an ability for our citizens to be empowered into the future through the terms of reference I am recommending ... today.

This committee has done exactly that. We have worked incredibly hard. We have had over 1000 submissions. We have had over 100 witnesses give evidence personally. We have been to Shepparton, we have been to Geelong, we have been to Warrnambool, we have been to Traralgon, we have been to Bendigo. We had multiple hearings here in Parliament House on Wednesday nights. We have worked incredibly hard.

In his contribution Mr Jennings flagged two very narrow elements that the government was going to consider that impact on our terms of reference: a responsive, appropriate home-based palliative care model and advance care directives, an issue which is close to the Premier. Let me say that the committee was absolutely

blindsided when the Minister for Health put out on 28 October her release headed 'Victorians to have their say on end-of-life care'. She talks in her press release and in the discussion paper that was attached about a broad range of matters, much broader than that contemplated by the contribution of Mr Jennings.

The discussion paper looks at how to strengthen the framework to enable genuine choice; support individuals, families and carers; respond to diversity; help people to die well; and support the workforce. The paper includes a range of issues that this parliamentary committee has spent significant resources and a significant amount of members' time and secretariat time. Perhaps most importantly we have taken evidence from witnesses who are close to death, who are looking to this inquiry, looking to this committee, to make recommendations to respond to their personal situation.

Goodness knows what those people think now that Ms Hennessy has replicated this process with, I think, 19 consultations around Victoria calling for expressions of interest and for people to have their say. If you look at the blog the government has established, you can see that what people are saying on that blog reflects the submissions we have received. I am very concerned about where the committee goes now, given the amount of work it has done and given that the government has announced that its end-of-life framework will be completed by June next year, which does not allow enough time for the parliamentary committee to respond by the end of May and have the recommendations analysed or considered by government.

This is a most disappointing situation. Coming on the back of the point Mr Drum made in the last sitting week about the contemptuous two-page response from the government in relation to the Rural and Regional Committee exports inquiry, I am very disappointed about this. I am concerned about where we are going as a committee, and I seek clarification from the government about its intention in this area.

Mr MELHEM (Western Metropolitan) — I rise to speak on the motion to take note of the interim report of the Standing Committee on Legal and Social Issues inquiry into end-of-life choices. I concur with Mr O'Donohue in relation to the good work the committee has performed so far. All members of the committee have done excellent work, and we have received a lot of submissions and heard from a lot of witnesses. It has been great work. There has been a bipartisan approach; there is no question about that. Credit goes to the committee members as well as to the staff who support the committee. It has been excellent work, and I am looking forward to the final report,

which is going to be an interesting and challenging report. People have different views about where the committee is going to finish up with that subject, but I commend the good work of all the committee members.

Where I disagree with Mr O'Donohue is in relation to his criticism of the government. I want to remind the house that when that reference was made to the committee the Leader of the Government, Gavin Jennings, made no secret of the government's plans to specifically look at a number of issues relating to palliative care whilst the committee was undertaking its work. It is not a complete surprise. It is not a shock. Mr O'Donohue attacking the government on that is something I disagree with. I understand that maybe there should have been a bit more consultation before the announcement, and I accept that, but there is no doubt the government made its intention clear when that reference was given to the committee. With these comments, I look forward to the final report being tabled sometime next year, and again I want to congratulate the committee members and the staff on the good work they have done so far.

Ms PATTEN (Northern Metropolitan) — I will take a couple of moments to talk about the interim report of the Standing Committee on Legal and Social Issues inquiry into end-of-life choices. I have to say when I entered this Parliament people told me that committees were where you did the most work. This committee has done an extraordinary amount of work, and I feel very privileged to have been part of this process. We have, as Mr O'Donohue mentioned, visited regional areas throughout the state. We have received submissions from over 1000 people. We have had witnesses speaking to us about their personal stories and we have had peak bodies speak to us. Leaders in so many areas have come to share their thoughts, their ideas and their recommendations on how we can make for a better end-of-life experience for Victorians and how we can ensure that more Victorians have good deaths.

The end-of-life choices inquiry has been hearing from, as Mr O'Donohue mentioned, people who are dying and people whose family members are dying. I feel incredibly privileged to have heard such personal stories, and the feedback from the participants is that they have been incredibly grateful for the opportunity to express their desires and to share the sometimes horrendous stories they and particularly their families have about end-of-life experiences. I am concerned that the government is now asking a number of those people to repeat those stories in another format. This committee has already received extraordinary information on what carers need, on what palliative care we need, on advance

care planning and on advance care directives and the conversation about death.

Ms FITZHERBERT (Southern Metropolitan) — I want to add some comments to those that have already been made in relation to the interim report of the Standing Committee on Legal and Social Issues' inquiry into end-of-life choices that has been put before us by Mr O'Donohue. I start by reiterating the comments of other members and thanking Lilian Topic and her staff for the work that has been done for us, which I know has been not only very labour intensive but often distressing for everybody involved. I thank them for the effort they have made.

There has been a huge and significant investment in this inquiry by organisations and also by individuals who have appeared before us. I note that the original motion that we debated changed the subject matter for this referral and extended and broadened it to include palliative care. In other words, this place made a deliberate statement that that was something that we as a committee needed to look at. It was made clear and, as I recall, was in fact significant in terms of who supported the referral.

I want to reiterate that it is an enormously sensitive subject matter that we are dealing with. This is literally life and death stuff, to use the cliché, and people have been enormously generous in sharing very personal details, very hurtful details and often difficult memories and experiences. They have done that because they believe that there is a good reason to do so, that this committee is going to be the place where they can find some answers and a positive policy direction to respond to the issues they raise. It was indeed surprising to see the government's recent announcement that it will duplicate effectively what we are doing. I hope that we can get some greater clarity in coming days to indicate how we are going to reconcile these two positions so we do not see further duplication and waste of time and waste of resources.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to make a few comments on the interim report of the Standing Committee on Legal and Social Issues inquiry into end-of-life choices in the short amount of time I have available and to endorse Mr O'Donohue's comments and the comments made by previous members. I must say that I was quite cynical about the reference to begin with, and my comments are in *Hansard*, because I felt that if the intention of the government was to simply improve existing services and protocols surrounding end-of-life choices, it could have been better done by the relevant department. However, if there was a will to change the legislative framework, in

my humble view the inquiry would have been better undertaken by a joint house committee where new policy ground could be covered.

However, having been involved in a number of those committees, I did not feel that too many votes would swing following such an inquiry and that the ultimate debate would actually be carried here on the floor of the chamber. However, the house made its decision and in good faith we all went along with that. I did believe at the time that the government had agreed with the reference to appease the minor parties, to keep the opposition members busy, and indeed, as I said, to use up a bit more time and unfortunately a lot of the resources.

A little while ago we heard from one of the experts that supporting euthanasia was a political vote winner. I simply think that the Minister for Health, Ms Hennessy, has had that information conveyed to her, rubbed her hands with glee and said, 'I am going to get in on the action'. This is another cynical exercise. The committee should be allowed to complete its work before the department and the minister embark on their own consultation. I think it is only this that could abate the cynicism and certainly allay the confusion and not make a mockery of the system and the motion that was passed by this chamber.

Ms SPRINGLE (South Eastern Metropolitan) — There is probably not a lot I could add in all honesty, but I would like to add my thanks to the staff of the committee, who have worked so tremendously hard on this inquiry in quite adverse and under-resourced circumstances. The tributes that have been paid to them are very warranted. I would also like to thank my fellow committee members. This material is highly emotive and it is values-based. It has been quite harrowing at times to listen to some of the testimony we have heard. Everyone has come to it with goodwill and non-partisanship, which has been incredibly helpful in how smoothly the work has gone and which is why, on the whole, the announcement by the government last week was entirely surprising. It may well have been flagged in some form by Mr Jennings, but that was not clear to most of us.

What I would add is that I think this impacts in many ways on resourcing. The website the government has published is an incredibly impressive and, I would suspect, quite expensive website, when this particular committee is incredibly under-resourced and its staff have been having to make cuts to their work the whole time we have been undertaking this inquiry, and I think that is by and large unfair. We have endeavoured to do the best job we can with very limited resources, so if the

government has the resources to spend on infrastructure and technology of that calibre I am a little perplexed as to why that might not have been directed towards this committee to make the staff's job a little easier. I look forward to hearing from the government in the coming days as to how we can make this work.

The PRESIDENT — Order! I would like, for the information of the house, to make a few remarks in respect of this matter. Whilst I am not a member of the committee, as members will appreciate, when I was informed by the minister of the establishment of a second inquiry with respect to end-of-life choices, I was somewhat surprised, given that the existing committee work that has been done by Mr O'Donohue's committee was the subject of a government reference. To that extent I communicated with the Special Minister of State, Mr Jennings, and sought some clarification of what the government's intentions were with regard to the new inquiry and how it might impinge upon the work — indeed the very fine work — that has been done by members of Mr O'Donohue's committee and the staff of the committee in an inquiry that is obviously very sensitive and tracks some very emotional ground for a lot of people.

The number of people who have made submissions to that committee, as earlier speakers have referred to in the context of their remarks to this report — well over 1000 submissions — and indeed the various hearings that have been held around Victoria have meant that this committee has done some very fine work, so I was very surprised. I thank Mr Jennings for following up the matter with the Minister for Health, Ms Hennessy, who has written to me and provided some context for the second inquiry. I understand the minister is to meet with Mr O'Donohue shortly to discuss the two inquiries and how they might run in parallel and hopefully not provide a duplication or indeed, from my point of view, provide confusion to those people who have already made submissions and already gone through, in some cases, perhaps a fairly traumatic process to make those submissions and then say, 'How come I am having to do this again on the same matter?'.

I have written to Ms Hennessy and also sought a meeting with her to discuss the matter of the second inquiry so that I can understand what the expectations of the government are in terms of the committee formed by this house and dealing with the reference provided by the government in respect of end-of-life choices. I have made some points about the difficulty that we have had in resourcing that committee given the very significant scope of that inquiry. It has been a substantial piece of work. It is well advanced. It has been undertaken, I think, with a great deal of goodwill by all of the

members of the committee and indeed by the staff. I particularly want to praise the staff for the work that they have put in, given the volume of work and particularly the volume of those submissions in terms of supporting the members of that committee.

I look forward to having perhaps a better understanding of how these two inquiries might proceed and what they might contribute, one to the other going forward. Indeed I expect that members of the committee will also be seeking that sort of information, and the house at some point may have some views in terms of the committee's position. But I thought it was important that I report to the house that I had actually followed this matter up. I do thank Minister Hennessy for her response and certainly Mr Jennings for facilitating that response on this occasion.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Investigation into allegations against Auditor-General

Dr CARLING-JENKINS (Western Metropolitan) presented report, including an appendix.

Laid on table.

Ordered to be published.

Dr CARLING-JENKINS (Western Metropolitan) — I move:

That the Council take note of the report.

I wish to make a brief contribution on the report. As many members would appreciate, this has been a demanding and sometimes very difficult task that was placed before the committee and the staff. I place on the record my appreciation for the efforts and the contributions of the Public Accounts and Estimates Committee's chair, Danny Pearson, and deputy chair, David Morris, the members for Essendon and Mornington respectively in the Assembly, and the efforts and contributions of all committee members — Danny O'Brien, Tim Smith, Steve Dimopoulos and Vicki Ward, the members for Gippsland South, Kew, Oakleigh and Eltham in the other place, and to Sue Pennicuik and Harriet Shing in this house.

It is also necessary to acknowledge the contributions made by the Deputy Clerk of the Legislative Assembly, Bridget Noonan, and the Assistant Clerk Committees in the Assembly, Dr Vaughn Koops, and the staff of the

committee, including Chris Gribbin and Phil Mithen. I thank particularly former High Court judge, Ken Hayne, for the diligence, thoroughness and professionalism he applied to this report, as well as Peter Stewart and Jacqueline Parker from the Victorian Government Solicitor's Office.

I do not intend to comment on the detail of this report other than to advise the house that, as members will appreciate when they have had a chance to read the report in detail, it is a very comprehensive report which reflects the best endeavours of the committee.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 14 of 2015, including appendices.*

Laid on table.

Ordered to be published.

Mr DALLA-RIVA (Eastern Metropolitan) — I move:

That the Council take note of the report.

I will make reference to the committee's report for members' attention in respect of some of the legislation that may be in contention in coming into this chamber, in particular the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015, which is referenced on page 9 of the report. The Scrutiny of Acts and Regulations Committee takes into account issues around matters of freedom of speech and whether the bill trespasses unduly upon rights or freedoms. It references *Lange v. Australian Broadcasting Corporation*, a High Court case, and talks about the concerns within the issue around the safe access zones. It also refers that matter to Parliament to consider, which I think is appropriate. The *Alert Digest* talks about the charter report, and I encourage members to make themselves aware of that.

The committee received submissions from the Australian Christian Lobby, Family Planning Victoria, the Fertility Control Clinic, the Human Rights Law Centre and Women's Health Victoria. I thank those organisations for their submissions, in particular I appreciate the report that was provided by the Human Rights Law Centre. Whilst strongly supporting the bill, I thought it was worthwhile in preparation for the debate

on this bill to look at the court decisions on the legality of access zones in the USA and Canada, in particular some of the matters that have been upheld in the US Supreme Court and in the British Columbia Court of Appeal.

In respect of some of the zones that have been allowed, I think it is important for members to be aware of the no-approach zone areas as they are known in the US or fixed buffer zones in Canada. They are 100 feet in Colorado; 18 feet in Massachusetts; 50 metres in British Columbia, Canada; 35 feet again in Massachusetts; and 15 feet in the City of Pittsburgh. I make the point that there are going to be some issues around the extent to which the buffer zones that have been indicated in the bill that will be before our chamber reflect what is happening around the world. Other than that, I hope members have a good read of this report.

Motion agreed to.

BUDGET SECTOR

Financial report 2014–15

The Clerk, pursuant to section 27D(6)(c) of the Financial Management Act 1994, presented report, incorporating quarterly financial report no. 4.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Architects Registration Board of Victoria — Minister's report of receipt of 2014–15 report.

Australian Health Practitioner Regulation Agency — Report, 2014–15.

City West Water Corporation, Report 2014–15.

Consumer Affairs Victoria, Report 2014–15 (*Ordered to be published*).

Commissioner for Children and Young People, Report 2014–15.

Court Services Victoria, Report 2014–15.

Crown Land (Reserves) Act 1978 —

Minister's order of 18 September 2015 giving approval to the granting of a lease and a licence at Albert Park.

Minister's order of 19 September 2015 giving approval to the granting of a lease at Mordialloc-Mentone Beach Park.

Minister's order of 19 September 2015 giving approval to the granting of a licence at Kings Domain and Alexandra Park.

Minister's order of 21 September 2015 giving approval to the granting of a licence at Mordialloc-Mentone Beach Park.

Minister's order of 9 October 2015 giving approval to the granting of a lease at Flemington and Kensington Reserve.

Minister's order of 13 October 2015 giving approval to the granting of a lease at Victoria Park.

Minister's order of 9 November 2015 giving approval to the granting of a lease at Albert Park.

Education and Training Department, Report 2014–15.

Environment, Land, Water and Planning Department, Report 2014–15.

Geoffrey Gardiner Dairy Foundation, Report 2014–15 (Part 2).

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of 2014–15 report.

Judicial College of Victoria, Report 2014–15.

Justice and Regulation Department, Report 2014–15.

Melbourne Water Corporation, Report 2014–15.

National Environment Protection Council, Report 2013–14.

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

Boroondara Planning Scheme — C195 (Part 1) and C212 (Part 1).

Brimbank Planning Scheme — C181.

Casey Planning Scheme — C209.

Greater Geelong Planning Scheme — C355.

Greater Shepparton Planning Scheme — C178.

Hobsons Bay Planning Scheme — C96.

Knox Planning Scheme — C132.

Melton Planning Scheme — C119.

Nillumbik Planning Scheme — C91.

Victoria Planning Provisions — VC101.

Whitehorse Planning Scheme — C110.

Whittlesea Planning Scheme — C181.

Yarra Planning Scheme — C173 (Part 1).

Yarra Ranges Planning Scheme — C144.

Professional Standards Council Victoria, Report 2014–15.

Residential Tenancies Bond Authority, Report 2014–15.

South East Water Corporation, Report 2014–15.

Statutory Rules under the following acts of Parliament —

Conveyancers Act 2006 — No. 122.

Drugs, Poisons and Controlled Substances Act 1981 — No. 124.

Land Conservation (Vehicle Control) Act 1972 — No. 123.

Local Government Act 1989 — No. 119.

Road Safety Act 1986 — Nos. 120, 121 and 125.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 118 to 120 and 122.

A Legislative Instrument and related documents under section 16B in respect of a Ministerial Direction, dated 23 October 2015, under section 3.2.3(1) of the Gambling Regulation Act 2003.

Surveyors Registration Board of Victoria — Minister's report of receipt of 2014–15 report.

Treasury and Finance Department, Report 2014–15.

Treasury Corporation of Victoria, Report 2014–15.

VicForests, Report 2014–15.

Victoria Grants Commission, Report 2014–15.

Victoria State Emergency Service Authority, Report 2014–15.

Victorian Commission for Gambling and Liquor Regulation, Report 2014–15.

Victorian Law Reform Commission, Report 2014–15 (*Ordered to be published*)

Workplace Injury Rehabilitation Compensation Act 2013 — Ministerial direction of 21 October 2015 pursuant to section 610(1).

Yarra Valley Water Corporation, Report 2014–15.

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

Local Government Legislation Amendment (Environmental Upgrade Agreements) Act 2015 — 1 November 2015 (*Gazette No. S317, 27 October 2015*).

National Electricity (Victoria) Amendment Act 2015 — 1 November 2015 (*Gazette No. S317, 27 October 2015*).

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 6 November from the Attorney-General headed 'Production of documents — City of Port Phillip draft planning amendment C107':

I refer to the Legislative Council's resolution of 7 October 2015, seeking the production of all documents created on or after 4 December 2014 in relation to the City of Port Phillip draft planning scheme amendment C107.

The Council's deadline of 11 November does not allow sufficient time for the government to respond to the Council's resolution. The government will endeavour to respond as soon as possible.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 11 November 2015:

- (1) order of the day 23, resumption of debate on a motion relating to police resources in Victoria;
- (2) notice of motion given this day by Ms Patten referring a matter to the Law Reform, Road and Community Safety Committee relating to illicit drug demand, supply and treatment issues;
- (3) notice of motion 179 standing in the name of Mr Drum relating to drought conditions in Victoria; and
- (4) notice of motion 180 standing in the name of Mr Davis relating to the Melbourne Metro rail link.

Motion agreed to.

MINISTERS STATEMENTS

Early childhood education

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on a number of measures the Andrews Labor government has recently announced to strengthen early childhood education for Victorian families and children. During Children's Week I announced more than \$1 million in initiatives to boost the quality of early childhood education in Victoria. The Andrews Labor government is making Victoria the education state, and this starts right from birth. We recently held a statewide education state consultation on the future of early years services in Victoria. These ideas will form part of the development of our government's long-term vision, but we also want to build on these measures for these important years in the shorter term.

The first part of this package is a range of supports for our early childhood workforce through training and professional development opportunities. There is \$260 000 for internationally recognised training for 50 experienced early childhood teachers so they can mentor and support new graduates and teachers working in isolated areas. We are supporting our less experienced early childhood teachers to become more effective. The package also includes \$70 000 in training for 900 early

childhood professionals to work with children who have experienced trauma and family violence. The Royal Commission into Family Violence has highlighted the critical impact of family violence on children, and we are supporting our early childhood workforce to understand the impact of toxic stress and trauma on these children and to best support them while in their care. The package also includes \$190 000 in face-to-face training to assist early childhood teachers to fully understand their new mandatory reporting obligations and to help them to respond effectively to children whose safety, health or wellbeing may be at risk.

The second part of the Children's Week package was to announce an investment of \$485 000 in a transition support fund to provide further assistance to kindergartens to transition to new staff-to-child ratios. These extra resources will assist with the kindergartens' strategic and financial planning as they transition to the new ratios, which will provide more one-on-one time for children and boost the value they receive from participation in kindergarten in preparation for school. I also announced grants to 41 new playgroups across the state, especially in areas where no playgroups or a low number currently exist, as part of the \$50 000 Great Start Community Playgroup Fund.

All these initiatives are about ensuring that we tap into the early years, which are vital for brain development and giving children the best start in life.

Vocational education and training

Mr HERBERT (Minister for Training and Skills) — I wish to inform the house of new action the Andrews Labor government is taking to boost training and skills and get Victorians back to work. On 22 October I announced a \$70 million package that will assist TAFEs to support apprenticeships and traineeships and help some of our most disadvantaged Victorians complete training. As part of that we are establishing a \$20 million Reconnect program for TAFEs and community providers to address the drop in early school leavers taking up training. There will also be an additional \$50 million for TAFEs to expand training and support for apprenticeships and traineeships.

This is an urgent response to the 2015 half-year Victorian training market report. The report shows the legacy of the former government's TAFE cuts and shambolic policy which continues to flow through the system. Government-funded vocational education and training (VET) enrolments were down 14 per cent, the number of foundation students was down 40 per cent, VET enrolments of early school leavers were down 17 per cent, enrolments at TAFEs and dual sectors were

down by 15 per cent and there was also a 34 per cent drop in traineeships, basically as a result of the cuts to subsidies for traineeships, such as those in the traditional areas of retail and hospitality, which occurred under the previous model.

We also have the commonwealth's VET FEE-HELP debacle, which is distorting state training markets and luring students into low-quality diplomas which result in huge debts. Until that fiasco is cleaned up, and until confidence can be restored in our training market, activity is expected to decline for the rest of the year at least, not only in Victoria but across Australia. The training market report paints a bleak picture of the contempt the previous government showed for the VET system.

Having said that, I note that I was pretty disappointed to see that the shadow minister's response was one of blatant opportunism as opposed to decent policy. In fact she even said that the Labor government had promised to provide an extra \$1.2 billion to TAFEs, which is simply not correct. Those opposite can have a look at a media release and check the veracity of that.

Fixing up our training system is an enormous task. It is a task where we have to both have the commonwealth government fixing up the VET FEE-HELP fiasco and have a new funding model and quality level. It is like turning around the *Queen Mary*; it will not happen overnight.

MEMBERS STATEMENTS

Public transport

Ms DUNN (Eastern Metropolitan) — In August the *Economist* proclaimed Melbourne as the world's most livable city for the fifth consecutive year. There are certainly areas of Melbourne which have good infrastructure and good public transport, services and job opportunities, but there are many, many parts of Melbourne that have poor infrastructure, poor public transport and limited job opportunities. This is indeed a tale of two cities: one Melbourne for the haves and another for the have-nots. There is a growing divide in our city.

Among the most important indicators of livability are congestion and access to public transport. Large swathes of Melbourne are grinding to a halt every day due to debilitating congestion and limited or no access to public transport. Earlier this week the *Age* reported on a congestion index. Most concerning is the extensive congestion in outer Melbourne and many areas which have little or no public transport — suburbs such as

Mulgrave, Scoresby, Hallam, Wantirna and the suburbs in the north-west around Melbourne Airport. The government needs to urgently implement improved public transport for these communities. Buses are particularly effective because they are relatively cheap to implement and the road infrastructure is already in place, but we also need to improve connectivity between bus routes, trams and train lines. We must ensure that all Melburnians, not just those who live in the inner city, are able to enjoy the livability for which our city is famous.

Prahran secondary college

Mr DAVIS (Southern Metropolitan) — My matter today concerns Prahran secondary college and an important election promise of the coalition which was backed up by \$20 million in last year's state budget. I pay tribute to the coalition government for the work done under it in Prahran which specifically ensured that there was a location available at the Victorian College for the Deaf for a Prahran secondary college site. Since then the opportunity has slipped; we have lost it. This government and its Minister for Education have let it go, and that is a tragedy.

Last night I attended an important briefing session run by the Minister for Education and many of his bureaucrats. There were some good things, but it was disappointing to hear the minister admit that more money was going to be needed and there was no clear source for it — although he promised to find it. The minister then had his bureaucrats talk at length about vertical schools. I can tell members that vertical schools may be necessary in some areas but they would not have been necessary in Prahran if the minister had acted to secure the site at the Victorian College for the Deaf. The fact is that the proposal by the minister to put the college at the Melbourne Polytechnic site — a small site, little bigger than a postage stamp — is not an ideal solution. The opportunity has been lost because of this government's misbehaviour and incompetence.

Boys and girls of this age should have the opportunity to have an expansive place to play. Where will the children play at this new site? I look forward to holding the government to account on this matter. I look forward to making sure a better outcome is followed through and that the \$20 million the coalition put in is spent wisely on the best outcomes for students in Prahran.

Jones and Bunting roads, Brooklyn

Mr MELHEM (Western Metropolitan) — Last week it was a pleasure to join my parliamentary colleague the Minister for Police and local member for Williamstown, Wade Noonan, to celebrate the

completion of the capital works on Jones and Bunting roads in Brooklyn. These works are a product of tireless community activism and a significant amount of funding from both Brimbank City Council and the Andrews Labor government.

The 7000 cars and trucks that use Jones and Bunting roads every day contribute to the large amount of dust being released into the air, negatively impacting surrounding businesses, residents' quality of life and the environment. The sealing of these roads adds to the amenity and environmental sustainability of the Brooklyn industrial precinct, which provides a large amount of investment and employment in Melbourne's west.

This improvement to the access and quality of the roads is due to the hard work of many committed individuals whom I had the pleasure of meeting at the official opening. These include Bert Boere and Laurie Bell from the Brooklyn Residents Action Group, Geoff Mitchelmore and the Friends of Lower Kororoit Creek, and Bruce Light. I also want to thank the Minister for Police for his hard work. He has long campaigned for improvements to the environmental impact and sustainability of the industrial precinct and surrounding residential areas. I would also like to pay tribute to the hard work of those at the Brimbank City Council for making sure that road is finally sealed and the issue put to bed.

Daryl Millar

Mr PURCELL (Western Victoria) — I am pleased to rise today to acknowledge a great example of hard work, loyalty and commitment in the workforce by a local Port Fairy family. Daryl Millar will officially retire from Sun Pharmaceutical Industries next month, after 35 years with the company. He began as a production plan operator before being promoted to shift foreman 20 years ago. Daryl's father, Harold, was a shift foreman for 32 years, and his grandfather, Ken, was employed at the factory for 25 years. Together the Millar men of Port Fairy have contributed 92 years to this business, which first opened in 1920, some 95 years ago.

Daryl has adult children, but it is too early to tell whether they will continue the family legacy at the Port Fairy factory. The Millar family has shown a remarkable example of loyalty to this local industry. I wish Daryl a long and happy retirement.

Darren Weir and Michelle Payne

Mr RAMSAY (Western Victoria) — My congratulations to local Ballarat trainer Darren Weir and

jockey Michelle Payne on a fantastic win on Prince of Penzance in the Melbourne Cup and on more wins in regional races preceding the cup last week.

Bellarine and Surf Coast agribusinesses

Mr RAMSAY — Whilst they were toasting their success, the Bellarine, Moorabool Valley and Surf Coast regions were tasting theirs, with huge crowds savouring offerings from the 33 vineyards participating in the Toast to the Coast. Well-known wineries like Jack Rabbit, Flying Brick, Leura Park, Oakdene, Scotchmans Hill, Austins & Co., Clyde Park and, on the Surf Coast, Brown Magpie, Mt Duneed Estate and Bellbrae Estate all opened their cellar doors to thousands of visitors.

Meanwhile on the Surf Coast next year a new and exciting business will open its doors. The Great Ocean Road Chocolaterie and Ice Creamery will open in the autumn, providing 57 full-time jobs and building on the Surf Coast's growing reputation as a food and wine destination. Agribusiness is thriving on the Bellarine Peninsula and Surf Coast. Not only are wineries and the chocolaterie making their mark, but there is also The Farmer's Place at Freshwater Creek, Ravens Creek Farm near Moriac, the Otway Harvest Trail and Buckleberry Farm near Winchelsea.

We have a wealth of fresh food and wineries that are driving huge tourist trade and showcasing the offerings of the Bellarine region to the general public. I congratulate the organisers of the Toast to the Coast, including the City of Greater Geelong, the Committee for Geelong and G21, which all worked collaboratively to develop these new industries on our coast, and also the Napthine government for providing planning and assistance for a chocolaterie on the Great Ocean Road.

United Firefighters Union

Ms HARTLAND (Western Metropolitan) — For over 20 years I have worked with the United Firefighters Union. My first interaction with it was when I was the spokesperson for HAZMAG, a local community group which was very concerned about issues around the chemical fires at Coode Island and the United Transport depot. In more recent times it has been about presumptive legislation. I have done what I could to support the many firefighters who have contracted cancer because of their work and who have been denied WorkCover payments.

During the previous Parliament I introduced a bill to address this issue and to provide firefighters — both career and volunteer — with proper WorkCover protection. The Liberal-Nationals government at the

time refused to debate the bill and blocked progress on the issue at every turn, including questioning the science on which it was based. It was not until the last week of the election campaign that the government indicated its support for legislative reform when it realised the issue was hurting it politically.

The Andrews Labor opposition promised to support the legislation, but more importantly it also promised to honour and respect the work of firefighters. However, something has changed in the last two weeks. The government has walked away from bargaining in good faith on the firefighters enterprise bargaining agreement. I support and respect our firefighters and the United Firefighters Union and urge the government to do so also, not in words but in actions, and to return to the enterprise bargaining agreement negotiations — —

Mr Drum interjected.

Ms HARTLAND — Clause 2 of that bill was volunteers, Mr Drum.

Duqm Special Economic Zone delegation

Mr EIDEH (Western Metropolitan) — On 26 October I was delighted to be joined by my parliamentary colleagues the Minister for Industry, the Minister for Training and Skills and the President of this house to welcome a visiting delegation from Duqm Special Economic Zone, which is a significant project on the east coast of Oman. I would also like to thank the Minister for Roads and Road Safety, who organised a tour of the port of Melbourne for the delegation, and the Minister for Small Business, Innovation and Trade for his contribution on the day.

The delegation, led by the ministerial-ranked His Excellency Yayha Bin Said Al-Jabri, chairman of Duqm Special Economic Zone, did a wonderful job of showcasing and promoting the project. The Duqm Special Economic Zone was established by royal decree in October 2011 as a tool to diversify the economy of the Sultanate of Oman. It is one of the biggest special economic zones in the Middle East. The 1745-square-kilometre zone includes a 60-kilometre beachfront, a port, a ship dry dock, an oil refinery, a regional airport, a heavy, medium and light industries complex, a residential, commercial and tourism area and a logistic services area.

I thank the delegation for coming to Melbourne to promote the Duqm Special Economic Zone project and wish it all the very best with the development.

Members for Polwarth and South-West Coast

Mr MORRIS (Western Victoria) — I would like to begin by congratulating Roma Britnell and Richard Riordan. It may come as a surprise to those opposite, but we have actually had a couple of by-elections in the state of Victoria in the Assembly seats of South-West Coast and Polwarth. Roma Britnell, in the South-West Coast electorate, managed to achieve a margin of 10.58 per cent in the two-candidate preferred vote. Richard Riordan, in the Polwarth electorate, achieved 49.67 per cent of the primary vote. Both of those are emphatic results and great endorsements of two great candidates — now members of this Parliament. I am quite sure both of them will represent their electorates with distinction, as did the previous members for South-West Coast and Polwarth, the former Premier, Denis Napthine, and Terry Mulder.

Melbourne Cup

Mr MORRIS — I would also like to congratulate the winners of the Melbourne Cup. The horse, Prince of Penzance, which achieved the win was trained by a Ballarat trainer, Darren Weir, Victoria's leading horse trainer; the very first female jockey ever to win the Melbourne Cup was local Ballarat girl Michelle Payne; and I think Stevie Payne might be described now as the world's most famous strapper. It was a fairytale story, and I congratulate all the connections.

Monica Fakhry

Mr ELASMAR (Northern Metropolitan) — On Friday, 23 October, I was delighted to attend a very special graduation ceremony organised by Antonine College to present the Victorian certificate of education 2015 academic diligence award to Ms Monica Fakhry, a most worthy recipient. My aim in establishing this award some years ago was to continue to encourage young students to aspire to academic excellence. The college's reputation has grown as a learning institution that promotes and encourages a standard of excellence that is second to none in Australia. I am sure Monica's parents and family are thrilled about her outstanding achievement. This young lady has certainly made her parents and Antonine College very proud.

St Nicholas Philanthropic Society of Protty

Mr ELASMAR — On another matter, on Saturday, 24 October, I was proud to represent the Premier, Daniel Andrews, at the annual charity event hosted by St Nicholas Philanthropic Society of Protty. The aim of the evening was to raise funds for the Children's Cancer Foundation, with all proceeds of the event going to the

cancer foundation. This organisation has been in operation for more than 50 years and has raised significant funds for children with life-threatening diseases. I congratulate the St Nicholas society for its wonderful life-saving philanthropy.

Cage fighting

Ms CROZIER (Southern Metropolitan) — What a shambolic state of affairs we have in the state of Victoria when the very person who is responsible for the Child Wellbeing and Safety Act 2005 supports children being able to attend the spectacle and brutality of cage fighting. This weekend's Ultimate Fighting Championship (UFC) event allows children to attend, and the Andrews government supports them doing so, despite the fact that the Victorian branch of the Australian Medical Association, Victoria Police, the Australian of the year, Rosie Batty, and the Crime Victims Support Association questioned the need for such a competition.

Anyone who has seen images of blood spurting from competitors' faces, twisted limbs and the looks of pain on those faces should be outraged that children in Victoria will be able to attend these events. What does it say to children for them to be in a live forum watching this level of violence? It indicates to children that brutal fighting like this is okay. It is sending a terrible message to families and children that extreme violence is now family entertainment. What makes it more confusing is that UFC DVDs have MA 15+ ratings — that is, they are not suitable for people under 15 years of age. Not only is there regulation on watching UFC DVDs, but there is also this mixed message from the government. The Andrews government is sending a mixed message to the Victorian community. On the one hand we have a Royal Commission into Family Violence, but on the other the government thinks it is okay for children to attend the brutal event of cage fighting. The minister is completely out of step with community expectations on this issue, as we seek to educate children about respectful relationships and to eliminate violence, especially family violence, within our communities.

Barmah and Gunbower national parks

Ms SYMES (Northern Victoria) — It was my great pleasure last week to visit parts of my electorate that are along the Murray River. I visited the Barmah National Park and Masters Landing on Gunbower Island. It was wonderful to see firsthand, and formally open, the improvements, including the new visitor facilities, the campground and day visitor area, the new concrete boat ramp, the new toilet facilities, the picnic shelter and tables, the fencing to improve safety around large red

gums and access track improvements and some lovely signage. During my visit the signage along the Heritage River Trail in Gunbower was unveiled. From Aboriginal history to European settlement the Heritage River Trail in Gunbower provides a wonderful insight into the rich history of Gunbower and its surrounds, including the trade that once took place along the river and the lives of those who lived and worked there.

One such family is the Masters family. Three generations of the family were raised in a cottage along the river. It was lovely to see so many members of that family celebrating the upgraded facilities, including a new fence around the historic cottage. They are great people; 80 to 90 members of that family congregate at that site each Easter to camp and celebrate their family history. I wish them all well for this coming Easter.

I would also like to congratulate the Gunbower & District Development Group and all those involved in developing the new interpretative signage. It is a great tourism drawcard for northern Victoria. Further, I would encourage anyone to go up north and along the Murray River this year to visit the wonderful new facilities.

Remembrance Day

Ms FITZHERBERT (Southern Metropolitan) — Today, 10 November, is a day bookmarked by two very special anniversaries. Tomorrow is Armistice Day, the day we remember the end of World War I and acknowledge the courage and sacrifice of men and women in the armed services. Tomorrow morning at a local service I will be thinking particularly of two of my great-grandfathers who fought in the British navy and the Indian Army. Like so many others, they made great personal sacrifices, and these in turn affected their families in ways that reverberated for decades.

Kristallnacht

Ms FITZHERBERT — The other anniversary I wish to acknowledge is Kristallnacht. On the night of 9 November 1938 Jews throughout Germany were subjected to an appalling coordinated attack. It is estimated that around 91 Jews were killed that night. Jewish homes and organisations were attacked with sledgehammers. More than 1000 synagogues were burned and desecrated, and more than 7000 Jewish businesses were destroyed or damaged. Tens of thousands of Jews were arrested and later deported to concentration camps. This is a very brief account of the atrocities committed against Jews on Kristallnacht. These facts are repugnant, but it is important that they

are always remembered. Anti-Semitism continues to be an ugly scar in our community.

May these anniversaries remind us all of how much we owe to those who fought for the way of life that we enjoy today, as well as our own obligation to always fight anti-Semitism in our own place and time.

Port to Port bike ride

Mr DRUM (Northern Victoria) — My members statement concerns the Port to Port bike ride on the weekend, which commenced in Mildura, travelled through Swan Hill and finished in Echuca. The Nationals entered a team, and it was a great effort by Peter Crisp, the member for Mildura in the other place, and also the Leader of The Nationals in the Assembly, Peter Walsh, whose new electorate stretches all the way from Swan Hill to Echuca. Mallee Family Care was the main beneficiary of the ride, which was over 400 kilometres, mostly into the wind. We were joined by Senator Bridget McKenzie and the federal member for Mallee, Andrew Broad. The federal member for Gippsland, Darren Chester, was absent, probably because it was a team event and Mr Chester tends to like running on his own in marathons.

I acknowledge the team of members from the other place: Peter Walsh, Peter Crisp, Steph Ryan, Tim McCurdy and Tim Bull, as well as Melina Bath in this place. Swan Hill mayor Michael Adamson was a member of our team, as well as Ms Bath's two sons, Darcy and Lachlan — and thank goodness they were there. I have no hesitation in saying that it was an incredibly tough ride, and our preparation may have been a tad on the light side, especially the last 100 kilometres on Saturday into the wind all the way from Boundary Bend to Swan Hill.

I congratulate all of the teams and riders for their efforts on the bikes, and also the fundraising efforts for each of their respective charities, especially Mallee Family Care. Whilst the contribution from our federal colleagues may have been minimal — the real star was Peter Walsh — they should be very proud of their efforts.

Roghayeh Sadeghi

Ms TIERNEY (Western Victoria) — I take this opportunity to congratulate a very special student in my electorate, Roghayeh Sadeghi, who recently won a Newsboys Foundation youth leadership award at the Victorian student representative awards in Melbourne. Ms Sadeghi arrived in Australia from Iran with her family of nine in 2012. Hailed by her peers as an inspirational leader, Ms Sadeghi transformed herself

from someone who spoke no English to head of Northern Bay College's student leadership across five campuses. She seeks to challenge stereotypes, and she certainly is doing so. Her determination has been recognised with this award presented by the Minister for Education last week.

Jayne and Daryl Collins

Ms TIERNEY — On another note, I wish to congratulate Jayne and Daryl Collins from Birregurra, who recently received the 2015 Excellence in Small Business award at the Colac Otway Business Awards. Jayne and Daryl took over the Hillview Cattery near Birregurra one year ago as tree changers, and have excelled in the business. I would like to make specific mention of their trainee, Alice, who came to Hillview through the national disability insurance scheme employment program. Through the guidance of Daryl and Jayne, Alice has built up her confidence, initiative and skill level, and has now been offered a permanent employment position at the Hillview Cattery.

Lorne Kindergarten

Ms TIERNEY — Last month Lorne Kindergarten beat over 100 other Victorian schools and kinders to win the Early Childhood Service of the Year in Sustainability Victoria's ResourceSmart Education Awards. The kinder's junior earthlings program earned the kindergarten the top honour and the prize money, which will be invested into two family-focused not-for-profit programs, one in Laos and the other in the Indigenous community of Kalkarindji in the Northern Territory. I congratulate all involved in the program.

Michelle and Stevie Payne

Mr FINN (Western Metropolitan) — I did not back the winner of the Melbourne Cup, and for the first time I am not too unhappy about that. In fact I am absolutely delighted with who did win it and the lessons that the win has had for our community. As impressed as I was with Prince of Penzance winning at 100 to 1 — although not, I suspect, as impressed as the bookies — it was the jockey and strapper who caught my attention and the imagination of the entire nation. The scenes in the mounting yard when Michelle Payne embraced her brother Stevie left a tear in the eye of millions, and I must include myself among them.

The story of the Payne family is one to inspire every Australian. Michelle and Stevie's struggle to overcome adversity is a tale of true Aussie grit. From Michelle losing her mother at the age of six months and suffering a dreadful fall that threatened to end her career, to Stevie

refusing to let Down syndrome be a disability that would stop him living a happy and productive life, theirs is a journey of which dreams are made. Michelle Payne and her brother Stevie have captured Australia's heart. They are entirely deserving of being named joint Australians of the Year for 2016. They are a choice that would be met with nationwide acclaim. Michelle and Stevie Payne would be the Australians of the Year our nation needs. They are champions whom we can all get behind.

GAMBLING LEGISLATION AMENDMENT BILL 2015

Section 85 statement

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) (*By leave*) — I wish to make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of clause 8 in the bill to alter or vary section 85 of the Constitution Act.

I have included this statement because of the recent decision made by the trial division of the Supreme Court of Victoria constituted by Justice Hargrave in *Intralot Australia Pty Ltd v. State of Victoria*. In the absence of that decision, I would otherwise have taken the view that a section 85(5) statement is unnecessary and that there is no need for clause 8 of the bill to insert new section 3.8A.25A.

Clause 11 inserts new section 11.1.7(2) into the Gambling Regulation Act. New section 11.1.7(2) states, for the avoidance of doubt, that it is the intention of new section 3.8A.25, as substituted by clause 8 of the bill to alter or vary section 85 of the Constitution Act 1975.

Division 6 of part 8A of chapter 3 of the act creates a confidentiality obligation relating to information that is obtained from the precommitment system (precommitment information). The precommitment confidentiality regime prohibits the disclosure of precommitment information except in limited circumstances specified by the act. There is a general duty for all persons to keep precommitment information confidential. However, the division recognises that in certain circumstances, disclosure of precommitment information may be appropriate.

New section 3.8A.25(1) broadly prohibits a person from disclosing precommitment information other than in accordance with the exceptions provided in division 6 of part 8A of chapter 3. However, new section 3.8A.25(2) explicitly states that this prohibition applies to the disclosure of precommitment information to a court, a tribunal, or an authority or person having power to

require the production of documents or the answering of questions. This means the prohibition will apply in relation to the disclosure of precommitment information to the Supreme Court of Victoria. This is similar to the treatment of other protected information under the act.

The reason for altering or varying section 85 of the Constitution Act 1975 is that the potential risk of disclosure of precommitment information to a court (including the Supreme Court) may create a strong disincentive to register among players. This has the capacity to undermine the take-up of precommitment. The limitation is essential to protect public confidence in the confidentiality of precommitment information.

I commend the statement to the house.

WRONGS AMENDMENT BILL 2015

Second reading

Debate resumed from 8 October; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make some comments this afternoon on the Wrongs Amendment Bill 2015, which is an interesting piece of legislation that seeks to implement the recommendations of the Victorian Competition and Efficiency Commission (VCEC) 2014 inquiry contained in its final report *Adjusting the Balance — Inquiry into Aspects of the Wrongs Act 1958*. Successive parliaments over the last decade have had an interesting engagement with the Wrongs Act 1958, particularly as it relates to common-law damages and common-law claims.

In 2001–02 this Parliament needed to undertake some fairly drastic interventions with respect to the insurance market here in Victoria and Australia. It is worth reflecting that, going back 14 years, we were in a very different insurance environment. We had just seen the collapse of HIH Insurance, then one of the largest insurers in Australia. We had seen the events of September 11 in the United States: the destruction of a number of hijacked aircraft, the destruction of two skyscrapers in New York, the attack on the Pentagon and the other damage that occurred at that time. That resulted in very substantial insurance losses and, more significant than that, a severe undermining of confidence in the insurance market.

In Australia, as a consequence of the HIH collapse and the losses arising from September 11, we saw in a number of marketplaces the withdrawal of insurance product at any price. This particularly became an issue with some professional indemnity insurance. It became a

significant issue with public liability insurance. We saw in the early 2000s many community events, community associations, clubs and the like unable to purchase public liability insurance at any price. Things had deteriorated to the point where the insurance market would not write policies at any price for that type of insurance, given the exposure that had occurred in global markets and the collapse of HIH in the domestic market here in Australia.

That required the Parliament at the time to intervene, to bring forward amendments to the Wrongs Act 1958, to impose some caps on the extent of common-law damages that could be claimed pursuant to the Wrongs Act and, through that action, to restore some confidence in the insurance market and encourage insurance companies to re-enter the market in the provision of public liability, professional indemnity and related insurance products. That was successful. We saw that market, which had dried up, slowly return, and those insurance products once again become available in the domestic market here in Victoria.

What was required in the early 2000s as part of those reforms to the Wrongs Act was the imposition of caps on things such as claims for pain and suffering; thresholds with respect to psychiatric impairment, which existed in our statutory insurance schemes, including our Transport Accident Commission and WorkCover insurance schemes; and a range of measures that provided some certainty as to liability in respect of individual claims that insurance companies may be exposed to.

Having moved on more than a decade from those events of the early 2000s, the previous government thought it appropriate to commission the Victorian Competition and Efficiency Commission to undertake a review of the Wrongs Act. This was led by the then Minister for Finance, Robert Clark, who commissioned VCEC to undertake that review. As part of that inquiry into the Wrongs Act, VCEC also undertook an inquiry for me, in my capacity at that time as Minister responsible for the Aviation Industry with responsibility for a section of the Wrongs Act relating to damage by aircraft.

At this point I would like to pay tribute to the work of the Victorian Competition and Efficiency Commission. For over a decade it has undertaken very rigorous investigations and produced reports for successive governments under the leadership of Dr Matthew Butlin. It has been a very successful body in terms of providing input to the Victorian government on economic reform opportunities and regulatory reform opportunities. The coalition government used VCEC extensively and in a range of ways beyond this inquiry into the Wrongs Act,

including to look at state productivity and associated reforms.

The former government held the Victorian Competition and Efficiency Commission in very high regard. From memory, its establishment was an initiative of former Treasurer John Brumby. It served the Bracks and Brumby governments very well, as it served the Baillieu and Napthine governments very well. The bill we have before the house this afternoon is a direct consequence of the work VCEC undertook for the coalition, culminating in its report entitled *Adjusting the Balance — Inquiry into Aspects of the Wrongs Act 1958*.

The irony is that subsequently, with the election of the Andrews government at the end of last year, we have seen VCEC emasculated. It is no longer a stand-alone entity within the Department of Treasury and Finance, where it acted with independence and was respected as an independent agency. Though within the framework of the Department of Treasury and Finance, it acted independently of that department in providing advice and recommendations to government. Regrettably, as part of the machinery of government changes led by the Leader of the Government, Mr Jennings, we have seen VCEC shifted from the Treasury to the Department of Premier and Cabinet and, seemingly, subsequently absorbed into it. It no longer stands alone as an independent agency able to provide advice to government. It is most regrettable that a body with that independent capacity no longer exists in Victoria, given VCEC was such a successful body for successive governments of different colours.

As I said, it is ironic that the government took that action when the bill before the house today actually seeks to reflect recommendations that the Victorian Competition and Efficiency Commission made with respect to the Wrongs Act.

The bill the house is considering today is a relatively straightforward one. The brief VCEC was given by the coalition was to look at the way in which the Wrongs Act 1958 was working and the way the caps that had been introduced in the early 2000s in response to the insurance crisis were working, and to make recommendations to government as to whether those caps and the way in which they worked should be changed, and the bill responds to that. It establishes a new cap on the level of damages that can be awarded for economic loss at three times average weekly earnings, which is an appropriate readjustment of that cap. It increases the maximum award for damages for pain and suffering to \$577 050, and it changes the way in which that cap is indexed into the future. That is to align awards for pain and suffering with the caps which exist

within the WorkCover scheme, and I will come to WorkCover a little later.

The bill also, importantly, as an interesting step, changes the way in which impairment thresholds are considered under the Wrongs Act. These are impairment thresholds for non-economic loss in respect of psychiatric injury, where the current threshold is greater than 10 per cent. So in order for a claimant to obtain damages for non-economic loss on the basis of a psychiatric impairment, they must demonstrate that that psychiatric impairment represents a greater than 10 per cent whole-of-body impairment.

Likewise for spinal injury, the current provision is that for someone to claim non-economic loss they must pass a threshold of greater than 5 per cent whole impairment. The bill changes that requirement for those thresholds to be exceeded to a requirement that they be equalled. The reason for that is simply that when these thresholds are assessed pursuant to the American Medical Association guidelines for whole-of-person impairment, those assessments for impairment are typically in 5 per cent blocks — 5 per cent impairment, 10 per cent impairment, 15 per cent impairment. The effect of that has been that if a claimant were required to be assessed as having greater than 10 per cent impairment for a psychiatric injury, in practice that meant they needed a 15 per cent impairment given the assessments are typically in 5 per cent blocks. Likewise for spinal injury, a greater than 5 per cent impairment in effect meant a claimant had to hit a threshold of 10 per cent in order to get greater than the 5 per cent.

This amendment simplifies and streamlines that provision, so someone being recognised as having an impairment of 10 per cent and 5 per cent respectively for psychiatric and spinal injuries will actually meet the threshold on having been assessed at those levels.

What will be important with these reforms will be to monitor the way in which they operate into the future. Again this is an opportunity where the Victorian Competition and Efficiency Commission as an ongoing entity would have been valuable, because one of the things we have seen with the statutory insurers in Victoria — the Transport Accident Commission and the Victorian WorkCover Authority — has been the very rapid growth in common-law claims. One of the things the coalition government did was undertake substantial reform with respect to the TAC scheme in relation to common law and common-law thresholds to ensure that that scheme operated as intended with respect common-law claims, and we did not see gratuitous ambit claims succeeding leading, as a consequence, to a

substantial increase in common-law claims as against statutory benefit claims.

The risk with reforms such as those being implemented today, which are supported by the coalition, is that they open the door to further common-law claims and to opportunistic common-law claims. One of the concerns the opposition has generally with the issue of common law is the relationship this government has with plaintiff lawyers. Most of the major plaintiff firms in Victoria are substantial donors to the Labor Party, and the Labor Party is very responsive to those plaintiff firms, as we are seeing with other legislation coming through this Parliament with respect to TAC legislation.

There is no doubt in my mind that one of the reasons the government is bringing this legislation forward to implement these aspects of the VCEC review of the Wrongs Act is because they are supported by plaintiff lawyers who potentially will be major beneficiaries of these reforms, as they have been major beneficiaries of the statutory insurance scheme in Victoria, and for that reason were strong opponents of the reforms the coalition implemented in 2013.

The coalition supports these reforms. They originate from the VCEC review that we commissioned, but we do say that wherever we see thresholds increased with respect to common-law claims and impairment thresholds effectively lowered with respect to common-law claims, it needs to be monitored into the future to ensure that we do not end up with the type of environment we had 13 years ago, when there was substantial withdrawal of professional indemnity public liability insurance because the market had become unviable. That is something that needs to be monitored carefully into the future, and it is something that regrettably we will not have the Victorian Competition and Efficiency Commission in place to undertake.

Mr MELHEM (Western Metropolitan) — I rise to speak on the Wrongs Amendment Bill 2015, which amends the Wrongs Act 1958, the main legislation for dealing with claims for damages, for personal injury or resulting death in Victoria, apart from transport and work-related accidents. Under the Wrongs Act a person may claim damages for economic loss, such as loss of earnings or non-economic loss, such as pain and suffering resulting from their injuries. The bill gives effect to the 2014 report of the Victorian Competition and Efficiency Commission (VCEC), *Adjusting the Balance — Inquiry into Aspects of the Wrongs Act 1958*, which made recommendations to resolve the anomalies, inconsistencies or examples of unfairness in the personal injuries area.

The amendments go to a number of changes to the current legislation, and the previous speaker touched on those in relation to lowering the total and permanent impairment thresholds; for example, the psychiatric injury threshold for access to damages for non-economic loss of greater than or equal to 10 per cent. Currently it goes in 5 per cent increments. The bill makes some adjustments so people who have a disability or impairment of 5 per cent or more are able to access benefits.

The bill looks at increasing the cap on damages for non-economic loss from \$497 780 to \$577 050 to align with the cap in the Workplace Injury Rehabilitation and Compensation Act 2013. That resolves anomalies that lead to economic loss — that is, lost earnings. Work has been done in relation to high-income earners as well, which is another issue this bill is looking at addressing. The bill looks at restoring the limited access for damages for loss of capacity to care for dependants, which was extinguished by a 2005 High Court case. It also looks at providing the court with a power to stay a proceeding for damages where a claimant has not obtained a medical assessment from Medical Panels Victoria.

I talked earlier about changes in the bill — for example, in relation to lowering the spinal injuries threshold, where a person with a whole-person impairment of greater than 5 per cent is able to obtain compensation for non-economic loss arising from a physical injury. A person with a whole-person impairment of only 5 per cent will not be eligible for compensation. The VCEC report picked up on that issue and concluded that the legislation would operate unfairly as spinal injuries are assessed in the American Medical Association guides in increments of 5 per cent. There is no provision where a person with a spinal injury can therefore have their injury rated at 10 per cent or more in order to recover compensation for non-economic loss, even though a person with a 5 per cent spinal injury may suffer significant pain and loss of faculty.

The report recommended that a claimant with spinal injuries of greater than or equal to 5 per cent impairment should be eligible for damages for non-economic loss. In accordance with that recommendation, the proposed bill acknowledges that persons who suffer injury equal or greater than 5 per cent in respect of spinal injuries will now be able to put in a claim. I talked about lowering the psychiatric injury threshold and increasing the damages for non-economic loss to \$577 050, and that will automatically be indexed by the CPI, as is currently the case today.

The other area the bill addresses is what is called middle-income earners or high-income earners, who are

discriminated against in the current legislation. In the 2012 case of *Tuohey v. Freemasons Hospital* the plaintiff had average weekly earnings of \$10 548. While in hospital for minor surgery, he injured his eye in a fall. His post-injury weekly earnings were reduced to around \$6442, an amount which was still well above three times the applicable weekly average earnings of \$2836. As a result, the Victorian Court of Appeal held that Mr Tuohey was not entitled to any damages for loss of earning capacity, despite the fact that his income was significantly reduced.

That is another example where it is all about replacing a person's income, whether you are on \$500 a week or \$1000 a week or \$5000 a week. As part of the VCEC review, the bill looks at capping the damages to three times the average weekly earnings, so a person like Mr Tuohey is then not disadvantaged, or at least the impact on persons like him will be far less than that imposed by the current legislation. That is an improvement to the current legislation, which is very welcome.

Also, the bill talks about restoring the entitlement of loss of capacity to care for others. It is very important to look after people who are caring for injured people, and the legislation does just that.

Finally, there has been a lot of consultation with various stakeholders in relation to this bill. Some of the stakeholders have argued for further reform to the current legislation. During the consultation on the VCEC report and on the bill many stakeholders offered ideas for further reform. The government is grateful to those stakeholders for sharing their ideas and experiences of the personal injury regime. They are the people who go and represent injured workers and people who injure themselves.

I take a bit of offence to Mr Rich-Phillips referring to stakeholders like the people who represent these people — I am talking about the various law firms — and making reference to the Labor Party's connection, which is a bit of an insult to these people who do some terrific work in representing injured workers. Certainly that was not the motive of the government when making the changes. The government's motive was to look after these injured people who find themselves in a situation where, through no fault of their own, they are injured and need to maintain their way of life and their salary. That was the main motive of the government in making these changes — to make the system fairer.

Once the bill has commenced the government will monitor the impact on insurance premiums. The government is committed to ensuring that insurance

remains available and affordable, and it will evaluate any future proposals for reform against that key objective. I will finish off by saying this: the Andrews Labor government has got one thing in its mind, and that is making sure that the insurance companies stay viable, but in the meantime that injured workers or injured Victorians who find themselves in that unfortunate position are able to look after themselves during that difficult time. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Wrongs Amendment Bill 2015. The bill makes a number of amendments to the Wrongs Act 1958 and implements most of the recommendations of the report of the Victorian Competition and Efficiency Commission (VCEC), *Adjusting the Balance — Inquiry into the Wrongs Act 1958*, which was released in September last year. The report identified a number of anomalies, inconsistencies and, importantly, inequities in Victoria's personal injuries legislation, most of which is covered by the Wrongs Act 1958, although some is covered by the Transport Accident Act 1986 and the Workers Compensation Act 1958.

The government has implemented the recommendations of the report, which we support as they remove unreasonable and unfair barriers that have led to legitimate claims being denied or undercompensated. It is worth quoting from the VCEC report's description of the Wrongs Act. It reads:

The Wrongs Act imposes several major limits on access to compensation for economic and non-economic loss arising from personal injury and death in Victoria, as a result of negligence.

In broad terms these main limitations are monetary limits or caps on damages for personal injury or death for both economic and non-economic loss; impairment thresholds for eligibility to claim damages for non-economic loss; a fixed discount rate to be applied to lump sum damages awarded for future economic loss and expenses; and limitations on damages for gratuitous attendant care and the loss of capacity to care for dependants.

As Mr Rich-Phillips said, it is a very thorough report into the act and makes some very sensible recommendations, most of which the government is picking up in this bill. For example, reducing the threshold of impairment to 5 per cent or more rather than greater than 5 per cent will enable Victorians with spinal injuries to access compensation for non-economic loss. It will lower the threshold for claimants with psychiatric injuries to 10 per cent or more rather than greater than 10 per cent. As Mr Rich-Phillips mentioned, that does

not sound like much of a change, but in fact it is quite a substantial change in the practicalities of how this would be calculated under the act. In effect it lowers those thresholds quite substantially even though it does not sound like it does.

The bill increases the amount of damages that can be awarded for pain and suffering from the current cap of \$371 380 to \$577 050, which will bring it into line with the workers compensation scheme and will match further indexation of this amount under the Wrongs Act with equivalent indexation arrangements that exist in the workers compensation scheme. Carers and parents who are injured will be given limited entitlement to damages for their loss of capacity to care for their dependants.

There are some areas where the Law Institute of Victoria identified further reform was needed. This information was supplied by the law institute in its submission to the VCEC inquiry. These areas concern threshold levels for pain and suffering, damages for physical impairments and expanding the class of payments for significant injury claims, which I will talk about later in my contribution.

In the second-reading speech the Special Minister of State outlined that in 2002 and 2003 significant reforms were made to the personal injury laws in Victoria as part of a nationwide tort law reform project in the wake of the collapse of HIH Insurance in 2001, which I think most of us here will remember. The reforms were designed to restrict some common-law rights to compensation for negligence in order to reduce the liability of insurers to damages, with the aim of relieving pressure on insurance premiums and ensuring the availability of insurance to claimants. However, there were concerns that these reforms have disproportionately affected the rights of claimants to access damages, and some deserving claimants have been denied compensation. Hence the VCEC inquiry.

Under clause 5 the bill provides that the maximum amount available is three times the amount of average weekly earnings as at the date of the award for each week of the period of loss of earnings. The court will not be required to disregard any amount. This amendment implements the VCEC recommendation to address inconsistencies in the current act. The bill will increase the maximum amount of damages for non-economic loss and changes the method by which that amount is indexed into the future. As I mentioned, the figures regarding the changes are in the bill. This amount will be indexed annually, using the all groups consumer price index for Melbourne from the previous year, which is published by the Australian Bureau of Statistics. These amendments reflect the recommendation that there is no

reason for differences in the maximum cost of damages which can be awarded to claimants for non-economic loss between workplace injuries and personal injuries.

Clause 4 of the bill expands the definition of dependants to include unborn children, and in clause 8, in addition to expanding the definition of dependants, the bill also confers upon the court the power to award damages for loss of capacity to provide gratuitous care to dependants. A court can award these damages if it is satisfied that the claimant provided care before the accident and the dependants are unable to care for themselves because of their age or physical or mental incapacity. It also provides other limitations, and I will not go into the detail with regard to that particular provision.

The current threshold for whole-of-person impairment for non-economic loss is greater than 5 per cent, and the bill will change that to 5 per cent or more which, although it does not sound like much, is actually quite a change. The same will go for psychiatric injuries, which will change from greater than 10 per cent to 10 per cent or more. This change with respect to spinal injuries is probably the most significant amendment introduced in the legislation. Commentators are saying that it is likely to lead to a noticeable increase in the number of actions that are commenced. The bill will also, under clause 12, confer on the courts a power to stay a proceeding in respect of a claim for damages for non-economic loss in the case where a claimant has not served a certificate of assessment and any other information that is required to accompany the certificate when it is served, so that claimants are not disadvantaged by time limits or time pressures.

The Greens welcome this bill, which is providing a clearer and fairer system for people injured by the negligence of others, while at the same time balancing the need to ensure that public liability and professional indemnity insurance is available and affordable. Stakeholders such as the Law Institute of Victoria also support the intent of the bill in providing consistent personal injuries legislation in Victoria and ensuring that people who are injured in incidents unrelated to transport or the workplace are not unfairly restricted.

In saying that I would say of course that one could be under the impression that there are not anomalies, inconsistencies and inequities existing under the transport accident regime and under the workers compensation regime, particularly with regard to psychiatric injury. I have raised the restrictions on those under both those regimes — or the Greens have raised those particular issues — in this Parliament on several occasions before. That is still an area where reform is needed, particularly given that there are more of these

types of psychiatric injuries in the workplace and as a result of accidents under the transport accident scheme than there were perhaps in the past. Unfairly restricting those is an ongoing concern for us.

The Law Institute of Victoria has suggested further reforms in the area of personal injury that it says need to be implemented within the next two to three years. That includes expanding the reduced threshold for non-economic loss of 5 per cent or more that is provided for in this bill for claimants with spinal injuries to all physical injuries. In its submission dated 28 January 2014 to the VCEC inquiry, the law institute stated that the estimated impact on insurance premiums of reducing the threshold would be affordable and equal to or less than the current estimate of 1.8 per cent.

In addition, unlike the WorkCover scheme and the Transport Accident Commission, the injury profile for claimants under the Wrongs Act 1958 is more heavily weighted towards physical injuries other than spinal injuries due to the nature of injuries — for example, medical misadventure, falls and animal attacks. Fractured limbs or internal injuries are more common. The nature of work injuries and motor vehicle injuries are such that there are a large number of spinal injuries. It is not fair to only reduce the threshold for spinal injuries and exclude other physical injuries under the Wrongs Act. Also, persons with non-spinal physical injury of 5 per cent under WorkCover or Transport Accident Commission have significant entitlements to no-fault benefits, including impairment benefits in respect of WorkCover claimants, as well as weekly payments and medical expenses under both schemes.

That is an area where the law institute says the government should be looking to further reform in the future — and the Greens support that. The institute also states in its submission dated 12 September 2013 to the inquiry that there are a limited class of claimants who do not meet the current threshold for significant injury and do not come under the exceptions in the Wrongs Act and are thereby unfairly prejudiced. These claimants include children who suffer traumatic injuries but after months or years in rehabilitation eventually make a recovery, even a substantial recovery; people infected with blood-borne diseases such as hepatitis B or C or HIV; people infected with life-threatening cases of legionnaires disease, often requiring extensive periods of intensive care; people suffering psychologically after the death of a child or an immediate family member in certain circumstances or from a hospital's negligent failure to diagnose or treat an infection or by such a thing as crushing from a defective wall collapsing. We know that there was a tragic example of that only recently in Melbourne. That is another area that the law

institute has identified where the government should look at further reform.

We strongly urge the government to consider taking up the suggestions from the Law Institute of Victoria for further reform. I call on the government to commit to a review of the effectiveness of all the amendments that this bill introduces, their financial impact and the cost of insurance claims and insurance premiums, and the ability of injured persons to obtain adequate, fair and just compensation for their injuries under the amendments contained in this bill. I call on the government to conduct that review within 24 to 36 months after the commencement of the provisions contained in this bill. With those comments, the Greens will be supporting the bill.

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the debate on the Wrongs Amendment Bill 2015. The bill makes several amendments to the Wrongs Act 1958 with the view to providing fair and equitable benefits to people injured by the negligence of others. In 2013 the Victorian Competition and Efficiency Commission investigated the personal injury provisions of the Wrongs Act 1958 and made a series of recommendations that are contained in this bill.

The aim of the amendments is to simplify and codify the application of an equitable compensation regime or payments to victims of negligence. This new bill will rectify some unfair limitations imposed by the Wrongs Act to ensure that deserving claimants will have improved access to compensation.

An important aspect of the proposed changes is the bill's focus on the provision of affordable insurance premiums. Many Victorians struggle to pay their insurance premiums but insurance is seen by many companies and households as a necessary expense. Unfortunately it is a protection that is becoming less affordable each year. There are some families who cannot afford to insure their properties at all, and this is not healthy. It is not good for the insurance industry or for the people who sustain compensational injuries. We are all aware of massive insurance claims made against insurance companies in times of natural disasters. I know that insurance companies try to spread the load of insurance payouts by increasing their premiums across all their customers, regardless of whether they have made claims or not. Having said that, it is critical to the ongoing financial sustainability of the insurance industry that affordable premiums are available to individuals and entities. These amendments will lead to fairer outcomes for claimants in Victoria, without placing undue pressure on the price or availability of insurance.

Victorians who suffer from spinal injuries will now have better access to compensation for non-economic loss, reflecting the fact that spinal injuries often have a major impact on a claimant's overall quality of life.

Carers and parents who are injured will be given a limited entitlement to damages for loss of capacity to care for their dependants. This recognises the value of carers in the home, and the significant financial stress that can be placed on families as a result of an injury to or death of a parent or caregiver.

This bill will improve Victoria's personal injury laws and provide fairer compensation to victims of negligence. I commend the bill to the house.

Mr HERBERT (Minister for Training and Skills) — I am delighted to sum up, and I thank the contributors who made a good contribution to the debate on the bill. I will not go over the detail at any length. Of course this bill seeks to improve Victoria's personal injury laws and provide fairer compensation to victims of negligence. As Ms Pennicuik said, it follows legislation that was brought in and restrictions on payments following the HIH, or Heath International Holdings, debacle that threw insurance coverage into turmoil in Victoria, making it very difficult for volunteers or sporting clubs or any number of people to get coverage, and threatened to grind to a halt many of the activities that so many Victorians enjoy. Part of the response of the government of the day was to bring in limitations on various payments. I was the chief of staff to the finance minister then so I know it very well. It is interesting that here I am summing up so many years later and the wash-up of that is still coming through the Victorian Parliament.

The bill basically follows recommendations made by the Victorian Competition and Efficiency Commission 2014 review into the Wrongs Act 1958. It governs a regime for damages for personal injury due to negligence or fault, such as falls in public places or injury caused by medical negligence.

I think the new bill does rectify some pretty unfair limitations imposed by the Wrongs Act in terms of the 5 per cent threshold. Basically medical practitioners tend to assess degrees of injury in 5 per cent blocks and so making it equal to or more than will really be a great boon for many people who were perhaps unfairly assessed as not quite meeting that threshold. In that regard it particularly helps people with spinal injuries to better access compensation for non-economic loss.

Carers and parents who are injured will be given limited entitlements to damages for loss of capacity to care for their dependents. That is really important. There is a lot

of stress on families when carers or parents who are carers have an injury and cannot look after others who they care for and have to seek other means of financially supporting them. It will help with that.

The bill increases the maximum amount of damages awarded for pain and suffering from \$497 000 to \$577 000. They are funny figures, but basically it brings it into line with the Victorian workers compensation scheme, which is an important thing.

All in all, I note that the bill has widespread support in the Parliament. I am sure it will have widespread support in the community. It is part of the regime of trying to make sure that people who have injuries or who are affected by these types of injuries have a fair go and receive decent treatment by the government and by this Parliament. I think it is a good move. It is a move that is supported by all, and I recommend it to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2015

Second reading

**Debate resumed from 8 October; motion of
Mr JENNINGS (Special Minister of State).**

Mr DRUM (Northern Victoria) — It is with great pride that I take the opportunity to speak on this bill because we all understand that anything we can do to prevent cruelty to animals is a serious credit. The Prevention of Cruelty to Animals Amendment Bill 2015 is a bill that we will be supporting as the opposition. We are grateful to be able to support this bill because it does address a lot of the aspects of the care and husbandry of some of our larger flocks of sheep, chickens and so forth that in recent times have been shown to be victims of mass starvation and massive inappropriate behaviour, abuse and neglect. The regime of penalties was vastly inadequate in dealing with these issues in the way that they should be.

We have had the opportunity to go through this bill. Peter Walsh, the member for Murray Plains in the Assembly and shadow Minister for Agriculture, has

been able to prepare a lot of the work for this debate. The Prevention of Cruelty to Animals Act 1986 will be amended to strengthen its administration and enforceability to ensure that it continues to be in line with community expectations. A lot of the increased penalties and a lot of the changes are going to enable welfare officers to more easily access properties where there is suspected cruelty to and suspected neglect of animals, and that is a key component of this bill. But certainly the greater powers in this bill are going to enable them to deal with larger scale animal welfare emergencies. That is something that is going to be very much at the forefront of this legislation.

We had a situation in the last term of government where a large broiler farm was unable to continue as a financially viable business. Hundreds of thousands, if not a million or more, birds were unable to be fed properly because of the complex nature of that business. One entity may have owned the birds, another entity may have been responsible for their feeding and another for the transportation to the next stage of their life. The complex nature of their care prevented the department from taking control of the situation and made it worse. Should something like that happen again, this legislation will make it much simpler for the department to deal with a large-scale emergency that might involve — for example, a large flock of sheep, chickens in broiler farms or in egg farms et cetera.

It is also worth talking about the importance of our commercial meat industries and noting how blessed we are to live in a country with such high-quality beef, pork, lamb, chicken and fish. This enables people in Victoria and Australia to eat a diet high in protein from healthy meats that are affordable in price. You could also throw in the egg and dairy industries. We are very lucky when you look around the world and see the lengths that some of our Chinese visitors go to just to take a packet of powdered milk back to China with them. That is something we can buy here for \$7 or \$8. They will load two or three bags of it into their suitcases as if it is a golden egg that needs to be treated with enormous reverence.

The food industry — the meat industry, the animal industry — is huge and forms an incredibly important part of Victoria's economic base. In relation to the gross domestic product it turns over, an incredible number of jobs are tied up in this industry. There must be many millions of Australians involved in it, and a large proportion would be right here in Victoria, indeed in regional Victoria. It is quite an exceptional industry, and we need to treat with respect the animal husbandry and all of the associated industries, such as the transport industry, the feed industry, the abattoirs and the

processing right through to the wholesalers and retailers and the packaging industries. There are just so many industries connected to the meat and food processing industries here in Victoria.

It is interesting to look at some of the measures that are being put in place with this bill and to look at where we are with some of our industries. I am reminded in particular of the pork industry in Victoria. Some of our larger pork producers are actually importing pork from other parts of the world. It makes you wonder, with so much open space here, how that could possibly be the case, but it is happening in many places. In fact in one facility close to my home town of Bendigo 1200 people are employed, yet 80 per cent of the food that goes out comes from Denmark.

How could a small country like Denmark be leading the world in pork production? It simply goes to the concept of its government becoming involved some 70 years ago in ensuring that that country had food security. Of all the foods Denmark looked at, whether it was sheep, cattle, chicken or pork, the government decided it was going to invest in pork. It invested in the best genetics to make sure it had the best bloodlines and would be able to produce the best pork. It implemented the best animal husbandry practices to ensure that it led the world and was able to capitalise on its investment. It invested in developing the best breeding techniques to ensure that every bit of its investment was maximised.

As to the science relating to how we get protein conversion in animal meat, again Denmark led the world. It also had the very best in abattoirs and processing techniques to ensure that the animals were processed in the best way possible. You then had the situation where it was able to generate an economically viable and efficient industry. It could then offer transportation around the world in a manner that enabled the pork to be sold at \$2 and \$3 per kilogram cheaper than in the local Victorian market.

It is interesting to look at the local Victorian pork market. This is a contentious issue, and the Greens will be putting forward some amendments to the bill later in the debate. Whilst our local pork market is growing steadily, it is going to need to keep improving its efficiencies if it is to remain viable. One of the issues in the pork industry that causes concern is food miles. This is increasing in importance and is becoming a factor in how people choose their food now and how they will choose it into the future.

The pork industry in Victoria does not perform very well when you check the food miles associated with the product. We have seriously big breeding facilities

around the northern reaches of the Geelong area — for example, in the Little River and Lara areas. From there the pigs find their way up into feedlots — they generally only live for six to eight weeks — which tend to be up around the Mallee in areas that are suitable for an industry such as pigs. Often the chaff and the grain is trucked in from the Riverina area, the abattoirs are located in South Australia, processing and packaging quite often takes place in Sydney and then distribution occurs out of Sydney to right around Australia. That certainly creates a trail of many hundreds if not thousands of kilometres. All it would probably take to improve the industry in relation to food miles is simply a better and better regulated set-up. That could be done through the government taking the lead.

The Prevention of Cruelty to Animals Act 1986 also regulates domestic animals and their care. It is interesting to see that pet shops have been regulated. They came under fire in relation to the conversation around puppy farms. I think we all understand how important the role of pets is in relation to companionship and the development of our children. It certainly is an important aspect, and as they play such an important role in our lives, we need to make sure that the breeding, husbandry and care of those animals is well regulated.

Sometimes the Victorian government likes to make a lot of noise about what it is doing in relation to cracking down on illegal puppy farms. When the coalition left government the crime of aggravated cruelty to an animal carried a fine of \$72 500, which had been increased substantially during its term. Under the coalition the fine for running an illegal puppy farm increased from \$1195 under the previous Labor government to \$24 000 for individuals and up to \$88 000 for corporations. The hard lifting had therefore been done by the coalition in relation to these illegal puppy farms, and puppy farms are in fact illegal. That work was done by Peter Walsh, the member for Murray Plains in the Assembly and the former Minister for Agriculture, ensuring that all of the legitimate, registered, legal breeders were able to get about their work in a law-abiding way and were well regulated. It was quite opportunistic for the Labor Party to continually harp on that it was going to crack down on illegal puppy farms when that work had already been done.

This work included a code of practice for pet shops. It was critically important that that work flowed over to the pet shops, because the pet shops were facilitating the sale of animals from all of these illegal breeding establishments. That again is something that was done by the previous government. We are very proud we put in place those stronger penalties and that we did the right thing in that regard.

This bill deals in particular with large-scale animal welfare emergencies. Some of the dollar figures around those emergencies have run to the tune of \$80 000 a day. When an entire broiler farm had literally hundreds of thousands of chickens that had been left malnourished and in need of serious attention, the food bill was about \$80 000 per day. On top of all that was the complicated matter of who owned the chickens. By the time all of that stuff was sorted out and things got to the stage where the department staff were able to get in there and do what they had to do with the chickens, many of the chickens had died or could not be brought back to health and sold in an effort to recoup some of those expenses.

I have been talking to Hazeldene's chickens about some of the work it is doing. It has been leading the way for more than two decades. Hazeldene's would be the leading producer of chickens in Victoria. It hatches and grows its chickens, and it has its own abattoir and transportation. It has vertical integration. Hand on heart the company is able to say that it complies with the standards that have been put in place by the industry in terms of free-range accreditation. It has been leading the way in that regard for many years. Hazeldene's opinion is that the rest of the industry seems to be now working very hard to catch up, which is something I think would please many people — the notion that chickens are now going to have room to move about and be outside of the cages and able to scratch around in the pens.

Hazeldene's also made mention of one of the issues that will come up in relation to the amendments proposed by the Greens — that is, working with the beaks of the animals. Hazeldene's believes the clipping of the beaks is carried out to prevent the male chickens pecking at the females. It is something that can create serious injury and a very painful death if those beaks are not clipped by the professionals early on in the animals' lives.

In relation to the pork industry, my understanding is that Australia is leading the way in relation to ensuring the size of the sow stalls. My understanding is that the parts of the industry that need to catch up will be able to do so and that within a five-year period most or all of these sow stalls will enable all of the pigs in Australia to have the room they need. That is something that is obviously a work in progress. It is not there yet, but we understand that it will be work produced by the industry itself and it is trying to get there as soon as it possibly can.

Correspondence from the Australian Jumping Racing Association asked us to look at the industry as it is right now and not what it was like 5, 10 or 15 years ago. Under former Premier Denis Napthine a whole range of reforms came into jumps racing in 2009–10. They have resulted in a halving of both fall rates and fatality rates

of jumps horses in Victoria over the last five years. That has taken place off the back of a whole range of training measures. Horses that compete are now trained using a new type of jump or barrier. Certainly the safety record has improved incredibly over the last five years.

Jumps horses are highly sought after once they are finished on the flat, and they have a long and happy life ahead of them in many other disciplines. That is something we are quite proud of. Since these changes were put in place we have had 13 fatalities over five years. Whilst the industry, like a lot of other areas, is continually trying to improve, I think that is a ratio the industry can live with, especially when you consider where we were before.

As always what should be looked at in relation to jumps racing is the demonstration of love for the horse. This is a great aspect — the showcasing of how much genuine love, care and concern these trainers and owners have for the welfare of the horses. That is becoming more and more obvious when we look at the way owners pamper horses while they compete and also the way they look after them in retirement. There are many stories about this type of thing happening with horses at the moment.

There is also an aspect of the bill which will impact on those people who wish to partake in live baiting. This has been a big issue throughout 2015. There are a series of increased penalties and sanctions and opportunities for officers to enter premises where they suspect there are instances of live baiting. This will make sure that anybody who thinks they can partake in that type of activity will get a rude awakening when they are caught. We have seen lifelong bans put on various people who have been caught in other states. A lifelong ban is going to be only a very small part of the penalty coming the way of anybody who involves themselves in live baiting in greyhound training in the future. It is good to see that the government has acted on that, and we will be supporting those parts of the bill that effectively deal with increased sanctions and provisions for people partaking in that type of animal cruelty.

The Nationals in coalition will be supporting the legislation. We have had the opportunity to look at the Greens amendments, and we will not be supporting them. I touched on the industries on the way through; however, we are not prepared to support those amendments at the moment. With that, we wish the bill a speedy passage. Hopefully this further acts to prevent animal cruelty and we will be a bit closer to a situation where we do not have to worry about this in the future.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to have the opportunity to speak on the

Prevention of Cruelty to Animals Amendment Bill 2015 and to say at the outset that the Greens will support the bill. The bill makes quite a few amendments to the act which will have the effect of improving animal welfare and particularly improving the administration of the act and the ability of inspectors under the act to take action in certain circumstances. We will always welcome improvements to the ability to prevent cruelty to animals and to act swiftly when that does occur, as sadly it does every day in Victoria.

Having said that, the bill before us still leaves Victoria's Prevention of Cruelty to Animals Act 1986 wanting in many areas with regard to the bill's purposes. It is worth reiterating what the purposes of the bill are. The minister mentioned them in her second-reading speech, but I would like to reiterate them here. The purposes of the bill are (a) to prevent cruelty to animals, (b) to encourage the considerate treatment of animals and (c) to improve the level of community awareness about the prevention of cruelty to animals. They are high and worthy goals.

While many of the provisions of the act, both as it stands currently and as it will be if and when these amendments go through, will go some way towards achieving the bill's purposes in terms of many areas of animal welfare in the community, particularly with regard to farm animals and animals involved in racing, the bill falls well short in the protection of those animals. Certainly the Victorian act and most similar acts across the Australian states and territories fall short in this regard. I say 'fall short' not only in relation to the provisions but also in relation to movements in some overseas jurisdictions, such as New Zealand as well as some states here, with regard to improvements to animal welfare standards for farm animals and animals involved in racing. The community wants more to be done, especially with regard to farm animals and animals involved in the racing industry.

I will now turn to the provisions of the bill. With regard to large-scale animal welfare emergencies that concern the condition of animals or some other emergency regarding a large number of animals on a particular site, there are some improvements to the legislation with regard to the ability to act swiftly. At the moment ministerial powers require seven days notice. The minister's second-reading speech outlined a particular instance where that situation was wanting with regard to looking after those animals. In many other instances that has been the case as well. The Greens are supportive of those particular provisions that are in the bill to improve the act in that regard. The second-reading speech, in its third paragraph, says:

There is an ongoing risk of animal welfare emergencies of this kind, particularly in intensive animal production systems.

I think it is quite interesting that the second-reading speech actually mentions that, because the inherent problems that are involved in intensive animal production systems lead to these types of emergencies and require us as a Parliament to act in terms of what the community would like to see, and that is to phase out these types of intensive industries. The large-scale emergency that was referred to was with regard to birds, but we do have intensive production in the dairy and pig industries that can give rise to emergencies because of the inherent problems of those intensive farming industries.

The bill creates new offences with regard to live baiting in the greyhound industry and makes it very clear that live baiting is an offence. It also introduces the offence of keeping certain animals at a greyhound training venue or racing venue. That will also be an offence under the act. The Greens, and I am sure the community, welcome those new provisions that will be introduced through the bill. The Greens have been calling for an independent regulator for the greyhound industry.

In fact, given the revelations with regard to live baiting in Queensland, New South Wales and Victoria, the Greens have moved to strengthen our national policy with regard to greyhounds. Previously in Victoria the policy was to end cruel recreational and sporting activities that use animals. Specifically, we had mentioned jumps racing, but we had not specifically mentioned greyhound racing in Victoria, but now it is a national policy of the Greens to end greyhound racing. I will refer to the reasons for that. Clearly the issue of live baiting is one that has appalled the community, but greyhound racing is a hazard for greyhounds as well as for those animals that were involved in live baiting.

Animals Australia estimates that up to 18 000 healthy greyhounds are killed in the industry every year, up to 8000 puppies and young dogs never make it onto the track and another 10 000 that are retired from racing because they are too slow to win are also killed. Animals Australia has indicated that of the puppies born each year, 8000 will never race and are most likely killed. Every week five dogs are killed on the racetrack. When dogs are not racing, most lead lives of deprivation, and four out of five dogs that are retired from racing are killed.

The greyhounds that do race on the track are put at significant risk of sustaining serious injuries, such as broken hocks or legs, or head trauma, and up to 200 dogs are reported injured during official races every week. Some even die from cardiac arrest due to the

extreme physical intensity of racing, and on many occasions the injuries are 'uneconomical' to treat, and the owner will instead have the dog euthanased. As I said, on average, around five are killed every week on greyhound racing tracks around Australia. Also there are reports and rumours of dogs being drugged with cocaine, caffeine and anabolic steroids within the greyhound racing industry. These have abounded for years and were reported on the ABC's 7.30 program, with one trainer being suspended for 18 months after pleading guilty to doping with anabolic steroids.

The greyhound industry's greyhound adoption program operates in most states, but rehomes only a relatively small number of ex-racing dogs — around 1000 nationally each year. The longest established greyhound adoption program is here in Victoria, and it rehomed 536 greyhounds last year, with the other states rehoming significantly fewer. Other rescue groups also rehome greyhounds, but together those efforts still amount to only 10 per cent of the dogs born in the industry living out a natural life span.

The greyhound racing industry also exports greyhounds overseas, and one of the biggest markets is Macau, where the Canidrome racing track does not allow dogs to be adopted. Greyhounds Australasia adopted a policy in 2014 opposing the export of greyhounds to Macau, Vietnam and other countries which do not have animal welfare laws. It is interesting to note that Australia is one of only eight countries in the world with a commercial greyhound racing industry, and it is by far the biggest. Internationally, it is an industry in decline. In the USA, for example, greyhound racing is now illegal in 39 states; 28 of the 49 tracks have closed since 2001, and wagering on greyhounds is dramatically reducing. My information is that more states of the USA will be moving to make greyhound racing illegal.

This is an activity that is cruel to animals, and it really does not have an ongoing place in the Australian community. The Greens around Australia will be pushing for an end to this industry. The changes that are being made in Victoria are welcome. They are an improvement on the former situation, where Greyhound Racing Victoria was left to regulate itself and allowed the sorts of practices that we have all seen to continue, but it is an industry we should be pushing to see the end of.

The bill also includes some provisions to prevent animal fighting and to increase entry powers at properties where it is suspected that dog fighting or cockfighting may be occurring. Most people in the community would be horrified to think that these types of activities are occurring at all, but sadly they are. Any moves to make

sure such activities are stamped out immediately are welcome.

The bill will allow the courts to impose lifetime bans on people owning or being in charge of animals if they have been convicted of aggravated cruelty, and the courts can also impose control orders and/or education to prevent reoffending where the offences are not so aggravated or cruel. These provisions will now be monitored by inspectors, which is not currently the case. There will also be new powers for inspectors to direct owners or persons in charge of an animal to comply with directions with regard to livestock safety during inspections, and spaying of animals will be prohibited now unless done by a veterinary practitioner. The bill also creates an offence for the sale or conveyance of any animal that is unfit to travel due to emaciation, injury or disease. It ought to be the most basic and essential of provisions that that be fixed under the act, and of course that animals are able to be moved in such states is abhorrent to everybody.

The bill makes changes to part 3 of the act, which is headed 'Scientific procedures', otherwise known as animal testing. This is an area of great and ongoing public concern, and part 3 largely relates to the licensing of premises and fieldwork. There is less attention in part 3 to the breeding of animals. There is something about authorised officers and there are some offences under that part of the act.

According to the second-reading speech, the bill will modernise the licensing and fee structure to better accommodate the increasing diversity of licence-holders, reduce regulatory burden and improve cost recovery. Therefore there are a large number of administrative changes. For example, under the bill natural persons can be found guilty of an offence, rather than just organisations; there will be a fit and proper person test; the scope of the peer review committee will be broadened; and inspectors will be able to compel people to comply with their licence. These are all pretty basic provisions in an act that is about the prevention of cruelty to animals.

Whilst there are some new offences under the bill, and there is the ability for inspectors to enter and force people to comply with their licence, the real issue is the scientific procedures part of the bill and the ongoing community concern with regard to using animals in scientific procedures. On 6 October I asked the minister some questions with regard to the National Non-Human Primate Breeding and Research Facility in Churchill, Victoria, and I asked her questions such as: how many primates are currently held in the facility? How many of each species are held? How many are used for research

or related purposes? I asked questions about the deaths or injuries of those non-human primates and so on. The minister responded as follows:

Information about the current primate population of the national breeding colony hosted by Monash University, and any importation of primates to the facility, is held by Monash University, and not by my department.

She said I should direct my queries to the university, but I think I will be taking that one up with the minister. She also referred me to a document called *Statistics of Animal Use in Research and Teaching, Victoria*, which is available on the department's website. It does provide a little bit of information but not the information I am asking for with regard to this particularly important issue, which is about research on non-human primates in the state of Victoria. Through my second-reading contribution tonight I give notice to the minister that I will be following up the answers to those questions, which I believe the community will be interested in hearing. The minister should know the answer to those questions and should not be referring me to the university for the answers.

I thank the department and ministerial advisers for the briefing on this bill; it feels like it occurred a very long time ago! I asked the staff present at the briefing to furnish me with a comparison of the penalties for cruelty and aggravated cruelty in the states and territories, because animal welfare is largely regulated by the states and territories rather than by the commonwealth. The commonwealth really only deals with export, including live export, and of course the Greens and many people in other parties oppose live animal exports, which I applaud. In addition, the vast majority of the community also opposes live exports. I will not go into the detail now, but it is interesting that around the states and territories the penalties for cruelty and aggravated cruelty are quite varied. The issue needs attention nationally because we need some national uniformity, I would suggest, in this area.

Having gone through the major provisions of the bill and indeed stating that the Greens are supportive of them — although we are a little sceptical with regard to the motivation and the effect in terms of animal welfare in the changes to part 3 of the act — I should also state that, as foreshadowed by Mr Drum in his contribution, the Greens have amendments to the bill, which I am happy to have circulated at this time.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — The amendments that I have now formally circulated were provided to the parties prior to this debate to give members an opportunity to familiarise themselves with them and ask questions if they wanted to.

These amendments are very similar to provisions contained in a private members bill that I brought before the Council in September last year. It did not proceed to the second-reading debate, but I have introduced and first read a similar bill that is currently sitting on the notice paper. That bill proposes amendments to legislation to ban battery cages, ban the debeaking of hens — or domestic fowl as they are called in the bill — and ban the keeping of sows in sow stalls. It also proposes amendments to the Food Act 1984 with regard to the labelling of eggs to make sure 'free range' actually means free range.

The amendments I am putting forward today relate to prohibiting the keeping of domestic fowl in battery cages, prohibiting the removal or trimming of the beaks of domestic fowl unless done by a veterinary practitioner for therapeutic purposes and prohibiting the keeping of pigs in inappropriate accommodation. I have a contingent notice of motion on the notice paper seeking that, subject to the bill being committed, the committee be allowed to consider a further amendment and a new clause to prohibit steeplechase and hurdle racing, otherwise known as jumps racing. The amendments in relation to prohibiting battery cages, the debeaking of domestic fowl and the keeping of pigs in sow stalls are all within the scope of the bill before us now. To move the amendment and new clause relating to steeplechase and jumps racing would require the passing of a motion following the second-reading debate.

There are different commencement dates envisaged for these amendments. If the amendment and new clause to prohibit jumps racing were supported, they would commence whenever the bill commences — on a date to be proclaimed. The amendment to prohibit the debeaking of domestic fowl would also commence whenever the bill commences. The amendment to prohibit sow stalls would come into operation on 1 January 2017, which is in line with what the industry association says it is aiming for in its own phase-out of sow stalls. The prohibition on battery cages would come into operation on 1 January 2018.

I will go through some of my reasons for proposing these amendments. The amendments would prohibit the keeping of domestic fowl in battery cages. A battery cage would be defined as:

... a cage for housing of domestic fowl that does not allow the fowl to do all of the following, whether because of the cage

itself (including the dimensions) or things in the cage (including other domestic fowl) —

- (a) fully stretch;
- (b) perch;
- (c) access litter;
- (d) lay eggs in a nest ...

While of course that is a very technical definition, I think everybody here, and certainly everybody in the community, understands what battery cages are, because they have had so much publicity.

According to Voiceless, an organisation that carries out research and devotes itself to the improvement of animal welfare — in particular with regard to farm animals — right now in Australia it is estimated that there are over 12 million battery hens confined to small cages as part of standard egg production, unable to perform even their most natural behaviours. According to animal welfare expert Dr John Webster, who is quoted on the Voiceless website:

... the unenriched battery cage simply does not meet the physiological and behavioural requirements of the laying hen, which makes any quibbling about minimum requirements for floor space superfluous.

So far the ACT is the only jurisdiction in Australia to have completely prohibited the use of battery cages. Tasmania prohibited any new battery hen operators from coming into operation from 2013. But for the most part, Australian state and territory agriculture ministers have refused to recognise that battery cages are blatantly cruel. This is in stark contrast to developments overseas, where battery cages have already been outlawed.

The European Union legislated to phase out battery cages by 2012, with the UK having met this target, and the European Commission pushing non-compliant countries to move ahead. Switzerland has established new requirements for the housing of chickens that came into effect in 1991, effectively eliminating battery cages there. Voters in the US state of California approved a ban on battery cages this year. As of July 2010, California also requires all eggs sold in the state to comply with the requirement that hens be able to stand up and fully extend their wings. Michigan has followed suit, committing to a phase-out by 2019. In 2010, five years ago, Ohio, which is America's second largest egg-producing state, enacted a moratorium on the construction of new battery egg facilities.

While all these changes are encouraging, the real victory lies with the consumers who are demonstrating with their consuming power that they do not want battery

cages to exist. Over the last decade Australian consumers have increasingly embraced the global ethical food movement. A Voiceless study in 2011 found that 80 per cent of Australians support a ban on battery cages. Australian sales of cage-free eggs, which include free-range, barn-laid and organic eggs, now make up almost 60 per cent, possibly more by now, of retail market share.

Australian retailers have responded to this, with Coles ending its sale of Coles-branded cage eggs in 2013 and Woolworths announcing that it will phase them out by 2018. This is something that needs to be covered in the act, and like other jurisdictions we need to make it illegal to keep hens in this way. While consumers are trying to do the best they can, they are perplexed by the sometimes deceptive but certainly unclear and confusing labelling laws. As I mentioned I am unable to do anything about that with this bill because it relates to a different act, the Food Act 1984, but changes are being looked at by the Council of Australian Governments at the national level.

Another of my proposed amendments would prohibit the keeping of pigs in inappropriate accommodation. Appropriate accommodation would be accommodation that allows a pig to turn around, stand up and lie down without difficulty; have a clean, comfortable and adequately drained place in which it can lie down; maintain a comfortable temperature; and have outdoor access. If the accommodation is for more than one pig, it should allow each pig in the accommodation to lie down at the same time and allow each pig in the accommodation to see another pig unless it is isolated on the advice of a veterinary practitioner or it is a week before, or during, farrowing for the pig.

This is an issue that Australians support. As far back as 21 November 2007 I moved in this place to disallow the so-called code of practice for the welfare of pigs, which sadly did not go where it should have gone — that is, to outlaw what we know as sow stalls. While Australian Pork Limited has announced that it is committing to a voluntary phase-out of the use of sow stalls by 2017, that will just be for those pig producers that belong to the association and there will be no legal ramifications for individuals who continue to confine sows in this way.

As in other areas of the law and regulation, voluntary industry self-regulation is not the way to go. If an industry wants to voluntarily phase out sow stalls, I do not object to that, but I think it needs to be backed up with legislation. Voiceless research found that 82 per cent of Australians agree that sow stalls should be banned. They have been partially banned in the United Kingdom and Sweden, with New Zealand to follow this

year. Similar bans have been implemented in Switzerland, the Netherlands, Finland and nine US states, with other US states to follow. Here in Australia Coles' own-brand pork products have been sow-stall free for the last two years, and Woolworths has committed to sourcing all of its fresh pork meat from farms that only use sow stalls for less than 10 per cent of the gestation period. To date the ACT and Tasmania are the only jurisdictions to have taken action to prohibit or restrict the use of sow stalls through law reform. Victoria could take the lead here, and we have the opportunity to do so with the bill before us today.

Lastly I go to my proposed amendment, which is dependent on a motion being carried to allow me to put it, to prohibit steeplechasing and hurdle racing or, as we all know it, jumps racing. South Australia and Victoria are the only states that allow jumps racing. Queensland stopped jumps racing in 1903 and Western Australia in 1941, and it was made illegal in New South Wales under its Prevention of Cruelty to Animals Act in 1997, 18 years ago. The last jumps race was held in Tasmania in 2007. It is time that jumps racing was also banned in Victoria and South Australia.

In his contribution Mr Drum went to some length to try to defend jumps racing, saying that changes made by Racing Victoria and by the government had made jumps racing safer. That is not the case, and I refer people to the Animals Australia website if they want to find out more about this issue. This year five horses have been killed on the track in Victoria. On 13 November a horse called Rabbuka was euthanased on the track after sustaining several severe injuries in a heavy fall at Casterton —

Ms Lovell interjected.

Ms PENNICUIK — Casterton. It depends which school you went to Ms Lovell, even though we went to the same school. I could digress and say that I think it is because my mother comes from New South Wales, where they would say Newcastle and Casterton.

A horse called Trenchtown was killed at Morphetville in South Australia on 27 July. He injured his leg during the race and was killed after finishing in last place. A horse called Verification suffered severe injuries in a fall and was killed on the track at Cranbourne on 9 April this year. Feel the Fame fell on the track and sustained serious injuries and was killed on the track at Cranbourne on the same day. Try Pickle collided with a hurdle, sustained a fractured leg and was killed on the track on 5 June at Casterton. Five horses were killed last year, four the year before and six in 2012. The further you go back in time, the more horses have been killed,

but the point is that horses continue to be killed in jumps racing because it is inherently dangerous.

We are often told that horses love to jump, but as I mentioned by way of a members statement earlier this year with regard to a particular meeting, in none of the three jumps races did all of the horses finish. In one of them more than half the horses did not finish, and in all of those races horses lost their jockeys and continued to run around the track without their jockeys. In only one case, right after the jockey had fallen off, did a horse actually jump over a jump. It did not jump over any further jumps, and neither did any of those horses without jockeys jump over any further jumps. In fact one of them collided with the barrier in order to avoid a jump. It is a myth that horses want to jump, because when left to their own devices that is not what they do. They do anything but jump over the jumps.

Further to the horses that are catastrophically injured on the track after breaking their necks, breaking their legs and being basically euthanased on the track, there are hundreds of horses that are never seen again. Since 2000, 118 horses have been killed in jumps races and trials in Victoria, and, as I said, that includes 4 this season and 1 in South Australia this season. Around 50 per cent of jumps horses disappear from all forms of racing the following year, largely due to injuries sustained in jumps events. Research has shown that jumps racing is far more dangerous than flat racing, with catastrophic limb injuries 18 times more likely, and cranial, back and neck injuries 121 times more likely in jumps events.

Also this is an activity which the vast majority of Victorians do not support. Many racegoers — even in surveys done by Racing Victoria Limited — have expressed concern about jumps racing and have said they wish it were taken out of the racing industry. Many people do not attend race meets because jumps events are on.

That explains the amendments that I wish to move. I did not mention the amendment with regard to debeaking. I heard Mr Drum say, 'Hens need to be debeaked because of their close confinement — they might peck each other'. I have two answers to that: do not closely confine them; allow them to be free range. That gets rid of that problem. Under my amendment there is still an ability to debeak for a therapeutic purpose or if there is a problem with the actual number of hens, and that needs to happen by a vet using an anaesthetic. Research has shown, and people would understand, that the beaks of hens are very sensitive. They are full of nerve endings, and of course they are an integral part of a hen, which uses its beak to not only pick things up but also to sense where things

are. Debeaking has been described by Animals Australia as like cutting off someone's fingertips. That is how painful debeaking is to a hen. There is no need for it, and it should be outlawed as a clear case of animal cruelty. It is something that under the purposes of this act should not be allowed in Victoria. As I said, if that amendment were to be accepted, it would come into being as soon as the act was proclaimed.

I know I have taken a long time. I have taken nearly all of my allocated time to talk about the provisions that are in the bill which the Greens are supportive of but also to outline the types of amendments we need to make to the Prevention of Cruelty to Animals Act in Victoria to actually make it a proper act that prevents cruelty to animals in Victoria. At the moment there are very large gaps in the act and in the application of the act with regard to farm animals and those that are involved in intensive farming practices, and I note the cruelty and the suffering that these animals — thousands of animals in Victoria, every single day — undergo unnecessarily.

We should as a community and as a Parliament be moving much faster than we are. Mr Drum said, 'These things are in motion'. I say they are in slow motion — very slow motion. Many jurisdictions across the world, even here in Australia, have already moved on these issues. I say if not now, when? When are we going to move to prohibit these types of activities, as has been done around the world, as is being done in other states? Victoria should be taking the lead here. Mr Drum started out his contribution by saying, 'We need to improve the welfare of animals', but there is a lot more we need to do. I have outlined that in the amendments I will be moving when we get to the committee stage of the debate on the bill.

Mr ONDARCHIE (Northern Metropolitan) — I cannot tell the house how much of a pleasure it is to follow Ms Pennicuik tonight. I rise to speak on the Prevention of Cruelty to Animals Amendment Bill 2015. May I say at the outset that whilst the usual form is to say the opposition will not oppose the bill, in fact the opposition will support the bill in its current form. What we will not be doing tonight is supporting Ms Pennicuik's amendments.

The bill proposes various amendments to the Prevention of Cruelty to Animals Act 1986 to strengthen the administration and enforceability of the act and to ensure that the act continues to be in line with community expectations. The act is a key piece of Victoria's animal welfare legislation. Its purpose is to prevent cruelty to animals, encourage the considerate treatment of animals and improve the level of community awareness about the prevention of cruelty to animals.

Clauses 10, 27 and 47 provide for new offences relating to fighting, baiting, blooding and luring. There are greater powers for entry onto properties where fighting, baiting, blooding or luring is suspected. There is an alteration to the definition of 'aggravated cruelty' to clarify that it may be multiple acts of cruelty rather than just one single act. It also increases penalties for offences relating to fighting, baiting, blooding and luring in line with the maximum penalties for other cruelty and aggravated cruelty offences under the act.

Mr Herbert interjected.

Mr ONDARCHIE — I will touch on racing very shortly, Mr Herbert, so just hold the reins back and do not run to the tote just yet. I know you would like to have a bet each way on this one, but I will get to the racing portfolio.

Mr Herbert interjected.

Mr ONDARCHIE — I know you do; we have had many conversations about that — through you, Chair.

It is an important bit of legislation for making sure we get this right. New section 13(1G), inserted by clause 10 of the bill, provides that it is an offence for a person, without reasonable excuse, to attend an event or place where a person is using an animal as a lure or kill for the purpose of blooding a greyhound or in connection with the training or racing of any coursing dog. Clause 27 of the bill amends section 24ZR(3) of the act to provide that any person must not, without reasonable excuse, contravene or fail to comply with any direction or requirement of the prevention of cruelty to animals inspector.

Clause 47 inserts new part 3AA into the act, within which section 36Q(2) provides that a person must not, without reasonable excuse, refuse or fail to comply with the requirement of an authorised officer to give certain information. The bill also provides greater powers for courts to impose control orders, such as bans, as well as powers to order the monitoring of compliance with bans.

The amendments with regard to fighting, baiting, blooding and luring were developed following an exposé on a TV program and an investigation into those practices in the greyhound racing industry. There was strong and rightful community outrage at these practices. The amendments address some of the recommendations made by the chief veterinary officer's report into animal welfare in the greyhound racing industry, and they also strongly reflect community expectations. I have to say it is time to get this right. It is time to fix it, and I will talk about this later in my contribution, as someone who has had involvement in the greyhound racing industry but

does not have firsthand knowledge of the fighting, baiting, blooding and luring that we are talking about here today. It is outrageous and it is time to fix this up, and that is why the state's opposition members stand here today to say we are supporting these amendments.

There are also increased powers for courts to impose and monitor animal ownership bans for people with animal cruelty convictions, which is in line with community expectations. If we want to be tough, let us be tough about this.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr ONDARCHIE — In our last episode I was talking about the Prevention of Cruelty to Animals Amendment Bill 2015, and I indicated that the state opposition will not be saying that it does not oppose the bill because in fact it supports the bill.

There are important amendments with regard to fighting, baiting, blooding and luring that have been developed following that exposé on television and the investigation into some very shoddy practices in the greyhound racing industry, and rightly so. I acknowledge my colleague a member for Western Victoria Region, Mr Morris, who supports proper racing with proper integrity. He is a great example of someone who is outraged by these practices, and I suspect nobody in this chamber supports those things.

The amendments address some of the recommendations made in the chief veterinary officer's report into animal welfare in the greyhound racing industry, and those amendments also reflect community expectations. It is a very important report on the greyhound racing industry by the chief veterinary officer. As I have indicated, some of those recommendations have been incorporated into this bill and will be implemented. As I have outlined, it goes without saying that members on all sides of the house support those recommendations.

The bill is going to bring things into line with public expectations by providing greater powers of entry into properties where fighting, baiting, blooding or luring are suspected. It makes an alteration to the definition of aggravated cruelty to clarify that it may be multiple acts of cruelty rather than just an act on its own, which was the previous definition. It also increases the penalties for offences related to fighting, baiting, blooding or luring, and so it should. It brings them better into line with the maximum penalties for other cruelty and aggravated cruelty offences that we have currently under the act. Many of us would have seen that *Four Corners* program, whether on the night, online or subsequently, and how could you not be angry, how could you not be

ashamed that there are elements in our racing industry that undertake those sorts of things?

I have to say that the greyhound racing industry is a significant contributor to the state's economy. The racing industry contributes over \$2.3 billion to the Victorian economy and nearly \$200 million of that comes from the greyhound racing industry. In metropolitan Melbourne the economic contribution from greyhounds is around \$90 million; in outer Melbourne it is about \$40 million; in central and northern Victoria around \$30 million; in western Victoria over \$15 million of economic contribution; Barwon and Gippsland over \$16 million of economic contribution; and in eastern Victoria over \$7 million.

The Victorian greyhound racing industry is a major employer, with over 1600 people engaged in a full-time capacity. The greyhound racing industry has delivered over \$30 million in annual prize money. It plays an important part, and it allows people to get involved, such as by attending places like The Meadows in Broadmeadows where I am a member of the Melbourne Greyhound Racing Association. Mums and dads and families attend, with jumping castles and face painting. It is a great night out. It is something that should be supported, provided we get the integrity right. I do not support any of those things that we saw on *Four Corners*.

I have a personal connection to two racing greyhounds at the moment. One of them ran the other night. It did not run as well as we had hoped; nonetheless, it is a good sport if you do the right thing. That is what this bill is about. It is about doing the right thing.

Earlier I mentioned The Meadows at Broadmeadows and the Melbourne Greyhound Racing Association. I want to take this opportunity to congratulate Eddie Caruana and his board, who are adamant about making sure we clean up this industry and get it right. To Marg Long and her team who run the events, I say that I think you do a wonderful job. The state opposition supports this bill. We wish it a speedy passage through the house.

In conclusion I say that we do not support the Greens amendments. But what I do say — and Ms Pennicuik touched on this — is that the greyhound adoption program, or GAP, is a great program and is working very well in Victoria. It has great ambassadors for the program like former cricket test captain Ricky Ponting. It is doing wonderful things. The greyhounds are happy; the families are happy. I know that if Ms Shing was in the chamber she would join me in adoration of the greyhound adoption program. We support this bill.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (Ms Patten) — Order!

Before I call the next speaker I would like to acknowledge in the gallery a former member of this house, Mr Andrew Elsbury, and a former Speaker of the Legislative Assembly, Dr Ken Coghill. It is nice to see you again.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2015

Second reading

Debate resumed.

Ms TIERNEY (Western Victoria) — It gives me great pleasure to rise to speak on the Prevention of Cruelty to Animals Amendment Bill 2015. As previous speakers have indicated, animals play a vital role in our society. They are extremely important companions to many in our community, particularly the elderly, but many children also take great pleasure in learning about pets in the family home. They are also a vital economic driver for our state, and I think it is a mark of a decent society that we condemn cruelty to animals. I note that this bill does have bipartisan support. I also note that at the very least our constituents expect that bipartisan support on an issue such as this.

This bill has several elements. One is in response to community condemnation of cruelty in the greyhound industry. As Mr Ondarchie mentioned in his contribution, I do not think there is one person who saw the ABC *Four Corners* program that captured horrific footage of live baiting in the greyhound industry who would not have felt sick to the stomach about what was going on. It was astounding that people could behave in such a cruel and callous manner to animals they were in charge of, yet we saw what they were doing. I believe the community outrage in the days and weeks after that program was palpable and completely warranted. I believe the Minister for Agriculture, Ms Pulford, was very prompt in her response. It was very pleasing to see the minister and the Attorney-General commission independent investigations into live baiting in the greyhound industry.

The racing integrity commissioner, Mr Sal Perna, undertook an investigation of industry participants, and the chief veterinary officer of Victoria, Dr Charles Milne, conducted a broad investigation into allegations of animal cruelty in the greyhound racing industry. Both reports were publicly released on 11 June this year. In total there were 68 recommendations and all those

recommendations have been accepted by this government.

This bill marks the first in a raft of legislative changes as a direct response to the scandalous behaviour that we saw from some rogue operators in the greyhound industry, and more comprehensive legislation will come before this Parliament in due course.

In relation to what this bill does in respect of penalties, there is an increase in penalties, tougher enforcement powers and greater protection for vulnerable animals. The financial penalty for luring, baiting and blooding will be doubled under the changes, increasing the fine up to \$75 835 or up to two years imprisonment, and this will bring it into line with the maximum penalty for aggravated cruelty. The bill strengthens inspector powers to provide entry onto properties where it is reasonably believed that animal fighting, baiting, blooding or luring is occurring and for the seizure of those animals that are found at such events.

Amendments are made regarding participation, the keeping of animals for use in blooding and luring, and seizure and disposal powers. The bill improves the courts' capacity to make control orders that disqualify someone from or place conditions on animal ownership following a finding of guilt and improves inspectors powers to monitor compliance of such orders. The bill increases penalties for offences with cruelty and aggravated cruelty elements in order to align them with other maximum penalties under the act. Courts currently have the power to impose banning orders for serious offences. This bill removes the reference to 'serious offences' to allow courts greater discretion to impose control orders and bans.

This legislation improves banning orders. There have been banning orders in the past, but the bill introduces a new element where the courts can order monitoring of compliance with banning orders. In the past banning orders have been put in place for people who mistreat animals. However, there was not necessarily a proper process to follow up to make sure that those orders were being enforced. This bill puts in place a process where these people can be properly monitored. Instead of inspectors having to go back to the courts to apply for an order to do inspections to make sure banning orders are being complied with, the courts will be allowed to authorise the monitoring of control orders so that inspectors can make sure the orders are being complied with. This is a common-sense reform. It should be noted that Greyhound Racing Victoria and the RSPCA support these amendments.

The bill is a sensible response to outrageous behaviour that all decent people rightly condemn and a good first step in keeping the greyhound racing industry to the standards that the vast majority of participants adhere to and expect others to adhere to as well.

The bill also deals with animal research and teaching. In moving into that area I think it is important that we recognise that insulin, many vaccines, antibiotics, transplant anti-rejection drugs and many cancer drugs have been developed with animal research. There are rigid ethics around the use of animals for science and teaching. Most of the animals used in Victoria are mice, with others being fruit flies and zebra fish. This bill reduces the regulatory burden on animal research and teaching establishments through improved licensing and cost recovery mechanisms. It establishes an Animals in Research and Teaching Welfare Fund into which fees will be paid for monitoring and reporting on compliance by animal research and teaching establishments. The bill will improve compliance, monitoring and enforcement by authorised officers.

The proposed amendments clarify the existing powers of authorised officers to enter and inspect licensed premises and to investigate suspected unlicensed animal research, under search warrants if necessary. If non-compliance is found, a new improved notice to comply will enable authorised officers to compel licence-holders to comply with licence conditions. It will also introduce — and I think this is really important — a fit and proper person test for licence applicants. Finally, the bill provides for adverse publicity orders to be made in relation to animal research and teaching establishments.

One other aspect that I am not sure has been covered by other speakers is an amendment that deals with large-scale emergency situations. It allows for emergency seizure powers to enable the immediate seizure and disposal of animals where there is a large-scale animal welfare emergency. While the current powers are adequate in the majority of cases, they have proven to be inadequate where there is an animal welfare emergency on a large scale or where there are complex ownership issues surrounding the animals or difficulties in locating the owners.

These amendments arise out of a case that was covered by the media a few years ago known as the Tip Top Poultry case. There was a complex financial structure, and the owners ran into financial difficulty. We had a situation where the chickens were actually eating each other. They were not being fed because the owners said they could not afford to feed them. The Department of Primary Industries had to feed over 800 000 chickens because the legal ownership of them was in doubt and

the courts had to sort it out. Earlier this year the owner pleaded guilty to that cruelty. A ministerial authorisation for the seizure and disposal of animals either immediately or after a specified period will assist in avoiding any future animal welfare emergencies of this nature. This includes the ability to hold seized animals at the premises while arrangements are being made. This is particularly important when there are thousands of animals involved.

The bill also makes other amendments, such as providing for greater powers for inspectors when they are inspecting livestock. In particular, the owner of the livestock is required to muster the livestock for the inspector to inspect. There will also be a prohibition on the spaying of animals unless it is done by a vet. The mind boggles that there would need to be provision for an offence such as this, but the depravity of a few must be covered, and it is consistent with the government's intention that there be no place in a civilised society for cruelty to animals. The existing law on calves has also been extended to all animals by creating new provisions that make it an offence to sell, purchase or convey animals that are unfit due to injury or disease.

We rely on animals in so many ways, and at the very least we need to be looking after them. From having a cat or dog at home, to the development of life-saving drugs, to feeding and clothing us, animals are inextricably interwoven into all of our lives. A legislative framework that leaves no doubt that cruelty to animals is unacceptable in our community is a marker of a decent society, so I am very pleased that this bill has bipartisan support.

We all acknowledge that cruelty to animals is unacceptable. It is a great responsibility to be in charge of an animal's welfare. The vast majority of people in our society treat this responsibility with the respect it deserves. These laws will not affect those people. They will, however, leave no doubt in the minds of the tiny minority of people who have no regard for the welfare of animals or, even worse, take pleasure in the suffering of animals in their charge that their behaviour is unacceptable and they will be punished. That is what our community expects, and I commend this bill to the house.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (Ms Patten) — Order! I welcome Mr George Cox, a former member for Mitcham in the other place and a former member for Nunawading Province in this place.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2015

Second reading

Debate resumed.

Mr FINN (Western Metropolitan) — I warmly join you, Acting President, in welcoming George Cox to the gallery. I have known Mr Cox for a good many years, and he is a very solid citizen indeed, let me assure you. It is good to see him — and looking so well, too.

I rise to speak tonight on the Prevention of Cruelty to Animals Amendment Bill 2015, and, as Mr Ondarchie pointed out previously, the opposition will be supporting this bill. I am particularly enthusiastic about this bill because I think anything that leads to the diminishing of cruelty to animals you would have to say is a very good thing. When we think of animals, we are looking at a number of categories. I am not looking at anybody in particular in the house tonight, but we are looking at probably three or four categories of animals.

Ms Tierney interjected.

Mr FINN — I do not know why Ms Tierney is getting upset. I have no idea at all.

I believe that there are about three or four basic categories of animals we would come into contact with in our lives. Of course there is the domestic-type animal — and I am very pleased to say that my dog, Bobbidog, is very much in that category. She is an exceptionally good dog. She probably sleeps about 21 hours a day, but the rest of the time she is absolutely sensational. She is a very good dog, and I enjoy her company enormously. She is probably the friendliest dog I have ever encountered, and the fact that I have four children and that she has never bitten one of them would indicate she is also the most patient dog on the face of the earth. She has been joined in recent times by a cat called Yoda. He is quite a lively little beast.

Yes, domestic animals are a part of my life, but they are also part of the lives of millions of people throughout Australia and probably hundreds of millions, if not thousands of millions, of people throughout the world. Our dogs, our cats, our guinea pigs — I am just trying to think what else you would have as a domestic pet. I am sure there are a number of other sorts of animals: a mouse, a rat, whatever. There are a few rats I could think of but perhaps will not mention, not by name, anyway. I am sure Mr Somyurek could fill us in with quite a few names, if you wanted to go down the rathole, as it were.

Domestic animals are a very important part of the lives of a good many Australians. I know an enormous number of people who have dogs. They love their dogs. I also know an enormous number of people who have cats. I do not know what it is, but women in particular seem to love their cats. I know a number of cat ladies. They cannot help themselves. I have to say that it mystifies me just a tad that they just cannot stop at one.

Honourable members interjecting.

Mr FINN — No, they cannot! They have a number, and quite often they will have up to six or seven — everywhere. You can understand why people would be very keen to see this bill pass in order to protect their cats and their dogs. You know — one dog, two dogs — however many you might have. They would be very keen — —

Mr Dalla-Riva — Why do you ask?

Mr FINN — Why do you ask indeed? They would be very keen to see this legislation go through, as am I, as a great lover of my dog and indeed my cat.

People also have farm animals. As somebody who grew up on a farm I think I have a pretty strong understanding of the importance farmers put on their animals. While some — perhaps the Greens, for example — might not understand farm animals and their importance, the fact is that farmers are in the business of protecting their animals. Without their animals the farmers would have no business, so they are very keen to protect their animals — to protect their cattle, sheep or pigs, as the case may be, or indeed in some instances their chooks. I have to say, however, that I do not know whether you, Acting President, have been near a chook farm, but they stink to high heaven. They are probably the worst smelling things known to man. I have some sympathy with those who look at those establishments and say, ‘Perhaps we should clean them up a bit’, because I certainly would not want to be living within cooe of one.

But I think it is important that we give credit where it is due — and that is to those farmers who put an inordinate amount of effort, resources and time into ensuring that their animals are well looked after and well protected. It is very much a part of their daily lives, and I think perhaps people do not give enough credit to farmers who really go out of their way — and I am sure Mr Ramsay, who has just joined us, will back me up on this — to ensure that their animals are treated properly.

We have, then, sporting animals, which we have heard about earlier this evening. My grandfather — and this will surprise Mr Ramsay and even you, Acting

President — owned a winner of the Melbourne Cup of greyhounds many years ago. He has gone to God now, but he used to tell a few stories about that, and I probably should keep those quiet just for the minute. Greyhound racing has, I suppose, its own folklore about it, for want of a better word. It is a form of racing with a rich tradition.

Mr Ramsay interjected.

Mr FINN — He did. Tony Lockett did love the greyhounds. My word he did. He probably still does; he has not left us yet. That is a form of racing with a rich tradition. I remember that many years ago I used to have a bet on the dishlickers. When I first started work back at 3DB — I used to work with a bloke called Ray Benson; you might remember him — and he used to give me some tips on the greyhounds. I am very glad I gave up betting on the greyhounds, because it was not the most profitable thing I have ever done, and it was probably the quickest way of losing money this side of poker machines.

Mr Ramsay — Have you spoken on the bill yet?

Mr FINN — I have mentioned the bill in passing. I have spoken about cruelty to animals, because it concerns me that we have seen live bait used in the training of greyhounds, and that is something that is clearly intolerable; that is something that we cannot tolerate under any circumstances.

The racing industry also includes harness racing, or the trots, as it used to be called — I am not sure when they became harness racing, but they were the trots when I was a lad — and thoroughbred racing. The most magical time of the year for racing — has it just concluded or is it still going — is the Spring Racing Carnival. I spoke earlier today in my members statement about that.

Members have to take into consideration that these forms of racing contribute hundreds of millions, if not billions, of dollars to the Australian economy every year. They employ thousands upon thousands of people. It is absolutely crucial that the dogs and horses that are the stars of the show are looked after, because if you have a dog and it is not doing too well, nobody is going to come and see it. I see Mr Jennings over there furiously nodding in agreement. In fact I do not think I have seen Mr Jennings so excited about anything for a very long time — —

Mr Jennings interjected.

Mr FINN — I do not know. Is Mr Jennings professing an interest in or some knowledge of the

greyhound caper? I am not sure. Perhaps we will have to find out a little bit later on.

The final category of animals that we come into contact with would be of the wild variety. I really want to mention the Royal Melbourne Zoo, which is something we here in Victoria should very proud of, and not just the Royal Melbourne Zoo but also the Werribee Open Range Zoo and the one up at Healesville.

Ms Bath — The Healesville Sanctuary.

Mr FINN — The sanctuary at Healesville. These are zoos that are really making a huge contribution to animal welfare in this state. I have to say that having been to Taronga Zoo in Sydney a few years ago, our zoo leaves that zoo for dead; there is no comparison. Taronga Zoo might have a great view of the harbour, but that is about it. I do not know why you would bother; you should just stay at the Opera House.

The Royal Melbourne Zoo — and those who run it — the open range zoo at Werribee and the Healesville Sanctuary are to be commended on the work they do to ensure the welfare and upkeep of animals that may well be endangered in many other parts of the world. That is something we should all be very proud of.

As much as I love animals — and I do love animals, as I said a little bit earlier — we must never put their welfare before that of people. I am not saying we should cause them any pain or distress or be cruel, because I think it is incumbent upon us to ensure they are comfortable and that if, for example, they are to be consumed by us, they are put down in a humane manner.

Then we have people like the Greens, as demonstrated by the amendments they have put forward tonight, who would close down the greyhound industry, they would close down the harness racing industry and they would close down the horseracing industry; in fact, they would close down most of farming, it has to be said, because quite frankly the Greens regard animals as being more important than people. That is something that I have to say I do not quite understand. I hope that Ms Pennicuik, when she gets the opportunity to speak to this house tonight, might explain that to us, because I for one would be really keen to know the mindset that is extolled by that prominent Green, Professor Peter Singer, who, quite frankly, should be in a white coat and locked away for his own protection, if not ours. These are the people who promote animal welfare over that of people. We can have both; that is what I am saying.

I am very pleased to support this bill tonight. Obviously we will not be supporting the amendments of the Greens, but I am very pleased to support the bill. May it

go a long way towards ensuring the welfare, safety and upkeep of animals, wherever they may be in this state.

Ms BATH (Eastern Victoria) — Tonight I am pleased to enter into the debate on the Prevention of Cruelty to Animals Amendment Bill 2015. I would like to reiterate that along with my colleague, Mr Damian Drum, The Nationals are very much supporting this bill, and also acknowledge the work done in this area by the former Minister for Agriculture, Mr Walsh.

The bill proposes amendments to the Prevention of Cruelty to Animals Act 1986 to strengthen the administration and implementation of the act. Encouraging considerate treatment of animals and improving community awareness about the prevention of cruelty to animals are necessary steps to ensure that the legislation is up to date and meets community expectations. This bill is one step closer to achieving this.

The key amendments that are important include greater powers to deal with large-scale animal welfare emergencies; the creation of new offences for the fighting, bleeding, baiting and luring of greyhounds; and the greater powers given to prosecute those who choose to mistreat their animals.

Earlier this year the greyhound racing industry came under great scrutiny — and we have heard about this at great length this afternoon and this evening — following reports that trainers were using baiting, bleeding and luring as methods of practice. I would like it on the record that not all trainers took part in these methods, and I do not think the industry condoned the actions of the individuals who undertook these horrendous practices.

This issue is, however, still a black spot that has cast a shadow on this industry and the likelihood of it happening again must be stopped. Allowing greater powers for entry onto properties where such methods are suspected of being used is a useful and important way of ensuring that this industry never faces the tragedy of the mass graves, mistreatment and cruelty exposed earlier this year.

I would like to talk about the greyhound adoption program, which is based in Seymour. It is a great initiative of Greyhound Racing Victoria, and it is dedicated to finding homes for greyhounds that are no longer suitable for racing. I am told by many that greyhounds make fantastic pets. They are placid dogs that thrive in family home situations. I know that many people worry if they walk down a street and see a dog with a muzzle, but the greyhounds that pass through this

program wear a special green collar and spend time with foster carers. Also they have been desexed, had their temperament tested, vaccinated and microchipped so that they do not have to wear a muzzle.

The good news for my electorate is that a similar program has started up in Gippsland. Kerry from Gippsland Greyhounds started the adoption program in June and says it has really taken off in the area. This local Gippsland initiative is supported by Gippsland Veterinary Hospital, which specialises in greyhound care, and Dishlicker Coats, which specialises in greyhound coats and accessories. With greyhound racing events at Warragul, Traralgon and Sale in my electorate, this Gippsland-based adoption program is something I hope our local community gets behind.

I can vouch for the joys of an adopted pet because I own one. A few years ago my family decided they would love a dog and so we went to the Keysborough Animal Shelter. Buddy the Wonder Dog is now an integral part of our life — in actual fact I think he is the most important member of our family, and we consider him greatly — but the concern is that he was once mistreated, maltreated and neglected in order to land in that space.

I want to applaud the hard work done by staff at animal shelters in my electorate and across Victoria. Not only do they work tirelessly to rehouse dogs and cats and other animals but they also provide in many circumstances opportunities for disadvantaged youths and those with a disability throughout the community to develop positive relationships with animals.

It is important to teach young people how to respect our animals. Growing up on a dairy farm I was taught not only the economic value of an animal but how important they are as creatures of nature. I have enjoyed the friendship and responsibilities of looking after our family farm and pets as well.

I am horrified when I hear of cruelty across many cases, the greyhounds being one of them, but also as we have heard today there was the case of the Victorian chicken farmers who were found to have starved over 1 million chickens in a period of time between December 2011 and February 2012. This resulted in the death of 86 000 animals, and it was very unfortunate. Because of the present laws, the department was not able to seize and remove the animals that were in danger. This incident cost the state \$80 000 per day, and by the time the animals were sold around \$1 million. Not that this was the worst of the situation — it was the behaviour of the owners and cruelty to the animals. They do not

deserve to be treated in this way, particularly when they are for our use and consumption.

I support the bill's efforts to prevent this from occurring in the future by granting the government more power to intervene in large-scale emergency situations. The amendments allow for the immediate seizure of animals when there are large-scale welfare emergencies. I believe that our communities want to see this happen and have an expectation of it. I understand that presently under the act there is a seven-day notice period, and that where there are urgent concerns in relation to animal welfare, this bill will enable the minister to authorise a specialist inspector to take immediate action where an animal is stressed or disabled, and I am supportive of this matter.

Similarly, in this bill there are increased powers for the courts to impose and monitor ownership bans of people who have previous cruelty convictions. The bill will allow courts to impose bans of 10 years or longer, including lifetime bans, on people who have an existing disqualification order or have previously been subject to one. The bill will also allow increased monitoring of perpetrators. Hopefully our courts can enforce the ban allowable and send a clear message to the public that animal cruelty will not be tolerated. Our communities, along with animal welfare groups, expect that people found guilty of cruelty to animals will be convicted and appropriately sentenced.

In my electorate of Gippsland there is a wonderful dairy industry, and the dairy industry in Victoria supplies approximately 86 per cent of Australia's production. I know many, many dairy farmers, and beef and sheep farmers as well, and I am proud to say that they take pride in their animal husbandry, and that in many respects our overseas and international trading partners look to us and our standards to develop their own policies in this area. This bill supports the industries in this vein.

The bill also provides a prohibition on the spaying of animals unless this is done by a veterinary practitioner. It also sensibly extends the offence of cruelty to include selling, offering for sale, purchasing, driving or conveying an animal that appears to be injured or diseased. This is an extension of offences that currently only exist in relation to bobby calves.

The bill also makes amendments to the section of the act that regulates research using animals by modernising licence and fee structures, improving cost recovery and reducing regulatory burdens. The Nationals will be opposing the amendments proposed by the Greens, and I would like to reflect just briefly on the Australian

Jumping Racing Association. Australian jumps racing has made dramatic improvements over the past five years with a series of safety enhancements, including new jumps, tougher qualifying conditions and better education and improved riding policies. Whilst there have been dramatic improvements in the safety records of jumps racing over the past five years, including a 50 per cent reduction in both the fatality and fall rate, the industry is continually striving for an optimum safety record in the sport. All of the people in that industry love their horses, so a fatality is always heartbreaking.

The horses that compete are athletes in themselves, and they are given care and consideration by their owners. They have extensively been prepared to jump, and this includes many hours of training and schooling. Jumpers are a bit like good greyhounds — hopefully, they find excellent homes when their career has finished. Racing Victoria has a range of initiatives to assist horses for transition into life after racing with the Off the Track program.

In summarising, I believe the changes made by the bill reflect the community's interest and provide a common-sense approach to the governance of the prevention of cruelty to animals. I know the Liberal-Nationals coalition worked hard in government to initiate and support measures to improve animal welfare within our state, and it is pleasing to see that this government is continuing this important work with the bill before us this evening.

Ms PATTEN (Northern Metropolitan) — I rise to speak briefly on the Prevention of Cruelty to Animals Amendment Bill 2015. Like the previous speakers, I love animals. I am allergic to them, all of them, from kangaroos through to dogs and cats, but I do love them. I am a dog person, not a cat person, and never may it be said that I am a cat lady!

I do love animals, and I love to eat them, but I do respect them. I even love to wear leather. Like the other speakers, I was incredibly struck by the *Four Corners* piece on the greyhounds. I had actually gone to see the greyhounds at The Meadows a few times prior to that and had a really good time. I had no idea that my colleague Mr Ondarchie owned a few of those dogs, and I should have asked him for a few tips before I went. I did have a good time, but I had no idea of the background story until I saw it on *Four Corners*. Like everybody else, I was absolutely horrified by what we saw with the live baiting and the absolutely hideous behaviour of those unscrupulous trainers. I am very conscious that not all of them are unscrupulous, but we need to strengthen the laws to stop those incredibly

vicious, unscrupulous and horrible people carrying out that type of behaviour.

What struck me at that time was the greyhound adoption scheme, which I have been learning about, and certainly our colleague Ms Shing speaks very warmly of that scheme. It was also interesting to hear Ms Bath say it was being expanded around the state. When you start to live bait these greyhounds and they have gone through that process of training, their rehoming becomes that much harder. The retraining for them to become domestic and very loved pets is so much harder after they have experienced a baiting type of training. Therefore I am very pleased that we are strengthening the penalties and sending a further strong message against this type of hideous behaviour and training practice that should never exist in a civilised society. While we want to see the greyhound adoption scheme being expanded throughout the state and hopefully into other states, we must ensure that things like live baiting are completely out of the system and out of the training procedures.

Before learning about the bill I did not know that animal fighting actually existed in Australia. I thought it was something that occurred in the back streets of Bangkok with roosters. Having heard today's question time, it seems mixed martial arts might be considered animal fighting, but I know this bill does not cover that area. It is such a sinister thing to set animals against each other, and again, as someone who loves animals very much, I am very pleased to see that we are doubling the penalties and also providing for increased powers to enter premises where it is suspected that there may be animal fighting or any form of live baiting occurring. I love my horseracing and I am beginning to love the greyhounds, but I do not like to see animals being cruelly treated, and I certainly found it horrendous to hear that this type of thing happens.

My parents had a farm, and we loved the animals on that farm. We only had a small farm, and my mother made the mistake of naming each calf as it was born. She then sent it off to what she called 'boarding school', and it would sometimes find its way, unnamed, back into our freezer. I will never forget the day we ate Aranda. It was a bad day. We looked after our animals very well, and I think most farmers do, but when you hear cases like the Tip Top Livestock case, where nearly a million birds were being starved and mistreated and there was very little we could do to stop that, you realise the importance of this bill, which will enable us to jump in much earlier to stop the starving of these animals and make it easier to prosecute those people and solve the situation.

Previous speakers have spoken about the cost of trying to keep these broilers alive and trying to keep them fed — in a fairly futile way. I am encouraged that this bill will make it much easier for our governments and our inspectors to enable seizures, which will inevitably lead to better welfare outcomes for these animals.

I am supporting the bill. I am encouraged that we will be addressing the horrendous activities that we saw in the *Four Corners* program regarding live baiting. The Tip Top Livestock case highlighted the need to strengthen the legislation and to increase the penalties and to enable inspectors to work more easily and in a more streamlined fashion to stop this mistreatment of animals. I am pleased to commend the bill.

Mr RAMSAY (Western Victoria) — It gives me pleasure to speak to this bill, but I have to say, having listened to the contributions, this debate has been almost bizarre. We have a Prevention of Cruelty to Animals Act 1986 that has been with us for many years, and this is a bill simply to amend and strengthen some powers in relation to that act. But I have learnt tonight that Ms Patten likes dogs more than she likes cats. I have learnt that Mr Finn liked dairy cattle in Colac in a past life. Ms Bath has talked about her very strong affinity for her animals. The other contribution, sadly, I missed because I was away during that period of time. But it seems that most of the contributors to the debate on this bill tonight have some affinity with the land and some affinity with the animals, and I am no different. I have to say I do not like cats, and I am not a big fan of some other animals, but I do generally like animals at large. I have been a farmer all of my life, and I take the responsibility of caring for those animals very seriously.

In my past life as a president of the Victorian Farmers Federation, I had a strong and close association with the RSPCA and the then president of the RSPCA, Hugh Wirth. We had many discussions about the role of the RSPCA and the role of the farmer organisation and how we have synergies in relation to putting regulatory frameworks and codes around preventing cruelty to animals. Some things we agreed on, some things we did not, but I think at the end of the day we did have a mutual understanding about the importance of putting regulations in place, legislation that will protect our animals, both domestic and commercial. Most times we agreed rather than disagreed.

This bill proposes various amendments to the Prevention of Cruelty to Animals Act 1986 — and I will call it the POCTA act from hereon in because I do not want to go through all of those words again — to strengthen the administration and enforceability of the act and ensure that the act continues to be in line with community

expectations. I have to say the POCTA act, over a period of time, has been a living document; it actually changes and evolves over time. It is important that we continue to strengthen the original act, which goes back to 1986, to make sure that we provide legislation that does meet community expectations. Community expectation increases all the time in relation to how we provide legislation to protect our animals, particularly with the changing environments we see not only in relation to domestic animals but also in a commercial sense.

I refer to the live export trade, where the industry over time has put in place codes of practice in relation to animal welfare in the live export of both sheep and cattle. We have seen standards and codes improve over time, particularly codes of practice for feedlotting at sea, the requirement to provide food and water and a medicinal inspection service to the animals, and also in relation to the time that they spend in feedlots, adjusting to change of feed, and the time they are actually at sea.

All of those standards and codes have improved over time, and I see this bill as an extension of the work that has been done previously. I commend the former Minister for Agriculture and Food Security, Peter Walsh, the member for Murray Plains in the Assembly, for the work he did in introducing a lot of legislation in response to community concerns in relation to cruelty to animals.

The bill contains various amendments, and it is important to identify the key ingredients of the bill. I will not go into much of the detail, as others have already done so in their contributions to the debate. We have created more powers not only for the inspectors who are charged with responding to cruelty to animals but also for the court system. The bill provides for more offences and heavier penalties. My hope is that the courts, given more powers, will use them to apply significant penalties where offences occur in relation to cruelty to animals. We can give the courts these powers, but it is up to them to decide how they wish to use them.

We have heard about new offences relating to fighting, baiting, blooding and luring; greater powers for entry onto properties where fighting, baiting, blooding and luring is suspected; alteration of the definition of 'aggravated cruelty' to clarify that it may be multiple acts of cruelty rather than a single act; and increased penalties for offences relating to fighting, baiting, blooding and luring to align with other maximum penalties for cruelty and aggravated cruelty offences under the act. As I said, there are also greater powers for the courts to impose court orders and to order the monitoring of compliance with bans. Again, it is up to

the courts to decide how they want to use those additional powers.

We are also in this bill modernising licence and fee structures for the use of animals in research and teaching. There is the establishment of an Animals in Research and Teaching Welfare Fund, of which I have not seen the detail. I remember former Minister Walsh creating an Animal Welfare Fund, and I will talk a little bit more about that later. As I understand it, all fees paid for monitoring and reporting on compliance by animal research and teaching establishments will be paid into this fund.

The bill provides for improved enforcement powers for the regulation of scientific procedures, for adverse publicity orders to be made in relation to animal research and teaching establishments and greater powers for inspectors to require owners to muster and secure livestock when necessary for inspection. It will prohibit the spaying of animals unless done by a veterinary practitioner. The provision making it an offence to sell, offer for sale, purchase, drive or convey any animal that appears to be unfit because of weakness will be broadened to include unfitness caused by emaciation, injury or disease.

These are important amendments. Some are no doubt minor in nature, but it is important for industries to be able to implement them, particularly in their codes of practice. We know there is a broiler code of practice. In the dairy industry there are a number of codes of practice in relation to cruelty to animals and animal welfare which the industry itself regulates, as is also the case with the livestock industry.

Work on legislative amendments that give greater powers to deal with large-scale animal welfare emergencies began under the previous government. I again congratulate former Minister Walsh and his department on that work. As Ms Bath indicated in her contribution, there was such an emergency in 2012, when nearly 1 million starving broiler chickens were seized from six properties across Victoria. It cost the government over \$1 million to provide for the care and eventual sale of those birds. I understand that the amendments contained in this bill will allow such an intervention to be undertaken a lot quicker than is case under the existing legislation. Hopefully we can avert cruelty to the animals and also reduce some of the costs associated with dealing with animals that have been taken away from the owner.

Amendments with regard to fighting, baiting, blooding and luring have been developed following the exposé and investigation into the greyhound racing industry. I

congratulate the ABC and *Four Corners* for their quite in-depth investigation into the greyhound industry. It is pleasing to see the industry itself has responded fairly quickly to those very poor practices. Consequently the amendments in this bill address some of the recommendations made by the chief veterinary officer's report on animal welfare in the greyhound racing industry.

Again, these amendments strongly reflect the community expectation that there would be a fairly quick and brutal response to the poor practices in the industry. Similarly, increased powers for courts to impose and monitor animal ownership bans for people with animal cruelty convictions are in line with community expectations and with the views of the animal welfare stakeholder groups. Amendments to the section of the act which regulates research using animals will result in modernising licence and fee structures, improved cost recovery and regulatory burden reduction.

We are demonstrating as a coalition — not The Nationals, not the Liberal Party but as a coalition — our commitment to animal welfare by supporting this bill. As I said, a lot of good legislation was introduced by the previous government in relation to puppy farming and other commercial activities. The dairy industry, live export and broiler farms are all important in relation to wealth generation, and it is important that those industries also take some ownership of the codes of practice associated with individual industries in relation to cruelty to animals. I certainly know from the work that I did with the Victorian Farmers Federation they were very cognisant of the fact that we needed to have very strong and robust codes of practice to make sure that we met community expectations in relation to cruelty to animals.

In summary, with my colleagues on this side of the house, I support this bill. It is a pity that the Greens, on a continual basis, want to provide amendments that tend to muddy the waters in relation to what is an important but reasonably simple bill, providing more powers under the POCTA act. As our lead speaker, Mr Damian Drum, has indicated, we will not be supporting the Greens amendments, but we do wholeheartedly support the government's bill in this house tonight.

Ms PULFORD (Minister for Agriculture) — I would like to thank all members for their contributions to this debate on the Prevention of Cruelty to Animals Amendment Bill 2015, and in doing so I thank the many members who have talked about their commitment to animal welfare, their observations of the wide range of animal welfare issues that we canvass from time to time and their indication of their support for this bill.

Earlier in the year people were shocked and dismayed at the *Four Corners* program on live baiting in the greyhound industry. The government responded quickly to this. Sal Perna, the racing integrity commissioner, conducted an inquiry, and I asked our chief veterinary officer, Dr Charles Milne, to conduct an inquiry too. This was a big project. Between the two reports that were released and tabled in the Parliament on 11 June, there were 68 recommendations. Quite a number of these recommendations were not recommendations to government but rather recommendations to the industry, which it is working through. The government has accepted every recommendation that was put to us, and we have been working to respond as swiftly as possible. This legislation represents part of that response, and there will be further legislation introduced to this Parliament that will address some of the other recommendations, but we have been very keen to respond to this swiftly and thoroughly.

The reports of Mr Perna and Dr Milne demonstrate that there is a great deal of work for the greyhound racing industry to do to clean up its act and conduct itself in a way that is consistent with our community's expectations. Some of the amendments in the bill make excellent progress to that end, with the increased penalties matching the maximum penalty for aggravated cruelty and some additional inspector powers and the like, which members canvassed during the course of the debate.

The legislation, as other members have indicated, responds to some deficiencies in what is now a middle-aged piece of legislation. A deficiency was found in the Tip Top case that Ms Bath referred to in the debate and that Mr Ramsay mentioned. The capacity of the department to intervene quickly in a large-scale animal welfare emergency showed up some deficiencies in the legislation, and we are very pleased to bring that work to a conclusion and to address that deficiency. This is one of the key aspects of the bill.

The government has a deep commitment to animal welfare, and I look forward to bringing legislation into the Parliament in the first half of next year to conclude our work on puppy farms. There has been a great deal done to address this so far, but there are two key aspects of the promises we made to the Victorian community before the election that will require further legislation, and they are well underway in their development. They are the commitment to cap at 10 the maximum number of breeding dogs that a domestic animal business can have and an amendment to restrict the sale of puppies and kittens in pet stores.

I look forward to completing that work, but a great deal has already been done, including the provision of additional resourcing to the RSPCA to enhance its inspectorate so that it has a specific unit working on this and the changes to the code that have already been introduced. I have learnt some pretty horrendous things in the range of options available to people who want to make a quick buck by breeding puppies, but all that will be concluded, I hope with the goodwill of my parliamentary colleagues, by the middle of next year.

Ms Pennicuik indicated that she intends to move a number of amendments, and before we enter the committee stage I would like to respond with the government's view on these matters. Ms Pennicuik's commitment to and interest in these issues is well known and understood by all members in this place. I will outline to the house our concerns around the amendments.

Firstly, on the question of jumps racing, the proposed amendments are well beyond the scope of the bill. We are of the view that the future of jumps racing ought to be a matter for the racing industry. To date the Prevention of Cruelty to Animals Act 1986 has not been used to place this kind of restriction on an entire industry — not in Victoria, in any event. To move an amendment in the upper house that is well beyond the scope of the legislation before us would have a dramatic impact on an industry that contributes around \$25 million to the economy and is probably not an ideal way to go about this.

I cannot imagine that the racing industry has been consulted about this proposed change. I understand Ms Pennicuik's long-held view about this, but I also note that the Greens intention to proceed with these amendments was not something that it was sharing with the community until just after the by-elections in the Assembly electorates of Polwarth and South-West Coast, which are of course the parts of Victoria that have the greatest share of that \$25 million industry. If that had been known and understood during the by-election campaign, there could have been a very interesting response.

Places like Warrnambool, of course, and Casterton, Coleraine and Ballarat are some of the communities that support this industry. Whilst there are people in the community who have very strong views about this, it is our view that this ought to be a decision for the racing industry. It is also our view that this unnecessarily and unreasonably broadens the scope of matters under consideration in this bill, so we will be opposing the amendments. I gather we have a little procedural twostep along the way with Ms Pennicuik's motion,

numbered 178 on the notice paper, seeking to broaden the scope of the bill enough to introduce that amendment.

I will respond also to the proposed amendments on domestic fowl. On the proposed new section 13A, through which Ms Pennicuik seeks to prohibit the removal or trimming of beaks of domestic fowl, this is a complex issue. I understand it has its origins in a concern about ongoing chronic pain, but with this proposed amendment I believe there is a risk of perverse outcomes contrary to the animal welfare objectives of the legislation. Beak trimming is performed to enhance the welfare of chickens by decreasing injuries caused by the behavioural vices of cannibalism, bullying and feather and vent pecking. We believe that prohibiting beak trimming altogether could quite possibly lead to increased chicken injuries and deaths and would indeed run counter to the purpose of the legislation. Maybe I will not get too much into cannibalism. I understand the objective here, but there could be adverse animal welfare consequences.

Just in response to layer hens — caged chickens for eggs — the domestic fowl regulations set the standards by which layer hens can be housed, including cage floor space and cage design. But it is important to recognise that the domestic fowl regulations sunset next year and there is a process for reviewing these regulations which has already commenced, with extensive consultation planned for early in the new year.

I would like to provide members of the house with some information around the pricing of a carton of eggs — cage versus free range. This is not an insignificant consideration. Cage eggs average \$3.35 a dozen compared with \$5.34 a dozen, but what we are hearing is a greater consumer voice on animal welfare issues and the industry is of course very cognisant of this. Cage eggs account for about 53 per cent, so more than half, of supermarket egg sales. I know that during the debate Ms Pennicuik said it would be good if Victoria could lead on animal welfare issues — and certainly in many respects I think we do — but there needs to be something of a check against that because there are some instances where a national approach is going to get a better outcome and is going to lead to improved animal welfare without the concurrent risks to industry.

Our concern here is that if the production of cage eggs were prohibited in Victoria, what we would have is Victorian supermarkets stocked with cage eggs from interstate. Woolworths has already announced that it is going to cease stocking cage eggs by 2018, and Coles is very conscious of this. Those big supermarkets like to keep an eye on what the other is doing, and they will be improving and increasing their free-range offerings.

Consumers are sending a pretty loud message to supermarkets and in turn to industry.

We cannot ignore the costs to consumers. This is a really important consideration, but also we need to be careful that we do not restrict the Victorian industry without thinking about what is going on on the other side of the border. I want to reassure Ms Pennicuik that the review of those regulations is very much underway, and there will be an opportunity for people who have a view about this to express that during the consultations early in the new year.

Finally, on the third topic in relation to which Ms Pennicuik is seeking to amend the bill — by inserting new section 15D(2)(a) around inappropriate accommodation for the keeping of pigs — I provide the house with some information about the current arrangements. The standards and guidelines for this are currently prescribed under the Livestock Management Act 2010, not the Prevention of Cruelty to Animals Act, and from 20 April 2017 the use of stall confinement will be phased out except during gestation periods or on veterinary advice under the pig welfare standards and guidelines.

I know that the pork industry has instigated this reform, and it is well down the road to ensuring that this issue and community concerns about it are addressed. I indicate that under this program 67 per cent of accommodation for the keeping of pigs has been verified as sow-stall free. Before we go into the committee stage of the bill I just wanted to outline the reasons for the government's opposition to those amendments. I thank everybody for their support of the bill and their ongoing commitment to animal welfare.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

The ACTING PRESIDENT (Mr Finn) — Order! The President has considered the amendments circulated by Ms Pennicuik, and in his view her amendments 1 and 5 are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 15.07 is required. I remind the house that an instruction to committee is a procedural motion. I call on Ms Pennicuik to move her instruction motion.

Instruction to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

That it be an instruction to the committee that they have power to consider an amendment and new clause to amend the

Prevention of Cruelty to Animals Amendment Bill 2015 to provide for an offence prohibiting steeplechasing and hurdle racing.

Hurdle racing is otherwise known in Victoria and South Australia as jumps racing, and they are the only two states that still host these events. I was interested in Ms Pulford's allegation that somehow I had not circulated these amendments due to some by-elections which recently occurred, but I remind her that in fact on 21 October, well after the time the by-elections were announced, I made a members statement in this place calling for the ending of jumps racing, as I have done many, many times. Indeed I mentioned in my contribution to the second-reading debate that events such as the Warrnambool Cup or the Warrnambool Racing Carnival — and I am sure Mr Purcell will have something else to say about this — might benefit from the lack of jumps racing because there are a lot of people who do not attend race meetings where jumps events occur because of that.

Today in contributions there has been a lot of mention of the RSPCA and its support for various provisions of this bill. I take the opportunity to commend the RSPCA for the work it does now and has done over many years for animal welfare, but if I can just quote from its very extensive contribution on its website about jumps racing, the RSPCA absolutely disputes the claims that jumps racing is safe and maintains that jumps racing puts horses at an unacceptably high risk of injury and death. The RSPCA goes on to say:

Over many decades, the industry has been given the opportunity to make jumps racing safer for horses and jockeys alike. There have been multiple safety reviews, and these have included consultations with animal welfare bodies such as the RSPCA. However, despite these reviews and recommendations, and despite RVL claiming that jumps racing is the safest it's ever been we continue to see horses die in the name of sport.

As I mentioned, 118 horses at least have been killed in jumps racing on the track in Victoria since 2000. That is eight horses a year. That does not include all the horses that sustain injuries and are not seen again.

The RSPCA says that people love to say horses 'love to jump', but it says:

The truth is that horses only jump obstacles at full gallop because they are forced to do so.

Horses are intelligent animals with a high level of perception of their environment. If they approached an obstacle that required jumping over in the natural environment, the horse's reaction would be to slow down, assess the obstacle and adjust their gait accordingly. Survival instincts suggest that horses are unlikely to jump over obstacles at full speed and risk injury or death. Most horses losing their riders during jumps races (which happens frequently) —

and I mentioned in my contribution and in the Parliament earlier this year a debacle at one of the recent events where all the races included riderless horses —

choose to run around hurdles and steeplechases rather than to continue jumping.

The website goes on to say:

Jumps racing pushes horses far beyond their natural limits. It exposes these animals to a much higher risk of musculoskeletal injuries, physiological stress, other injuries and death when compared to flats racing.

...

There is significant hype around the spectacle of jumps racing but the truth is a race with a handful of starters is certainly not a spectacle and either is watching horses and jockeys fall.

... nearly 20 per cent of starters not reaching the finish line for a variety of reasons. Horses that do finish often struggle many tens of lengths after the winner and are never in contention. Sadly, this doesn't stop many riders continuing to whip their horses even though they have no chance of success.

The RSPCA finds it disgusting that the sight of horses being driven at high speed over jumps, where any miscalculation can result in a fall or a death, is described as an exciting spectacle. Each and every race is a gamble with death. The Australian Jumps Racing Association's own president Rodney Rae has suggested that this risk is acceptable:

'In any endeavour involving animals, you are going to have casualties. Our aim is to minimise the risk' ...

Also on the website is:

It is unnecessary and indefensible in contemporary society for horses to be put at risk of injury or death for the entertainment of a minority ... a jumps race cannot be run safely and humanely no matter how much time, effort and resources are placed on improving safety.

The ACTING PRESIDENT (Mr Finn) — Order! Ms Pennicuik's time has expired.

Ms PULFORD (Minister for Agriculture) — We will be opposing this motion for the reasons outlined in the second-reading debate. I do not think this is an appropriate mechanism by which to consider this matter. It is a \$25 million industry and it has great significance to regional Victorian economies in particular. This is well beyond the scope of the legislation before us today. Whilst I understand Ms Pennicuik's views, and indeed those of the RSPCA and others in the community, it is the government's view that jumps racing is a matter for the racing industry. But in any event, this is not an appropriate mechanism by which to be debating this issue.

Mr DRUM (Northern Victoria) — On behalf of the coalition I express our opposition to this motion as a form of moving amendments. It is well known that

former Premier Denis Napthine was a tremendous supporter of the jumps racing industry. The work he did in my home town of Bendigo to help revamp a full day of jumps racing put jumps racing in Bendigo back on the map and was very important for that industry.

It is also a well-known fact, if you go and have a look at some of the champion thoroughbred racing stables, that trainers quite often throw these champion million-dollar racehorses over the jumps — not the tall hurdles that you see at the Grand National — because the horses love to jump. It actually revitalises many of the thoroughbreds. The horses that everybody is backing in the Melbourne Cup Carnival would have been jumping over little sets of jumps as a way of getting enthused and getting a bit of life back into their training. It is a technique used by all the top trainers because the horses do in fact love to jump.

I admit to Ms Pennicuik that it is a different story when it comes to the big races over long distances. That is obviously something horses have to train for and become very good at. Little kids like to play in the backyard and they love to pick up a stick and hit something, and horses love to jump. This is an opportunity for the coalition to throw its weight behind this industry, and we are very proud to do so.

Ms PENNICUIK (Southern Metropolitan) — If I could just respond in particular to the government's comments and particularly to the remark that the Prevention of Cruelty to Animals Act 1986 is not an appropriate mechanism. Jumps racing is in fact illegal in New South Wales under its Prevention of Cruelty to Animals Act 1979, which the amendment I am proposing to move is based on, so the amendment can be used for that. I understand that the particular amendment I am moving is outside of the scope of the bill, but it is not unknown in this Parliament for an amendment to a bill that is outside the scope of the bill to be moved. It has happened on other occasions.

The minister mentioned a \$25 million turnover. I am not sure where she gets that figure from. It is probably from an economic impact assessment, which of course talks about money spent at a particular event, on a particular event or in a particular area, but if that particular event were not occurring, the money would be spent on something else. In fact my figures state that jumps racing represents 0.71 per cent of turnover in racing and that that figure is in fact reducing. These are not my figures. The RSPCA said:

Wagering has also sharply declined since 2006, as awareness of the welfare issues involved has increased ... This is an extremely poor return for the amount of pain and suffering endured each year on jumps racing tracks across Victoria.

I commend my motion to the house.

House divided on motion:

Ayes, 5

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

Noes, 34

Atkinson, Mr
Bath, Ms
Bourman, Mr
Carling-Jenkins, Dr
Crozier, Ms
Dalidakis, Mr
Dalla-Riva, Mr
Davis, Mr
Drum, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr
Fitzherbert, Ms
Herbert, Mr
Jennings, Mr
Leane, Mr
Lovell, Ms

Melhem, Mr
Mikakos, Ms
Morris, Mr
Mulino, Mr
O'Donohue, Mr
Ondarchie, Mr
Patten, Ms
Peulich, Mrs
Pulford, Ms
Purcell, Mr
Ramsay, Mr
Rich-Phillips, Mr
Somyurek, Mr (*Teller*)
Symes, Ms
Tierney, Ms
Wooldridge, Ms
Young, Mr (*Teller*)

Motion negatived.

Committed.

Committee

The DEPUTY PRESIDENT — Order!

Ms Pennicuik has previously circulated a number of amendments, including proposed new clauses. The house has voted on an instruction motion moved by Ms Pennicuik relating to some of her amendments out of scope. This motion was defeated and accordingly the committee will not consider Ms Pennicuik's amendments 1 and 5, which are out of scope.

Clause 1 agreed to.

Clause 2

The DEPUTY PRESIDENT — Order!

Ms Pennicuik's amendment 2 seeks to provide for different commencement dates for various clauses, including new clauses. I propose that the committee postpone consideration of clause 2 until clauses that will affect commencement dates have been dealt with.

Clause postponed; clause 3 agreed to.

Clause 4

The DEPUTY PRESIDENT — Order! It is proposed that this clause be postponed until after consideration of Ms Pennicuik's proposed new clause C following clause 10 as it seeks to alter definitions which will only have effect if Ms Pennicuik's amendment 7 is agreed to.

Clause postponed; clauses 5 to 10 agreed to.

New clause B

Ms PENNICUIK (Southern Metropolitan) — I move:

6. Insert the following new clause to follow clause 10 —

'B New section 13A inserted

After section 13 of the Principal Act insert —

"13A Removing or trimming beak of domestic fowl prohibited

(1) Despite section 6, a person must not remove or trim the beak of a domestic fowl.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.

1200 penalty units, in the case of a body corporate.

(2) A veterinary practitioner who removes or trims the beak of a domestic fowl for a therapeutic purpose does not commit an offence under subsection (1).".'.

I take the opportunity to point out the penalties: 240 penalty units or imprisonment for two years in the case of a natural person, and 1200 penalty units in the case of a body corporate. The amendment also allows that a veterinary practitioner who removes or trims the beak of a domestic fowl for a therapeutic purpose does not commit an offence under that subsection. I will just briefly refer here to Voiceless, which is an animal welfare organisation that conducts research into animal welfare, particularly with regard to farm animals. Voiceless states that:

Due to the suppression of many of their natural instincts and social interactions —

that is, when hens are in battery cages —

... hens raised in battery cages can become frustrated, fearful and aggressive. This may trigger behaviours such as hen pecking, bullying and cannibalism.

The minister did not want to talk about this earlier. Voiceless further states:

In an attempt to prevent this behaviour from causing injuries to other hens, factory farmers routinely conduct beak trimming or 'debeaking' on chicks. This most commonly involves the amputation or searing off of the upper and lower beak through the application of an electrically heated blade. Re-trimming may also be carried out if a hen's beak grows back.

Debeaking can cause acute and chronic pain, particularly in older birds, due to tissue damage and nerve injury. In addition to the pain caused during and immediately following amputation, scientists believe the process can cause the beak to

develop long-lasting and painful neuromas or tumours, which deter hens from using their beaks to forage or exhibit other natural behaviours.

In any case they cannot do this if they are in battery cages. Voiceless continues:

... the ACT is the only state or territory to have outlawed the practice, with all other Australian jurisdictions permitting it to be performed as a matter of routine without pain relief.

That is why I wish to move this amendment to the Prevention of Cruelty to Animals Act 1986. It is a cruel act which inflicts suffering on animals.

Ms PULFORD (Minister for Agriculture) — As I indicated in the second-reading debate, we are concerned about the animal welfare consequences of agreeing to this amendment. We will be opposing this amendment. Yes, I was reluctant to go into too much detail about cannibalism earlier, but I indicate that without beak trimming, cannibalism within free-range layer stock at the current Victorian density requirements is estimated at 30 per cent to 40 per cent of the flock. My advice is that this amendment would in all likelihood create an adverse animal welfare outcome, and that is why we will be opposing the amendment.

Ms PENNICUIK (Southern Metropolitan) — Just briefly, Deputy President, of course the whole issue about debeaking and the ‘need’ for it is of course in terms of the overcrowding of birds in a particular space. The minister mentioned current rates. I am moving this amendment separately from the next amendment, which is to get rid of battery cages, and I just want to make the point of them being seen as a package. If battery cages did not exist, debeaking would not be necessary. I just wanted to make that point.

Committee divided on new clause B:

Ayes, 5

Barber, Mr	Pennicuk, Ms
Dunn, Ms (<i>Teller</i>)	Springle, Ms
Hartland, Ms (<i>Teller</i>)	

Noes, 34

Atkinson, Mr	Melhem, Mr (<i>Teller</i>)
Bath, Ms	Mikakos, Ms
Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O’Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr (<i>Teller</i>)	Patten, Ms
Davis, Mr	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms

Leane, Mr	Wooldridge, Ms
Lovell, Ms	Young, Mr

New clause negatived.

New clause C

Ms PENNICUIK (Southern Metropolitan) — I move:

7. Insert the following new clause to follow clause 10 —

‘C New section 14A inserted

After section 14 of the Principal Act **insert** —

“14A Keeping of domestic fowl in battery cages prohibited

(1) Despite section 6, a person must not keep in a battery cage any domestic fowl for the purpose of the production of eggs for sale.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.

1200 penalty units, in the case of a body corporate.

(2) Despite section 6, a person must not keep in a battery cage any domestic fowl for the purpose of the production of meat for sale.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.

1200 penalty units, in the case of a body corporate.”.

The proposed amendment inserts a new clause into the principal act, which would prohibit the keeping of domestic fowl in battery cages. It is pretty well known, and the community knows, what a battery cage is. These are cages used on factory farms to confine egg-laying hens. Despite increasing community awareness, the vast majority of egg-laying hens still live in this way, permanently warehoused with tens of thousands of other birds. The minister mentioned that some percentage of egg-laying hens are not in battery cages, but the reality is that the majority still are. In fact, as I mentioned, the labelling of what is a free-range egg or a cage egg is not uniform; it is not accurate in many cases. There have been cases where farms have claimed to produce free-range eggs or barn-laid eggs when in fact this has not been the case. So it is an issue that people who are trying to buy free-range eggs cannot even be sure that they are doing that.

Hens in battery cages spend their lives in artificially lit surroundings designed to maximise egg-laying activity. Each hen can have anywhere between 3 and 20 caged

mates and depending on its body size, the number of hens per cage or in which jurisdiction it resides, each hen can be allocated space less than that of an A4 sheet of paper. This is insufficient room to act on natural instincts and comfort behaviours like wing flapping, grooming, preening, stretching, foraging and dust bathing.

I went through the reasons for the need for this particular amendment to the act, and the minister said — and she may repeat it — that there is a review into the regulations occurring. But the fact is that codes, guidelines and regulations are not enough with regard to this. Other jurisdictions around the world — —

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Mr Davis — On a point of order, President, does this have any implications for the health and safety of staff in the Parliament?

The PRESIDENT — Order! In the first instance I do not have to make a determination on this because in accordance with the standing orders the minister's motion establishes the position that the house will sit for that extended period of time and it would be my intention to invite the Deputy President back to resume the committee.

In respect of the point of order, I must say that I am never that enthusiastic about extending the sitting, but it occurs to me that a 1-hour extension is considerably better than was achieved in the last Parliament when Mr Davis, who raised the point of order, seemed to have an extraordinary enthusiasm for continuing sittings into the wee small hours.

Ms PENNICUIK — I think I was saying that I understand about a review of the regulations and I understand about guidelines, but the preferred position is that battery hens be outlawed under the law. There are of course many farmers whose birds are bona fide free-range hens and are not subjected to battery cages or any other cruel practices, and I pay tribute to that growing number of farmers. But just as in the case of what the minister and other speakers talked about earlier with regard to greyhounds and the fact that there were a certain number of trainers who behaved abominably with regard to live baiting, yet we are still putting in the act that live baiting is illegal, while not every farmer has battery hen cage eggs, some will continue to have them while it is still legal, so it should be made illegal under the act.

Ms PULFORD (Minister for Agriculture) — The government will be opposing this amendment. Consumer preference is certainly changing what is available in shops and driving some change. I would like to clarify the situation because I think Ms Pennicuik misheard or misunderstood. When I referred to 53 per cent, I was not referring to the fact that 53 per cent of birds are in a particular type of confinement, I was referring to the fact that cage eggs account for 53 per cent of supermarket egg sales in the context of a discussion in the second-reading debate about the cost impact for consumers of this amendment. But in any event it is not appropriate for us to get ahead of the domestic fowl regulations that are currently being reviewed.

Committee divided on new clause C:

Ayes, 6

Barber, Mr (<i>Teller</i>)	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Hartland, Ms (<i>Teller</i>)	Springle, Ms

Noes, 33

Atkinson, Mr	Melhem, Mr
Bath, Ms	Mikakos, Ms
Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms (<i>Teller</i>)	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr (<i>Teller</i>)	Pulford, Ms
Drum, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Somyurek, Mr
Fitzherbert, Ms	Symes, Ms
Herbert, Mr	Tierney, Ms
Jennings, Mr	Wooldridge, Ms
Leane, Mr	Young, Mr
Lovell, Ms	

New clause negatived.

New clause D

Ms PENNICUIK (Southern Metropolitan) — I move:

8. Insert the following new clause to follow clause 10 —

'D' New section 15D inserted

After section 15C of the Principal Act **insert** —

"15D Keeping of pigs in inappropriate accommodation prohibited

- (1) Despite section 6, a person must not keep a pig for the purposes of the production of meat for sale unless the pig is kept in appropriate accommodation.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.
1200 penalty units, in the case of a body corporate.

(2) In this section —

appropriate accommodation, in relation to a pig, means accommodation —

- (a) that allows the pig to —
 - (i) turn around, stand up and lie down without difficulty; and
 - (ii) have a clean, comfortable and adequately drained place in which it can lie down; and
 - (iii) maintain a comfortable temperature; and
 - (iv) have outdoor access; and
- (b) if the accommodation is for more than one pig —
 - (i) that allows each pig in the accommodation to lie down at the same time; and
 - (ii) that allows each pig in the accommodation to see another pig unless —
 - (A) the pig is isolated on the advice of a veterinary practitioner; or
 - (B) it is a week before, or during, farrowing for the pig.’.’.

This amendment would insert a new clause into the principal act such as to prohibit the keeping of pigs in inappropriate accommodation. In terms of inappropriate accommodation, it would be accommodation that is not appropriate accommodation, and under this new clause that would be defined as accommodation:

- (a) that allows the pig to —
 - (i) turn around, stand up and lie down without difficulty; and
 - (ii) have a clean, comfortable and adequately drained place in which it can lie down; and
 - (iii) maintain a comfortable temperature; and
 - (iv) have outdoor access; and
- (b) if the accommodation is for more than one pig —
 - (i) that allows each pig in the accommodation to lie down at the same time; and

- (ii) that allows each pig in the accommodation to see another pig unless —
 - (A) the pig is isolated on the advice of a veterinary practitioner; or
 - (B) it is a week before, or during, farrowing for the pig.’.’.

This amendment really is to prohibit the use of sow stalls, which:

... are usually made of steel bars, with concrete floors and dimensions just larger than the body of an adult sow (about 2 metres by 0.6 metres). They are used on factory farms to maximise the number of pigs kept in a given area and to decrease the labour expenses of managing the animals. Sow stalls put profit before animal welfare.

The research I am reading from is from Voiceless, the organisation I mentioned before, and I pay tribute to it for the wonderful work it does in advocating for the welfare of animals. Voiceless goes on to say:

A comprehensive review of the available science shows that sows suffer greatly in these devices, which:

prevent the sow from turning around and are too small to allow easy movement from a lying to a standing position ...

can frustrate many natural behaviours ...

regularly cause ‘stereotypies’. These are repetitive and functionless behaviours such as biting the metal bars of the stall ... when animals are frustrated by confinement and are a sign of poor welfare;

can inflict skin abrasions ... and

often lead to serious health problems, including reduced bone strength and muscle weight, impaired locomotion and severe lameness.

There have been moves, certainly by retailers, to eliminate pork sourced from sow stalls, and parts of the industry have mentioned that they are moving to a voluntary phase-out around 2017, and this amendment would come into force in 2017. As I have mentioned, sow stalls are already banned around the world — in the United Kingdom, the European Union, the United States and in one state and one territory of Australia. In this case, where there is a move by parts of the industry to phase out sow stalls due to the views of the majority of the community in favour of that happening, putting this amendment into the act would make sure that that move does take place. While the industry is making those noises, it is not on track to achieve that phase-out by the date it has set itself. Often arguments are made to the effect that, ‘Well, the industry needs time’. It does not really need more time. We need to put this in the act to make sure the industry does what it says it will do; by

the time the provision would be operational, the industry would not be able to have sow stalls anymore.

Ms PULFORD (Minister for Agriculture) — I would just like to briefly outline the reasons the government is opposing this amendment. The Victorian Standards and Guidelines for the Welfare of Pigs are prescribed under the Livestock Management Act 2010 rather than this legislation. As members may have heard during the second-reading debate, from April 2017 the use of stall confinement will be phased out. I would also just make the observation that Ms Pennicuik's proposed amendment is silent on the period of confinement for gestation of sows in individual housing.

We are also a little concerned that this might inadvertently sweep up the issue of farrowing crates and place an unnecessary animal welfare risk to piglets, but the industry has been making great strides on this. On the question of industry, I would also just make the observation that there are around 500 Victorians employed in the pig farming industry, and we do have some concern that the proposed amendment may impact on the viability of some piggeries in Victoria.

Ms PENNICUIK (Southern Metropolitan) — I was not going to speak, but I get a bit concerned when I hear the minister saying, 'On the one hand we don't need this amendment and we don't need to prohibit sow stalls under the act because the industry is going to phase them out', as only part of the industry says it is going to do by 2017. That still leaves another part of the industry that is not covered by that particular association. I have met with that association. We have had discussions about this issue, so it is not as if I have not met with the association and do not understand what it is saying. On the one hand the minister is saying that, and on the other hand she is saying we cannot have a prohibition on sow stalls because it might undermine the viability of some piggeries. I would have thought the whole idea, from what the minister was saying, was that there will not be any sow stalls and we can all rest easy because they will be phased out voluntarily, except the ones where there is some risk to economic viability. That is exactly why we need to put these things in the act — in the law.

Ms PULFORD (Minister for Agriculture) — I would just indicate that over 92 per cent of Victoria's pork production is covered by Australian Pork Ltd, the industry group that Ms Pennicuik refers to. I would also make the observation that Ms Pennicuik has not responded to our concern about whether or not this amendment would sweep up farrowing crates, inadvertently or intentionally.

Committee divided on new clause D:

Ayes, 7

Barber, Mr
Carling-Jenkins, Dr
Dunn, Ms
Hartland, Ms

Patten, Ms (*Teller*)
Pennicuik, Ms
Springle, Ms (*Teller*)

Noes, 32

Atkinson, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Dalidakis, Mr
Dalla-Riva, Mr
Davis, Mr
Drum, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr
Fitzherbert, Ms
Herbert, Mr
Jennings, Mr
Leane, Mr
Lovell, Ms (*Teller*)

Melhem, Mr
Mikakos, Ms
Morris, Mr
Mulino, Mr
O'Donohue, Mr
Ondarchie, Mr
Peulich, Mrs
Pulford, Ms
Purcell, Mr
Ramsay, Mr
Rich-Phillips, Mr
Somyurek, Mr (*Teller*)
Symes, Ms
Tierney, Ms
Wooldridge, Ms
Young, Mr

New clause negatived.

Clauses 11 to 53 agreed to.

Postponed clause 2 agreed to; postponed clause 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT (SAVING ENERGY, GROWING JOBS) BILL 2015

Second reading

Debate resumed from 22 October; motion of Mr HERBERT (Minister for Training and Skills).

Mr DRUM (Northern Victoria) — Here we are in the depth of night and this government is pushing through sneaky legislation while everybody is sleeping. It does not miss a trick, does it? It does not miss a trick.

Mr Jennings — You said this was going to be a genius speech.

Mr DRUM — No. This is the Victorian Energy Efficiency Target Amendment (Saving Energy,

Growing Jobs) Bill 2015. You have to hand it to the government — it has somehow or other been able to put a press release into a bill title. There is nothing in this bill that has anything to do with growing jobs. I acknowledge the government's ingenuity and creativity, but it is creating legislation that is actually going to cost jobs and make it harder for mums and dads to pay their energy bills. Yet somehow or other the government calls it the saving energy and growing jobs bill. I say well done to members opposite for their ingenious creativity.

The Victorian Energy Efficiency Target (VEET) scheme was introduced by the former Labor government in 2007, and it involves the creation, transfer and surrender of Victorian energy efficiency certificates, or VEECs. Effectively this is all about creating energy efficiency in CO₂ emissions and creating targets as we move through the next five years. This program was very much in play when the coalition government came to office. The coalition government got behind this program, and it supported it for the first three and a half years.

In the coalition government's last year it conducted a review using an independent group to assess the economic viability and economic benefit to Victorian households and Victorian businesses and also assess the cost to government. It concluded that to continue the VEET scheme for the next five years would cost in the vicinity of \$700 million — a net economic loss of \$700 million. This was going to effectively add around \$50 per annum in a negative sense to low-income households. This is something we were not prepared to do, so the coalition government planned to close the VEET scheme at the end of 2015.

However, the Labor Party, now in government, recently conducted its own internal review, which has somehow or other found that there will be a \$1.3 billion to \$3.2 billion net benefit from this scheme to 2050. It has certainly extended the scope of the economic benefit, and it has come up with a doozy of a number out somewhere in the \$3 billion range. So it is nearly a \$4 billion turnaround, and there are plenty of industry insiders who have suggested it is simply a matter of 'put into a report what you want to get out of it', and the inputs equal the outputs. Whilst it does not make economic sense, because we do not know what was in the report, all we get is a government effectively saying that what did not make sense 12 months ago — or what equated to a \$700 million economic loss 12 months ago — is now somehow or other \$4 billion different.

This bill will specifically set targets for the years 2016 through to 2020. Those targets are as follows: for the year 2016 it will be 5.4 million tonnes of CO₂ equivalent that will be saved; in 2017 it will be 5.9 million tons of

CO₂; in 2018, 6.1 million tons of CO₂ will be saved; in 2019 it moves up to 6.3 million tonnes; and then in 2020 it will be 6.5 million tons. That is a total of 30.2 million tons saved over five years. Whilst we all have the understanding that that is what we would like to do, there is absolutely no detail and no understanding about how the government is going to achieve these savings — no detail whatsoever. Again, it is just out there in the ether, with the assertion that it is going to happen. Certainly, whilst we agree that it is an admirable target to be able to save these types of emissions, we would like to have some sense of how the government intends to do this.

The coalition has consulted widely on this bill, trying to get the industry's understanding about how this might be achieved. Whilst most stakeholders are pleased with the overall intent of the bill, there is a broad range of confusion about how the targets are going to be achieved. The overarching comment coming back from industry is that most of the low-hanging fruit has already been picked. Most of the easy savings, the cost-efficient savings, have already been achieved.

We have done the LED lights. Most people have had these people knock on their doors, offering free LED lights. That has been a fantastic initiative. Banks have been sponsoring this project. There have been a whole range of community groups that have been able to make a little bit of money on the side by offering free lights and changing them throughout households. Everybody has been a winner with those programs.

These programs have not cost the lower socio-economic part of our community any money whatsoever. They have actually been of huge benefit to them, and they have been very grateful I am sure. These programs have created some fantastic results, but as I said earlier, they have been exhausted.

The coalition is committed to encouraging energy efficiency and lower energy bills for households, as well as lower energy costs for business and industry. We wish to hopefully also reduce greenhouse gas emissions, but we do need to see how on earth this work is going to be done. There may be other energy-saving devices that we may be able to run out around the state that we are unaware of; however, we have not been informed of any of them at the moment.

One of the real issues that is of genuine concern to the coalition is that of who is going to pay for these energy efficiency programs. Who pays for the reduced CO₂ emissions? If we do not get the pricing structures right, we end up pushing the energy-saving devices onto the middle class and the more well-off families who can

afford to invest in these energy-saving devices. It tends to be the better off families, the higher income families, who tend to have these energy-saving devices and have energy-efficient houses. This leaves those people who can least afford these energy-saving devices, the people who can least afford to have energy-efficient housing, to live on a daily and weekly basis without any ability to save energy.

This was the scenario that was crippling the solar rebate scheme. The broader community of electricity-paying Victorians was paying the gap. It was paying the rebate that was then heading back to those people using solar energy because a rebate was needed to make it viable for those who could afford it. So those people in the community who could spare \$5000, \$6000, \$7000 or \$10 000 to put solar panels on the roof were being subsidised by those in the community who could not afford that investment in solar power.

Labor's plan to revitalise VEET revolves yet again around the poorest people in the community subsidising those who are not so poor. In other words, those who have to live in a house that is less energy efficient, a house that costs more to heat in winter, more to cool in summer and more to run its electrical appliances will end up subsidising those with enough money to enter into the energy efficiency schemes.

As I have said, the lowest hanging fruit has already been picked, and as the report that was put to us clearly states, the schemes that remain will require co-payments, and that money will have to come from the lowest income families in Victoria. They will not be able to contribute to energy efficiency schemes. They will be forced to miss out on the benefits, but they will still have to pay the subsidies that will apply to other families in Victoria. Therefore while The Nationals will not oppose the bill, we have concerns as to how it will work and how it will deliver this \$4 billion net benefit to the Victorian economy.

There is real doubt about the modelling that was used in determining the economic benefits of the VEET scheme, and there has been criticism from the Energy Supply Association of Australia. The CEO of that organisation said this was a tokenistic scheme without merit and that we need to evolve to a more sophisticated way of deciding policy. The association also said that the modelling that had been used must have been loaded; otherwise it would not have produced the outcomes that it did.

The coalition worked incredibly hard during its term in government to keep both electricity and gas prices down — and also utility bills such as water. These are

the pressures we tried our hardest to relieve for average Victorian families. In the case of energy costs and water we were quite successful in doing so. But while this tokenistic scheme seems to have altruistic targets that sound fantastic, it has no detail as to how these will be achieved. Therefore The Nationals will not oppose the bill but look forward to further detail as to how the scheme will be rolled out. We look forward to the whole program being explained, and we would love to see the report. It was not an independent report; it was an internal government report, and we would love to see the detail in order to ascertain the costs and benefits, where the weightings have been put and who is going to pay for all these savings that the economy will share in. With those few words the coalition will not oppose the bill but will definitely look forward to seeing the detail in the near future.

Mr BARBER (Northern Metropolitan) — The Greens support the bill. In fact the Greens believe the bill should go even further, and the reason we support it is that pretty much everything the previous speaker just said was wrong. Let us go through it one by one in the small amount of time that we have left available to us.

In fact even though the sitting has just been extended for another hour, the good news is that, first of all, I am a night owl and, secondly, I am passionate about energy efficiency. This is a scheme that has been rolled out across Victoria over many years. It has been voted through this house initially with the support of all parties, then the coalition parties in government tried to scrap it. Over that time hundreds of thousands of Victorian households across all electorates represented here today have benefited from the scheme and made big savings to their energy bills.

Low-income people have actually been over-represented in the scheme because as it happens the method of rollout — knocking on people's doors and offering them these free energy-saving devices — has tended to target people who are at home during the day, and that has been a lot of people who are actually pension beneficiaries. Not only has it helped cut energy use in all those homes but in fact it has driven down the wholesale price of electricity to the extent where we have all benefited. The poor unfortunates who are out of pocket here and who Mr Drum is really defending are in fact shareholders in coal-fired power stations, because from the moment we introduced this legislation into the Parliament back at the beginning, from the moment the different targets were gazetted, we have been something close to 100 per cent confident that by the nature of the way this scheme operates, energy demand will fall.

The fact that members of the Labor and Liberal parties are still wandering around, wondering what to do about the fact that large parts of our coal-fired generation fleet in south-eastern Australia are going into mothballs, just shows that they did not really understand their own policy at the time it was implemented. To make it really simple, we are talking about 6.5 million tonnes of CO₂. A tonne of CO₂ avoided in the Victorian electricity grid is about 1 megawatt hour, so it is 6.5 million megawatt hours, year after year, cumulatively, that will fall away from the demand side of the equation. Supply and demand is a reasonably simple concept that not everybody apparently subscribes to, including those people who have shares in coal-fired power stations.

The claim has been made here that there is no further low-hanging fruit. First of all, we have to understand the nature of how this scheme has been modelled in various iterations as the target has been adjusted. Mr Drum expressed a lot of scepticism about the modelling. The thing to understand about the way the economic modelling has been built in the regulatory impact statements for this scheme is that it treats lack of electricity use as a loss to the economy — that is, if I do not buy the product of a coal-fired power station, if in fact I just get perfectly good lighting in my house but do not need to pay as much as I used to, that is actually deducted from economic benefit. When you take away that rather perverse aspect of the modelling, then you see that in fact this is a scheme with no losers except for those who own shares in coal-fired power stations.

The fact that the scheme now rolls on and on off into the future as a result of this legislation — which I freely acknowledge the Labor Party picked up out of the fire and through this Parliament was able to protect and now even to come in here today and expand — says that the situation for coal-fired power stations is not going to get any better. Likewise there has been a reduction in demand from other sources, with major industries and of course the smelter down at Geelong closing. All these items together make it pretty clear that there is going to be an ongoing decline in demand for electricity, notwithstanding population growth and in fact well and truly encouraging economic growth.

Yet to this day there is still no plan for any staged, timed, rational reduction to the supply side of the equation — that is, to remove coal-fired power from the grid. Instead we are getting an unplanned, largely irrational closure of parts of coal-fired power stations or even whole stations elsewhere in the grid to the extent that coal-fired operators themselves are calling for a rational plan to address some of the barriers to exit. It is great that all parties are voting for this in the Parliament here tonight, but what it means is 6.5 million megawatt

hours less of electricity will be consumed. In the various regulatory impact statements we can find analyses of the new forms of energy efficiency that we have not even begun to tap.

I will just mention one — roof insulation. That is a measure that should be brought into the scheme. The previous government was studying it. One of its documents looked at bringing roof insulation into the scheme. It is only because of the tragedies and the debacle of the roof insulation scheme led by former federal environment minister Peter Garrett that we are shying away from this issue. It is crazy to be spending money on energy to heat up our homes and watching it all go straight up through the ceiling, particularly in homes of older housing stock from the pre-1960s era. A lot of that stock is in Melbourne, and there are certainly large amounts of it in regional Victoria.

We need to safely, and with good quality assurance around it, get installation into as many of those homes as possible, because people in those areas have very high power bills and yet are still sitting there shivering. In some cases of extreme energy poverty — and we are hearing more and more of this — people are all going around to one person's house and putting the heater on there. They might go down to the library or the shopping centre to stay warm so they do not have to run up energy bills. If their heat is going straight up through the ceiling, then that is a bad outcome. We should be digging deeper into this trove of energy efficiency options.

Within the existing architecture of the scheme, we could make it possible that rather than individual items that are plugged in and installed generating credits, we have whole projects generating credits. Particularly in the commercial sphere, we could have a project-based model, where a benchmark of energy use is created for a particular facility. Then a whole series of technologies can be deployed, often with great synergy between them, attracting the same payment per tonne. As I say, that is in the area of a megawatt hour, which has been trading at around \$15 in this scheme. On those numbers alone, it is well and truly an exercise that pays for itself, when you consider that people are paying a \$30 or \$40 wholesale price, depending on their retail arrangement.

These sorts of energy efficiency schemes, and energy efficiency itself, have been known for decades to be the best self-funding mechanism we have. Probably over time it will do about half the heavy lifting when it comes to reducing our emissions. A different sort of scheme but with the same aim was created in the past within the Victorian government. It was around public buildings — hospitals, schools and so forth. There was a pool of funds they could access in order to invest in energy

efficiency. With the returns being so high, they were able to pay back the money, which could be reused again and again. I believe there are moves to reinstate that. We should be rapidly ramping up efforts within public buildings. We can then move out from there into state-owned enterprises, such as Melbourne Water, and other bodies that are large users of energy, and keep recycling those investment funds at the high rate of return we could expect.

It would be great to see local governments being able to access their savings as well, but unfortunately rate capping is going to put a hard limit on their revenues, and therefore their borrowing. That means they will have to pass up in many cases positive net present value investments that they would otherwise have made if they were rational and unconstrained borrowers, as we would expect to occur within an efficient market.

That just leaves the whole range of other problems around the management of the grid itself. Last week we had one of the power companies saying that people who invest in solar and disconnect from the grid are 'greedy and selfish'. Could members imagine what would happen if Woolworths said that people who shop at Aldi are greedy and selfish because they are no longer helping Woolworths cover its fixed costs and overheads? Bad luck, mate.

As long as energy demand reduction continues to occur, those grid operators are going to have the dilemma that they are trying to recover the costs of their show over a smaller and smaller pool of electrons, requiring them to charge more and more or attempt to charge fixed costs. We have already seen them try to put fixed charges on those who have solar panels, but someone with solar panels is just someone who has a lower use of energy from the grid. For that matter, a person who is efficient and frugal in their use of energy is not contributing much to the overall costs of the grid, so perhaps we will be fining them soon for not using enough energy!

The whole system has to be rethought. It is coming to a shuddering halt. There is at least one member in this place who understands very much what I am talking about, but he will not get his chance to speak tonight at the rate that we are going. So, even as we all hold hands here and agree that we should bring this scheme into place, what we are voting for is a further reduction in energy demand leading to a further impact on the traditional big, dumb and centralised coal-fired power grid. Yet when these power stations start closing down, going into mothballs or laying off workers, there will be a great moaning of MPs in this area saying, 'Why is this happening? What a tragedy! What can we do about it?'. We are part of doing it right here tonight, as it is when

we continue to support solar and wind into the grid. It is important that members vote for this legislation with their eyes open.

It is now in the hands of the government to expand the target over future years. It can do that through a regulatory approach. Along the way it can let new types of technology and new arrangements participate and qualify for the scheme, and that is an exercise that it should be moving on very rapidly because there is very little time to waste when it comes to reducing emissions and preventing dangerous global warming.

Mr MULINO (Eastern Victoria) — It is a pleasure tonight to rise to support the Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Bill 2015. I will briefly set out the key objectives of this bill. It is to amend the Victorian Energy Efficiency Target Act 2007 to set scheme targets for the five-year period 2016–20. That is important for a couple of reasons. The first is that we now have more ambitious targets, and the second is that we have a five-year horizon. The more ambitious targets are clearly important in that abatement is one of the core motivations of this whole scheme. A five-year window is important in that providing certainty is critical in terms of both the innovation and the job creation that I believe will flow from this bill and be critical benefits. The bill also provides a mechanism for setting future annual targets via regulations for two further phases of the scheme, 2021–25 and 2026–29. The bill also clarifies the link between the annual Victorian energy efficiency target scheme and energy retailers' liabilities under the scheme.

By way of broad context, the purpose of the scheme is clear: to reduce greenhouse gas emissions. It is also to promote the efficient use of electricity and gas and to encourage investment and employment in energy efficiency industries. I want to note very briefly that this important measure forms part of a broader suite of policies — for example, establishing a renewable energy target of at least 20 per cent by 2020, improving access to the grid for solar customers and assisting communities to create their own renewable energy projects. I think it is important to note that this government is adopting a broad suite of policies, not relying on any particular single policy to achieve solutions in this very complicated area.

I want to make one observation in relation to the broad approach of the scheme. Mr Drum has made some observations around the modelling and queried some of the potential assumptions that have been made. I think it is always good to make sure that one's modelling is as rigorous as possible. I believe what is really critical here

is that we have a scheme that is market based, that has a long-term horizon providing certainty for industry and that sends the right price signals for innovation and job creation. That is the critical thing we should be focusing on here.

Why is it important that we have long-term certainty and a market-based mechanism and that we send the right price signals? Firstly, having a longer term horizon allows us to lock in over a longer term a more significant set of abatement targets, and that is critical given where we know our economy has to head over the medium term. Secondly, it is important to have both a long-term horizon and a market-based mechanism with price signals to encourage innovation. Mr Drum said that the low-hanging fruit has already been picked. I do not believe that is the case. I believe there is plenty more low-hanging fruit and that we should be ambitious in how much innovation is possible.

We have seen all sorts of gains that have been possible in lighting, but there are so many other areas where innovation is possible — stand-by power controllers, water heating —

Mr Barber interjected.

Mr MULINO — and all sorts of other things that are being mentioned by Mr Barber. There are all sorts of areas where innovation is possible. Another key reason why price signals are critical is that there are many situations where it is possible to achieve a great deal but where inertia is in play and where it is important for us to send price signals to nudge organisations and individuals into situations where significant gains can be made but where, as I said, inertia might stop them from doing so.

One example is the Cardinia Life project. In my electorate Cardinia council identified that Cardinia Life was the council's second largest source of greenhouse emissions. A whole series of abatement efficiency measures were put in place to reduce lighting costs. I will not go into details, but suffice it to say that the energy makeovers solution which was adopted replaced over 200 metal halide high bay lights with energy-efficient LED lights. This led to an 80 per cent reduction in light and a significant increase in the life span of lights, with a payback period of just two years.

This is the kind of solution we should see through this amended scheme, and we are going to see this throughout the economy. The bill is a strengthening of an already successful scheme. It is the right kind of regulatory approach, and I commend the bill to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Mr HERBERT (Minister for Training and Skills) — I move:

That the house do now adjourn.

Sunbury rail services

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport. I refer the minister to some comments she made at a recent community meeting in Sunbury, which I understand she thought was to discuss the future public transport needs of Sunbury and regional areas. But of course the over 200 people who attended the meeting wanted to talk about the V/Line service to and from Sunbury and the fact that the government is planning to throw Sunbury residents off that service come 1 January 2016 and impose fines of somewhere in the vicinity of \$435 for any Sunbury resident with the temerity to get on a V/Line service at Sunbury and park themselves on a vacant spot. That was what the locals wanted to speak about, and that is not surprising given that some time ago a previous Labor government had promised, once electrification had taken place, that Sunbury would have the best of both worlds — that Sunbury would have both metropolitan services and V/Line services. Now we have a situation where this government is going back on that undertaking and is preparing to rob Sunbury travellers of their treasured V/Line service.

I raise this matter because the minister made some comments at this particular meeting which gave locals some hope that this might not happen in its entirety and that there may be some wriggle room — if I could call it that — for locals. I have to say that some hope was raised in the hearts of a number of people who were there that night, and I would hate to think that the minister had instilled in them false hope. I would hate to think that the minister had said something to give locals some feeling of satisfaction when in fact none was deserved.

It is absolutely incumbent on the minister now to come clean with the people of Sunbury and to tell the people

of Sunbury what she has in mind, to tell the people of Sunbury what her plans are, what she intends to do with regard to the comments that she made at this particular meeting or if she plans to go ahead and slap Sunbury people around come 1 January next year.

Health system performance

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment contribution tonight is for the Minister for Health, and the action I am seeking is that she publish the elective surgery waiting lists and performance data for the Warrnambool, Mildura and Albury-Wodonga hospitals and that that be published alongside the quarterly performance data that is published for all major hospitals.

There are 35 hospitals that report elective surgery patient numbers and waiting list data. The numbers are as small as 738 elective surgery procedures that occur each year at Sunbury Day Hospital through to over 11 000 at the Royal Eye and Ear Hospital. The Warrnambool hospital does 2900 operations approximately each year, and there are 8 hospitals listed out of the 35 in that report that do fewer than that, including the Wangaratta hospital, the Warragul hospital, the Mercy Women's Hospital and the Broadmeadows Health Service.

It is fair to say that for a hospital like the Warrnambool hospital, the volume would be such that would warrant the number of operations they undertake to be reported. Similarly, in terms of the waiting list data for elective surgery that is published, it ranges from Sunbury Day Hospital with 58 patients waiting as of 30 June through to the Royal Melbourne Hospital with over 3000 patients waiting. For the Warrnambool hospital, once again 994 patients were waiting at that time, which puts them 20th on the list, so very much in the range of the volume that would be expected to be reported on.

Another thing that is interesting is that when you have a look at the number of theatres that these facilities have, you see that Albury-Wodonga has seven; Mildura Base Hospital, three; South West Healthcare, four. There are hospitals that report their elective surgery performance data that have those numbers or fewer theatres, so it is entirely reasonable that these hospitals would be reporting their performance data. The government argues that they do not collect the information and that it is not comparable. The fact is that they have been shadow reporting for a couple of years in relation to the data so that their data is consistent with the data that is published on the government's performance site.

It is expected, and the fact is that not only is the government, by not publishing it, hiding the waiting

lists — thousands of patients who are waiting to get their operations — and distorting the numbers that are reported, which are already getting worse under this government, but I am also advised that hospitals can miss out on additional funding for surgery through the surgery blitz funding that happens on an annual basis.

The *Herald Sun* in an editorial on 29 October headed 'Tell us the truth', says:

The community is entitled to know the full extent of waiting lists across the state. Not just from the hospitals the government chooses to include.

I call on the minister to report this data as soon as possible.

The PRESIDENT — Order! The member did get the question out at the start, so I am satisfied that the adjournment item stands.

Family violence

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for the Prevention of Family Violence. I am seeking that she come and visit my electorate, specifically Geelong and the Surf Coast region, to hold discussions with members of the community and local government authorities, as well as a range of community organisations and other stakeholders who are involved in the fight against family violence. I certainly would like to have her in the electorate before Christmas.

We all know that going into the election last year the Labor Party made an election commitment to establish a Royal Commission into Family Violence, and indeed that commitment has been fulfilled. It has been established, and a lot of work has been going on. But it is so important that there be an ongoing connection with community whilst that process is underway. Indeed the horrific circumstances in St Albans Park, a suburb of Geelong, where a dreadful sexual assault took place last week, has highlighted once again to the Geelong community the prevalence of violence and sexual violence in our community.

It was an absolute juxtaposition, given that on the Saturday morning in the mall in Geelong we actually had a rally against violence with not just women but also men in the community. A number of speakers, including some who have been victims of dreadful sexual abuse, made contributions. We also had police command members in attendance, who spoke about their experiences on the force, what they have witnessed and all the things that can be done and put in place to tackle and overcome this absolute scourge that we seem to

have within our community. Having the minister in the electorate will assist with a positive contribution towards this issue. It will provide a lot of confidence for those who are at the coalface and those who have been victims to engage with the minister and see what the government's agenda is in this area.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is in regard to the September quarter performance figures for 'Patients treated within time' at the Goulburn Valley Health emergency department (ED). They reveal that 49 per cent, or almost half, of all patients treated in the ED did not receive their treatment within the acceptable time. The figures also reveal that this was the second worst result across the state and a 13 per cent decrease on the number of patients who were treated within time compared with figures for the June quarter. My request of the minister is that she immediately commit funding for the redevelopment of GV Health Shepparton hospital to allow the redevelopment to commence as soon as possible.

The September quarter figures also revealed that while the number of patients presenting at GV Health ED increased by 154 during the quarter, the number of patients actually treated decreased by 31. These figures show that GV Health has an increasing demand for services, but infrastructure constraints mean that roughly only the same number of people can be treated, regardless of any increase in the number of presentations. The current hospital is physically incapable of meeting current demand. Less patients are being seen on time, and services and facilities are clearly struggling to cope. The redevelopment is needed immediately to ensure that adequate health services are provided to cope with both the current population and growing population demands.

The former Liberal-Nationals government had committed to this project, and if it had been re-elected, Goulburn Valley Health's redevelopment would have been well underway by now. However, the Andrews Labor government has redirected the funding that former Treasurer Michael O'Brien, the member for Malvern in the Assembly, had locked into the future estimates to other projects. In the meantime we have seen the current Minister for Health hesitate and falter as she has bumbled her way through delaying a process to try to appear to be interested in the redevelopment of Goulburn Valley Health.

First we had the announcement of a community advisory group, which the minister told us in her press release

would be extensively involved in this planning process. Three months later the minister had not even placed an advertisement for members of the group. Four days after I raised this, the minister finally advertised for members. Seven weeks later, and five weeks after the closure of applications, the minister had not even acknowledged receipt of applications, let alone started the appointment process. Once again I had to call the minister's attention to her inactivity and lack of interest, and a flurry of activity occurred over the next few days that was almost comical. Applicants received letters on the Thursday telling them a selection panel would be convened shortly. This letter was followed by a phone call to some members the following day, 23 October, to tell them they were being appointed.

An article appeared in the *Shepparton News* on Tuesday, 27 October, saying the group had been appointed, but it did not name those appointed. I am told this is due to the fact that the appointments had not been signed off through the necessary processes. It is now 10 November, and the community still does not know the names of this top secret group. I am advised that the group has not even met yet. If this project is to be included in next year's budget, the only planning left to do by the time they meet will be to pick the colour of the paint and the furnishings. My request of the minister is that she immediately commit funding for the redevelopment of Goulburn Valley Health's Shepparton hospital to allow the redevelopment to commence as soon as possible.

Bayswater level crossing

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Roads and Road Safety, Luke Donnellan, and it pertains to the level crossing removal at Mountain Highway, Bayswater. I was lucky enough to be with the Minister for Public Transport at the announcement of the successful tenderers to remove both the Mountain Highway and the Scoresby Road level crossings last week. The reason I would like to request an action of the Minister for Roads and Road Safety is that I understand that his department and VicRoads will be working on what the end formation of the Mountain Highway will be, and I am asking the minister to make sure to take into account bike track access and make sure that this project can facilitate the joining of some of the existing bike paths in the area.

Bacchus Marsh traffic management plan

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan, and it is in relation to a long-outstanding issue in the Shire of

Moorabool. The Bacchus Marsh traffic management plan has been an issue I have raised in this Parliament for six years in relation to the final, finishing part of the Anthonys Cutting project. The coalition government provided \$35 million to finish this final part of the project, which was to provide greater traffic flow away from the city centre from the Western Freeway through Halletts Way, through the exit road of Hopetoun Road and with the upgrade of Woolpack Road, which would take traffic directly from the Western Highway across to the Midland Highway without having heavy vehicular traffic through the city centre.

The poor old Moorabool shire has been waiting for the government to commit funding to the project to allow tenders to go out for works to be completed. The Gillard and Rudd governments, through the federal member for Ballarat, Catherine King, promised \$8 million through what was Regional Infrastructure Australia at that time, but the project was not successful in round 5 and Labor lost the next election. Of course that money was then not provided. The interesting thing about this project is that in fact we did not need the promised \$7.6 million from the federal Labor government in 2013. In fact due to savings from the Anthonys Cutting project and the proceeds from land sales, the Victorian government was able to provide \$35 million, set aside in the VicRoads budget, to finish this project.

There has been a lot of banter going on between the Andrews government and the federal government in relation to who is to pay for what and when, but the fact is the money is allocated in the budget. The current Bunnings site located just off the Western Highway is a potential site. There are potentially 30-odd jobs all having to wait until we deal with the traffic flow which created about 220 objections to the planning permit. Before Moorabool Shire Council can provide a planning permit for Bunnings to relocate its site, with its potential 30 jobs for Bacchus Marsh which are desperately needed, we have to fix the traffic flow problem.

My request for urgent action by the Minister for Roads and Road Safety is that he free up the \$35 million sitting in the VicRoads budget to allow the traffic management plan, which will allow the increased traffic flow, to be implemented and constructed so that the Bunnings permit can be granted and we can avoid the traffic flow problem that is creating all the objections at this point.

Manufacturing innovation

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to the Minister for Industry, the Honourable Lily D'Ambrosio, and concerns the local manufacturing industry in my

electorate of Western Metropolitan Region. The manufacturing industry currently provides one of the biggest employment contributions to Melbourne's western suburbs, but the industry is changing. New skills and technologies are needed to transform the western suburbs into a hub of sustainable and innovative high-tech manufacturing. I welcome the minister's recent announcement of a \$5 million grant program — one part of the \$200 million Future Industries Fund, which will support investment in six key sectors, including food and fibre, professional services, transport, defence, medical technology and pharmaceuticals and international education.

The action I seek is for the Minister for Industry to explain how the Andrews Labor government is growing jobs and exports by supporting Victoria's businesses as they transition to advanced manufacturing. Further, I invite her to visit the western suburbs to highlight some examples and show those opposite that there is still a future for manufacturing in this state, particularly when a government is working hard with businesses and workers and their families to get Victoria back to work.

Grand Final Friday

Mr MORRIS (Western Victoria) — My adjournment matter is for the attention of the Minister for Small Business, Innovation and Trade. I begin by acknowledging and congratulating a group that actually works to support small business, unlike the current minister who is supposed to work to support small business but actually does the opposite and works to destroy the work of hardworking small business people in our state. Commerce Ballarat, led capably by its chair, David Wright, and CEO Jodie Gillet has been a fierce opponent of the grand final parade public holiday, and with good reason, because this thought bubble of a public holiday is bad for small business and bad for the state of Victoria.

After the public holiday Commerce Ballarat conducted a survey of Ballarat businesses to gauge the effect it had had, and the results are nothing short of astounding. Two hundred and sixteen businesses took part in the survey. They employ somewhere in the order of 4000 people. Fifty-four per cent of the Ballarat businesses that were surveyed chose not to open. One construction company in Ballarat indicated it carried costs of up to \$250 000, and one Ballarat manufacturer, already under pressure, carried costs of up to \$200 000 due to the grand final parade public holiday.

Despite the minister espousing the benefits of this public holiday for tourism in regional Victoria, a large tourism enterprise in Ballarat indicated it suffered a loss of

\$30 000. One piece of general feedback from a Ballarat business stated:

As a small business owner the public holiday meant our family had to work this day to cover some of the losses for having to pay staff who did not work. As such our family time was very much lost.

Another stated:

Please, please, please — enough of the public holidays ... we have enough already ... !!!!!

A resounding 93 per cent of survey respondents indicated they do not support this holiday as a permanent fixture in the future. I ask the minister to assure the people of Victoria that they will not be again subjected to the economic disaster that is the grand final parade public holiday.

Team Respect

Ms PATTEN (Northern Metropolitan) — My adjournment matter is for the Minister for the Prevention of Family Violence. Recently I met the fantastic people from Team Respect, which is a 10-week respectful relationship soccer program created specifically for newly arrived and recently settled Iranian young men. The soccer program is part of a larger project, the Hamdel project, which is working with Whittlesea's Persian-speaking community on action to prevent violence against women and children.

The program is created by three agencies: Whittlesea Community Connections, the Salvation Army and Women's Health in the North. The content for this program was adapted from the government's Building Respectful Relationships curriculum, and it looked at gender, power, respect, consent and the legal system. It was an enormous success. Some 10 young men graduated from this project, and they have a greater understanding of respectful relationships, developed new friendships, improved their confidence and became ambassadors for the program. They understand cultural differences through this program. Part of the program's success was because it was a community-led initiative, and it was supported by a mix of community-based organisations plus the specialist services.

The program utilised family violence community development and bicultural experts in creating the program and its success. There is no funding past the pilot stage for programs like Team Respect. We get lots of innovation via these programs through this pilot funding, but we never go on to have a sustained and well-funded future.

I call on the minister to provide ongoing funding to programs such as Team Respect which demonstrate the sort of great success that can happen when we create a partnership at a program level in the community which is supported by other organisations within the community.

Bendigo region occupational therapy forum

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Housing, Disability and Ageing. On 27 October I was really pleased to go to Bendigo and take part in the Occupational Therapy Australia Bendigo Region Forum. The people who attended the conference included people who are working as occupational therapists as well as people who are studying in the field. During the formal part of the conference, and also during informal discussions, it came across very strongly that while people in the field of occupational therapy are looking forward to the arrival of the national disability insurance scheme, they also have a lot of concerns. One of the main concerns is the perception that there is going to be an enormous shift between occupational therapy being provided by councils and through other providers.

The action I seek from the minister is some clarification of how he believes this change will occur and what role his government will be taking to clarify how any changes in providers will occur and how these changes will be communicated within the industry that is affected.

Portland aluminium smelter

Mr PURCELL (Western Victoria) — The matter I raise is for the Minister for Energy and Resources. Power contracts for Alcoa's Portland aluminium smelter are up for renegotiation next year. The original Portland aluminium project was given approval in the 1980s, with power contracts put in place for the Portland and Point Henry smelters. The tariff paid by Alcoa increases and decreases depending on the price of aluminium, which is based on a price from the London Metal Exchange.

The contracts for Point Henry concluded in 2014, and the contracts for Portland will conclude next year, in 2016. Alcoa is currently reviewing its global operations and has indicated that Portland is not part of this review, but Alcoa is closing or selling 14 per cent of its global smelting operations due to the sluggish prices of raw aluminium and the oversupply from the global Chinese market.

The Portland smelter is one of Victoria's biggest exporters and provides 600 direct jobs in the Portland

area. The multiplier effect of indirect jobs and also contractors would work into many thousands of jobs. The Point Henry smelter closed in August 2014, the same year its power contract ended, with over 500 jobs lost. Then the power station at Anglesea closed. It supplied 40 per cent of the power to the Point Henry smelter, and it was decommissioned, with 85 jobs lost.

Portland is one of the most economically vulnerable towns in Australia, facing the progressive loss of industry and weak employment rates. It is vital that we keep industry here and that we find ways to encourage more industry to come. If we do not work to keep Portland as an attractive option, plenty of other countries will take Alcoa's business. The government must keep jobs and growth in western Victoria front of mind when negotiating favourable and successful power contracts for the Portland smelter next year.

I ask the minister to join me in meeting with the Alcoa management in Portland to discuss the new power contracts.

Kangaroo control

Mr DRUM (Northern Victoria) — My issue is for the Minister for Environment, Climate Change and Water and is in relation to a reduction in kangaroo numbers around regional Victoria. It has been made abundantly clear to me by one chap on the outskirts of Bendigo, Mr Noel Storey, who has had a range of conversations and communication with his local member, the member for Bendigo East in the other place, Jacinta Allan, but he had no luck there. He has also had conversations with the Minister for Agriculture, but he had no luck there. His issue was then relayed to the Minister for Environment, Climate Change and Water, but he had no luck there. The man is desperate. He has had to cut his Angus cattle herd by 25 per cent because he simply does not have feed left to feed the usual numbers. He has had over \$1000 worth of damage done to his fencing, and he has lost what he considers to be in the vicinity of \$20 000 worth of hay simply because 75 to 100-odd kangaroos come in and feast on his pastures on what can be a nightly basis.

It has got to the stage where he will go into the local Department of Environment, Land, Water and Planning to try to get what he can in relation to a permit to reduce the number of kangaroos on his property. At the moment he is allowed under the permit to cull five kangaroos per month. He is not making much of an indentation in the numbers with the current permit for five kangaroos per month. The local region does not have the capacity to offer him any more. He has asked the minister if the region can have a greater number of permits, but

unfortunately it cannot. The minister has said to him that there is a review into kangaroo numbers which will finish sometime in the middle of next year, and she is unable to make any decision prior to that — that is the answer she has given this chap in a once-off.

My issue is that this is not the first constituent who has been to my office, but he is certainly the most desperate. Having driven around the state recently I have been quite staggered to see the number of dead kangaroos littering the sides of the road and even on the roads. It is possibly the most I have seen in my time in Parliament. It is getting to the stage where it is a very urgent issue, and if the minister will not give farmers around the state the permits they need to reduce kangaroo numbers to their own satisfaction, then I insist that she set up some sort of fund to retribute some of the money that has been lost by these farmers for damage to fencing, lost pastures and the inability to run their farms at the optimum level.

Dandenong-Pakenham-Cranbourne rail corridor

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport, and it is in relation to correspondence I have received from the secretary of the Victorian Transport Action Group, Mike Reece. I understand that a former upper house member for Melbourne Province, Glenyys Romanes, is also involved in that group. The group appended a newsletter to the letter, and on the back it explains that the Victorian Transport Action Group is an independent forum that addresses the challenges of transport in Victoria. It states:

Members have a range of expertise across transport, planning, state and local government, IT and the environment, including past employment with government agencies, the department of transport and VicRoads.

I have no cause to question the group's integrity or motivations. This is a very interesting letter. It is specifically in relation to the provision of additional tracks along the Dandenong rail corridor. The group is urging all interested parties, stakeholders and governments to consider a proposal to upgrade the line to futureproof it. The newsletter says:

The Dandenong line is a key artery connecting south-eastern suburbs and Gippsland with the jobs, education and leisure opportunities in the rest of Melbourne. But while the population of south-eastern suburbs has boomed and Dandenong line patronage has been growing rapidly, the line itself has been neglected.

The Dandenong line will need four rail tracks within the next few years. The current plan to rebuild the line must make provision for the expansion of train services. If overlooked now it means that bridges, overpasses and stations will have to

be redesigned and reconstructed at massive future public cost. This can be avoided at a relatively small cost now.

Four tracks are needed to allow fast express trains to bring commuters from the massive new growth corridors at Berwick–Pakenham and Cranbourne–Clyde. Otherwise, all trains from Pakenham will still be making 21 stops before reaching the city.

The group compares the time taken for those journeys now to journeys on other lines from places such as Wyndham Vale and Geelong.

I know there are currently plans afoot to upgrade that line, but I think the proposal and the ideas contained in this letter and the newsletter are worthy of consideration and worthy of some sort of feasibility analysis. I would like to ask the Minister for Public Transport to go to the website of the Victorian Transport Action Group, have a look at the argument that has been mounted for the provision of additional tracks along the Dandenong rail corridor and consider whether space could be set aside at least for two extra tracks for the future needs of that particular corridor.

Responses

Mr HERBERT (Minister for Training and Skills) — I will refer the following matters on to the relevant ministers. Mr Finn had an issue for the Minister for Public Transport in regard to Sunbury residents accessing V/Line services.

Ms Wooldridge had a matter for the Minister for Health in regard to publishing waiting lists and performance data.

Ms Tierney requested that the Minister for the Prevention of Family Violence come to the Surf Coast region to hold meetings with people involved in the fight against family violence.

Ms Lovell had an issue for the Minister for Health and requested immediate funding for the redevelopment of the Goulburn Valley hospital.

Mr Leane had an issue for the Minister for Roads and Road Safety. He is seeking bike path access and coordination in regard to level crossing removals on Mountain Highway in Bayswater.

Mr Ramsay had an issue for the Minister for Roads and Road Safety. He is seeking \$35 million in funding to implement the Bacchus Marsh traffic management plan.

Mr Melhem had an issue for the Minister for Industry. He is seeking that the minister visit industries in the west in regard to the Future Industries Fund.

Mr Morris had an issue for the Minister for Small Business, Innovation and Trade. He is seeking the scrapping of the Grand Final Friday holiday.

Ms Patten had an issue for the Minister for the Prevention of Family Violence. She is seeking permanent funding to extend pilot projects such as Team Respect in regard to family violence community initiatives.

Ms Fitzherbert had an issue for the Minister for Housing, Disability and Ageing. She is seeking to clarify responsibility for occupational therapy services after the implementation of the national disability insurance scheme.

Mr Purcell had an issue for the Minister for Energy and Resources. He is seeking that the minister come to Portland to meet with him and Portland aluminium smelter management to discuss the ongoing operations of that industry.

Mr Drum had an issue for the Minister for Environment, Climate Change and Water. He is seeking that the minister approve more liberal rules for culling kangaroos in areas of high numbers or that she establish a compensation fund.

Mrs Peulich had an issue for the Minister for Public Transport seeking consideration of proposals for an additional track on the Dandenong rail line, as outlined by the Victorian Transport Action Group.

I will refer all those matters to the relevant ministers.

I have 40 written responses to adjournment debate matters raised by various members.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! Earlier today Mr Morris raised with me by way of a point of order the possible reinstatement of a question in relation to employment that was directed to the Minister for Youth Affairs. I have had a look at the answers to both the substantive question and the supplementary question. I have investigated whether or not the information is published by the Australian Bureau of Statistics and therefore it is a reasonable expectation that an answer could be forthcoming. It is my view that, after that consideration, the substantive question has not been answered, and therefore I ask Minister Mikakos to provide a written answer. Given the hour at which I make this direction, I would expect that answer on Thursday.

In relation to the supplementary question, which was about targets, I think the fact that the target issue was not addressed by the minister indicates that that is an answer in its own right and the member can draw that conclusion.

The house stands adjourned.

House adjourned 11.36 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE*Responses are incorporated in the form provided to Hansard***Disability services**

Question asked by: Dr Carling-Jenkins
Directed to: Minister for Families and Children
Asked on: 21 October 2015
RESPONSE:

The Bracks' Government made a commitment in May 2001 that all funds from the sale of the site will be reinvested into services for people with a disability and will pay for new community housing for former Kew residents.

The government has no intention to move away from this commitment.

National assessment program — literacy and numeracy

Question asked by: Ms Pennicuik
Directed to: Minister for Training and Skills
Asked on: 21 October 2015
RESPONSE TO SUBSTANTIVE QUESTION:

NCS Pearson currently holds the primary contract for the range of services associated with the delivery of the NAPLAN tests in Victoria. NCS Pearson was awarded the contract for these services following an open tender procurement process. Other suppliers provide the other NAPLAN services.

RESPONSE TO SUPPLEMENTARY QUESTION:

Neither the Department of Education and Training nor VCAA hold any data regarding specific materials purchased by schools.

Youth employment

Question asked by: Mr Morris
Directed to: Minister for Youth Affairs
Asked on: 21 October 2015
RESPONSE:

Since the Andrews Government came to office the number of young people in employment has increased by 2400 (12 month average).

This is in stark contrast to the record of the former Coalition Government where 21 000 young people moved out of employment between December 2010 and November 2014, leading to a substantial rise in the youth unemployment rate from 12 per cent to 14.6 per cent (12 month averages). In the Member's own electorate of Western Victoria that includes areas such as Geelong, Warrnambool and the South West, youth unemployment for that period topped 18 per cent.

The Government recognises that there is still considerable work to be done and that's why we're implementing a comprehensive package of initiatives to strengthen young people's access to education, training and employment opportunities including:

- \$32 million over four years for Local Learning and Employment Networks to continue to work with young people who are disengaged or at risk of disengaging from education and training.
- \$50 million for the TAFE Back to Work Plan, which provides grants for TAFEs to expand courses to align with the needs of local employers and to provide immediate help to TAFEs suffering financially.

– \$15 million for Skills and Jobs Centres at Victoria's TAFEs to be the first point-of-call

for students looking to start training, workers needing to re-skill, unemployed workers needing support for retraining and work placement and for employers to connect with jobseekers.

Furthermore the Victorian Government's Back to Work Scheme has been further boosted with an increase in payments to employers to assist with the hiring and training of young unemployed people (up to \$5000). Employers can also receive payments of up to \$4000 where they provide accredited training to the new employee.

Regional and rural employment

Question asked by: Mr Drum
Directed to: Minister for Regional Development
Asked on: 22 October 2015
RESPONSE:

The Member is ill-informed.

Full details of the fund are available on the Regional Development Victoria website and applications have been open since Wednesday, 1 July 2015.

As the Member may recall, he participated in the debate in the House on the Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015 which established the Andrews Labor Government's \$500 million Regional Jobs and Infrastructure Fund.

The Fund was publically launched on 29 June 2015, in the Member's own electorate.

Information and communications technology

Question asked by: Mr Rich-Phillips
Asked on: 22 October 2015
Directed to: Minister for Small Business, Innovation and Trade
RESPONSE:

My Department is undertaking extensive consultation in order to develop the sector strategies that form a key component of the Future Industries initiative, which falls within the Industry portfolio.

This process includes targeted consultation with the ICT sector, which is captured as part of the professional services sector strategy development. Recognising the broad role ICT plays in supporting all sectors across the Victoria economy, ICT has been included within the professional services strategy development, similar to other professional services such as financial and insurance services.

ICT companies will therefore be eligible to access funding from the Future Industries initiative which is made available to other professional services firms, and in line with the relevant program guidelines.

Government-subsidised training

Question asked by: Ms Lovell
Directed to: Minister for Training and Skills
Asked on: 22 October 2015
RESPONSE:

Students undertaking vocational education and training in Victoria can be enrolled at over 2000 registered training organisations (RTOs) that are either registered with the national regulator, the Australian Skills Quality Authority (ASQA) or the Victorian regulator, the Victorian Registration and Qualifications Authority (VRQA).

Only around 500 RTOs operating in Victoria are contracted to deliver government funded training under a VET Funding Contract.

Regulators and deregistration:

ASQA is best placed to provide information about RTOs that have had scope to operate in Victoria but have been deregistered in 2015.

In 2015 the VRQA cancelled the registration of two RTOs registration who had recalled certain qualifications that they advised did not meet national quality standards:

RTO 1 recalled:

- 220 Certificate III qualifications in children’s services
- 247 Certificate III qualifications in aged care
- 247 first aid certificates.

This RTO offered students retraining through independent RTOs at no cost.

The Department of Education and Training (DET) offered the students full entitlements under the Victorian Training Guarantee.

RTO 2 recalled:

- 17 Certificate III qualifications in aged care.

The RTO offered students retraining through independent RTOs at no cost.

DET and VET Funding Contract terminations:

In 2015, DET has terminated 12 VET Funding Contracts with RTOs contracted to deliver government funded training. Approximately 5300 affected students were enrolled at these RTOs.

VET Funding Contracts specifically require RTOs to work with DET when a contract is terminated to assist students to transfer to another RTO. As a result, students are contacted regarding their options, and are supported to continue their training. Individual students take varying lengths of time to choose to take up with an identified alternate RTO, and given the personal choices of individuals, it is not possible to confirm each individual’s decision regarding further training.

Youth mental health first aid training

Question asked by: Ms Springle
Directed to: Minister for Families and Children
Asked on: 22 October 2015
RESPONSE:

I am informed that:

The Andrews Labor Government is committed to a significant system-wide reform agenda, *Roadmap for Reform: Strong Families, Safe Children*. This project will set out how the Victorian child and family service system can be improved to help prevent neglect and abuse, intervene early, keep more families together through crises, and secure better futures for children who cannot live at home. It will set the directions and practical steps for long term reform of the Victorian child and family services system, including child protection, early intervention services and out of home care.

The Residential Care Learning and Development Strategy (the Strategy) is funded by the Government to improve the quality of care for children and young people in residential care. The Strategy provides a number of training courses and professional development opportunities to residential care workers. These are delivered by The Centre for Excellence in Child and Family Welfare, the community service organisation peak body, which identifies needs and prioritises training.

Non-compulsory Mental Health First Aid training has been delivered as part of the Strategy since 2008. In 2014-15, approximately 132 youth mental health first aid training places and 66 advanced youth mental health first aid training places were available to direct-care residential care staff.

Residential care staff have a range of different skill sets. The training that is provided is reflective of the diverse needs of children and young people in residential care.

The Government is committed to improving the training and learning opportunities for staff working with vulnerable children and young people.

Game management

Question asked by: Mr Young
Directed to: Minister for Agriculture
Asked on: 22 October 2015
RESPONSE:

The GMA was established on 1 July 2014, under the Game Management Authority Act 2014 to regulate game hunting. The GMA is responsible for:

- issuing Game Licences, authorities and permits
- managing open and closed seasons for game species
- enforcing game hunting laws and taking action against those who do not hunt legally
- educating and informing hunters on how to hunt legally in Victoria.

The GMA also has an important advisory role to government, other agencies and the broader community on the management of natural resources across the State.

The GMA's first year focussed on establishing the organisation as an effective and independent regulator and developing the appropriate governance arrangements, policies and procedures to meet its regulatory and advisory responsibilities.

While the GMA has no direct responsibility for land management, it works closely with public land managers and other government agencies, to improve access and information for hunters, deliver wildlife management programs and implement programs to better protect wildlife habitat and provide healthy game populations.

As an example, the GMA with the assistance of Parks Victoria is leading a field based inspection and audit of all Victorian State Game Reserves. This work will better inform management priorities for these important areas into the future.

I am confident that as the GMA continues to mature it will not only strengthen its role as an effective regulator but continue to develop its facilitation functions in order to deliver sustainable game management and quality, safe and responsible hunting opportunities.

There has been recent media commentary on a proposed transfer of responsibility for managing State Game Reserves from Parks Victoria to the GMA. The GMA has not been established or resourced to be a land manager or a hunting advocate. Any changes to alter existing public land management responsibilities would require legislative changes and considerable changes to the funding and capabilities of the GMA.

