

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 5 May 2015

(Extract from book 6)

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Privileges Committee — Mr Drum, Ms Hartland, Mr Herbert, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips, and Ms Wooldridge.

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Economy and Infrastructure References Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Environment and Planning Legislation Committee — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Environment and Planning References Committee — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Legal and Social Issues Legislation Committee — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Legal and Social Issues References Committee — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Joint committees

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

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 Elasmarr, Mr Melhem and Mr Purcell. (*Assembly*): Mr Crisp, Mr Perera and Ms Ryall.

Electoral Matters Committee — (*Council*): Mr Dalidakis and Ms Patten. (*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*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson 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 Kilkeny and Mr Pesutto.

Heads of parliamentary departments

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

Council — Acting 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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Leader of the Greens:
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Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
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Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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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
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Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
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Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
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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

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Tuesday, 5 May 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.05 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 21 April to:

**Education and Training Reform Amendment
(Child Safe Schools) Act 2015**
**Legal Profession Uniform Law Application
Amendment Act 2015**
**Limitation of Actions Amendment (Child Abuse)
Act 2015**
**Parliamentary Committees and Inquiries Acts
Amendment Act 2015**
**Public Health and Wellbeing Amendment
(Hairdressing Registration) Act 2015**
Veterans and Other Acts Amendment Act 2015.

PARLIAMENTARY COMMITTEES

Membership

The PRESIDENT — Order! I have received a letter from Mrs Christine Fyffe, the member for Evelyn in the Legislative Assembly, dated 27 April 2015, resigning from the Independent Broad-based Anti-corruption Commission Committee.

I have also received a letter from Ms Wendy Lovell, a member for Northern Victoria Region, resigning from the Family and Community Development Committee, effective today.

Mr JENNINGS (Special Minister of State) — By leave, I move:

That Mr Finn be a member of the Family and Community Development Committee.

Motion agreed to.

NEPAL EARTHQUAKE

The PRESIDENT — Order! I take this opportunity to reflect briefly on the devastation caused by the earthquake in Nepal. We have a vigorous Nepalese community in Victoria, and I have had a great deal to do with the community. I have attended functions and been involved with the community, as has the Speaker of the Legislative Assembly and various ministers with portfolios that are important to that community. On various occasions Mrs Peulich has also been involved with the Nepalese community as part of her role in representing the opposition. Members of the Nepalese

community have been great contributors to the advancement of Victoria, and they are beautiful people.

The country of Nepal is held in high regard and affection by all Australians. Many people have travelled to Nepal and enjoyed some of the most spectacular landforms and scenery in the world as well as the cultural heritage of that country and the hospitality of some of the most beautiful people in the world. It was therefore with great sadness that I, and I am sure all members in this place, learnt of the devastating earthquake in Nepal and in subsequent days saw the unfolding and mounting death toll associated with that earthquake.

Most of the people impacted upon are obviously Nepalese, but there are also a number of Australians and people from other parts of the world who were on vacation and trekking or working in Nepal. On behalf of the Parliament I have sent a letter to both the Consul General and the ambassador of Nepal indicating our sadness and our hope that the people of Nepal are able to rebuild their lives, I would expect with the help of many Australians and international governments. The efforts by many countries around the world to support Nepal in these dark days have been encouraging. It is therefore important that I inform the Council of the fact that I have conveyed that message to the Nepalese representatives in Australia.

ANZAC CENTENARY

The PRESIDENT — I also advise members and reflect on the fact that in Queens Hall there is a display of pictures of young men who were involved in the World War I conflict, recognising that this year is the centenary of the Anzacs landing in Gallipoli. In the past two weeks Ms Lovell and I had the opportunity to go to the Western front. On behalf of the Victorian government, the Victorian Parliament and the Victorian people, I laid a wreath at Villers-Bretonneux as part of the very moving Anzac Day ceremony. It is extraordinary to consider the scale of the loss of young life in needless conflict, particularly on the battlegrounds of the Western front.

A number of sitting members of Parliament served in World War I as part of the Australian forces. I will run through their names because it is worthwhile remembering the people who served. Fortunately it would seem from our records that none of the MPs who served in the First World War were lost in any of the battles. The serving MPs who enlisted and were part of the World War I conflict included Matthew Baird, an MLA for Ballarat West; Russell Clarke, a member of the Legislative Council for the former Southern

Province; Alfred Hampson, an MLA for Bendigo East; Thomas Ryan, an MLA for Essendon; William Slater, an MLA for the former electorate of Dundas; Gordon Webber, an MLA for the former electorate of Abbotsford; and William Smith, also an MLA for Dundas. As I said earlier, fortunately they all returned, but they obviously lost many comrades in that war.

I encourage members to have a look at the display that has been put together by the Victorian Parliamentary Library as well as at other resources that have been provided in terms of understanding the World War I conflict.

QUESTIONS WITHOUT NOTICE

Employment

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. Given his government's claim about having a jobs plan, why does the budget forecast an increase in unemployment to 205 000 Victorians by 2017–18?

The PRESIDENT — Order! I am happy to accept questions on the budget. Subsequently it is likely that as part of ministers statements there may well be references to matters included in the budget. I believe they meet the test of being new initiatives and therefore those ministers statements will also be in order.

Mr JENNINGS (Special Minister of State) — The incoming government has, in a number of ways, made a commitment to get Victoria back to work. We have done so through the auspices of today's budget. Whilst the member may be talking in absolute terms, the unemployment percentage is forecast in the forward estimates of this budget to reduce over the forward estimates period, in stark contrast to the history of the government she was a part of. At the time of the election of the Baillieu government, and then the Napthine government, unemployment in Victoria was 4.9 per cent, and it rose during their term in office to be 6.8 per cent when they left.

The unemployment figures as of today show that the most recent unemployment rate in Victoria is 6.3 per cent, which is a 0.5 percentage point reduction in the first few months of the incoming Andrews government. During the life of the budget we have committed to creating 100 000 jobs through a range of infrastructure projects that are embedded within this program, and 16 000 construction jobs are associated with this.

Honourable members interjecting.

Mr JENNINGS — Regardless of the interjection, the history of the previous government is that unemployment rose from 4.9 per cent to 6.8 per cent, and during the course of this government the projection is that the unemployment rate will fall and that there will be a net increase in the number of people who are employed in this state. We will be measured by that fact. We will deliver that, in stark contrast to the history of the outgoing government.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Despite how the minister might want to spin it, this budget shows, in black and white, that 15 000 more Victorians will be unemployed under Labor in 2017–18. Is it not a fact that we now have evidence that the government's jobs plan is a sham?

Mr JENNINGS (Special Minister of State) — No, it is an indication that the member is innumerate in relation to the growth in the economy and the growth in employment that will occur under Labor, the jobs that will be created and the net increase in the number of people who are employed in Victoria. As a proportion of our economy the unemployment rate will go down during the life of this budget.

Victorian Managed Insurance Authority

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is also to the Leader of the Government. I refer to the government's decision to rip \$377 million from the Victorian Managed Insurance Authority (VMIA) in new dividends. Given that this will flow through to client premiums, will those public sector clients be compensated for the increased cost?

Mr JENNINGS (Special Minister of State) — On the theme of the lack of mathematical skills that have been demonstrated by the first two questions from the opposition today, the outgoing minister, who was responsible for this area, knows that within the funding ratios that operate within various agencies, including the VMIA, there are sufficient funds to enable a dividend to be extracted in the way it is extracted within the budget without the adverse impacts he asserts. Indeed, the government has introduced extremely modest revenue proposals in this budget, of which this item is one.

All governments derive a dividend from various statutory bodies and authorities, and they will all continue to do so. The test is whether they do so within prudential guidelines that create the funding viability of those institutions. The incoming Andrews government

has not affected the operating performance of those entities, and indeed their revenue projections in the forward estimates are modest over the forward estimates period.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. The previous government did not take dividends from the Victorian Managed Insurance Authority, and in fact the government is now forecasting to take a dividend of \$145 million in the budget year, which is equal to the entire equity of VMIA. Given that those will flow through to premiums and that health services are the major client of VMIA, can the minister confirm that this dividend stripping at VMIA will flow through directly as a cut out of health services?

Mr JENNINGS (Special Minister of State) — I have already refuted the proposition, and I return to my feet to refute that suggestion.

Regional development budget

Mr DRUM (Northern Victoria) — My question is to the Minister for Regional Development and also in her capacity as the Minister for Agriculture. Referring to the Labor government state budget released today, which shows that the budget output for the agricultural portfolio has been slashed by 11.9 per cent and the regional development portfolio has been slashed by 23.8 per cent, can the minister explain what services will be cut as a result of these budget cuts?

The PRESIDENT — Order! A question can only be directed to one minister in respect of one portfolio, and the member has raised two portfolios. It happens to be the same minister, but it is two portfolios. I ask Mr Drum to clarify which portfolio he wishes to explore in this question.

Mr DRUM — Certainly, President. If I have to choose which of the two cuts is worse, I will go for regional development. With a 23.8 per cent slashing of the outputs, how does the minister explain what services will be cut as a result of those budget cuts?

Ms PULFORD (Minister for Regional Development) — I thank Mr Drum for his question. This budget is all about rebuilding services in regional Victoria, quite the opposite of what the member suggests. The government has delivered a budget that is fantastic for regional communities. It is about rebuilding capacity, particularly in those services that were so brutally slashed by the former government. The member asked about services in particular, which is a

little separate to his question about the output in the regional development portfolio.

As the member might or might not know, the funding in regional development is substantially about project and program delivery rather than services, but I could answer the question either way. What I would say is that there are a number of explanations for the line item in the budget that the member indicates, including some one-off initiatives that have now been delivered. They include the Vibe Hotel and conference centre, Marysville, which is now finished and open and will not be needing to be rebuilt this coming financial year.

There are a number of lapsed programs from Labor's regional blueprint initiatives of 2010 and around \$5 million of reprioritised budgets to meet the government's commitment to industry and innovation policy reform, things like the Future Industries Fund, which is a \$200 million commitment building capacity in six essential industries, including two of particular interest to regional communities, food and fibre, and new energy technology.

I would also point the member to the budget papers, which indicate the \$286 million commitment for additional V/Line rolling stock, \$300 million to rebuild TAFE and up to \$220 million to deliver Murray Basin rail, something that was never delivered by the Liberals and The Nationals — —

Mr Drum — On a point of order, President, previously the minister has refused to answer questions on the Murray Basin rail project. She is now talking about funding of the TAFE system. This is a minister who wants it both ways. When I ask her a question about a rail project, she refuses to answer, saying that only Jacinta Allan, the Minister for Public Transport, can talk about the rail project; now, when it suits her, she wants to talk about the Murray Basin rail project. She cannot have it both ways.

The PRESIDENT — Order! I was going to extend a caution to the minister at the completion of her answer, on the basis that she has raised a number of projects that are outside her portfolio and that doing so leaves her open to further questions on those projects. My perception from the chair was that the minister was referring to those projects broadly rather than specifically, so I would not see that she needs to be examined on those issues going forward. But a warning I would give to ministers is that they need to recognise that if they open up particular issues, they may well be subject to further questioning on those matters. They have perhaps indicated a knowledge of the matters and,

from the house's point of view, can provide information on them. The minister, to complete her answer.

Ms PULFORD — By way of brief response to your counsel, President, I would indicate that Mr Drum's question was about services for regional communities; it was a very broad question.

Specifically in the regional development portfolio, the budget also delivers the \$500 million Regional Jobs and Infrastructure Fund, which will create jobs and deliver essential infrastructure for regional communities.

Supplementary question

Mr DRUM (Northern Victoria) — Whichever way the minister attempts to shape this, it is a \$40 million amount of money that was spent in the last year and that is not going to be spent in the following year. Firstly, does the minister agree with those figures, and secondly, has the minister taken any account of how many fewer jobs there will be in the field as a result of these cuts?

Ms PULFORD (Minister for Regional Development) — I thank the member for his supplementary question. As I indicated in my earlier answer, rebuilding the Vibe Hotel and conference centre in Marysville will not be necessary in the 2015–16 financial year, because it has been built. There are a number of projects that have been completed. The budget makes provision for full funding of the Regional Jobs and Infrastructure Fund. It also provides full funding for a number of other commitments that will be of critical importance and great value to regional communities the length and breadth of the state, as I indicated earlier. I would encourage the member to familiarise himself with all the great news for regional communities that flows from this budget.

Ordered that answer be considered next day on motion of Mr DRUM (Northern Victoria).

Public holidays

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer the minister to his comment on 26 February 2015 that the funding allocation for Easter Sunday 2015 'will be dealt with according to the normal budget processes'. Can the minister advise on which page of the budget is the funding to pay for his 2015 Easter Sunday public holiday?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I thank the member for quoting my words back to me. Funding required to deliver this election commitment has been dealt with as part of the budget process. Wage costs are a normal part of funding departments. Adjustments are made to funding from time to time to reflect changes in cost structures. The total cost of public holidays varies each year, as holidays in some years fall on weekends, such as Anzac Day this year, when no additional holiday is granted.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Given the minister's response to my substantive question, can he now outline to the house what the public sector cost was of the 2015 Easter Sunday public holiday?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — As I have said in this place before, that is a matter for the Treasurer and each individual minister in terms of their own departments. I can answer on behalf of my portfolio and my department but not on behalf of other ministers.

Mr Ondarchie — On a point of order, President, in relation to the minister's lack of an answer to my question, I request that he be instructed to provide a response to this house in a fulsome manner by 11.45 a.m. tomorrow.

The PRESIDENT — Order! I will give consideration to that.

Industry and enterprise innovation

Ms FITZHERBERT (Southern Metropolitan) — My question is also to the Minister for Small Business, Innovation and Trade. I refer to the cut of \$17.4 million in the industry and enterprise innovation output contained in today's budget. Can the minister outline which of his programs will be discontinued as a result of this funding cut?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — We have not cut — that is, we have not scrapped — any funds. As I have said in this place before, we are currently reviewing our programs, grants and initiatives to ensure that they are in line with government priorities and that they achieve the outcomes they were designed to achieve. This budget does not change that. This budget is the first phase of delivering on our election commitments. The next phase is delivering on the Premier's Jobs and Investment Panel, worth \$500 million; the Future

Industries Fund, worth \$200 million; the Start Up initiative, worth \$60 million; and as Ms Pulford said previously, the \$500 million Regional Jobs and Infrastructure Fund. I ask the member to watch this space.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) — This is the minister's portfolio and his responsibility. I suggest that he re-examine his government's budget papers. If he does not know where the \$17.4 million in funding cuts is going to come from, could he commit to giving us a written response on this issue?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I take that as a comment, really. I cannot take it as anything but a comment.

Ms Wooldridge — On a point of order, President, I must say I did not even hear the mumble that was the four or five words attempted by the minister in response to that question. But there is very clearly in the budget papers, at budget paper 3, page 134, under 'Industry and enterprise innovation' — clearly in the minister's portfolio — an outline of a cut from \$125 million to \$108 million. I ask you to consider that the minister very clearly has responsibility for this area and should either provide a response now or a written response to a very clear and straightforward question relating to his responsibility.

Mr Jennings — On the point of order, President, we understand that the Public Accounts and Estimates Committee will thoroughly attest the budget, as would be the expectation of the Parliament. But if we consider the precedent set in the first budget of the last Parliament, \$661 million was identified as a cut in the health portfolio, and from that day to the end of the term of government the then Minister for Health, Mr Davis, did not acknowledge or answer questions about that cut. At no stage were questions acknowledged or answered. Ours is a government that is prepared to answer questions, but there was no benchmark set for explanations to be given in this chamber by the previous government from its first budget to its last day.

Mr Davis — On the point of order, President — —

The PRESIDENT — Order! I caution Mr Davis before he speaks to make sure that this is actually a point of order and that he does not wish to continue a debate which Mr Jennings should not have entered into. I dare say Ms Wooldridge also strayed into debate in raising her point of order. I do not want to hear a debate of this matter; it had better be a point of order.

Mr Davis — My point of order, President, is a very simple one. Members ask questions of ministers and ministers are required to respond to those questions. A response to a question in my view is not adequate where it says — —

Honourable members interjecting.

The PRESIDENT — Which standing order is Mr Davis referring to?

Mr Davis — I am referring to the relevance of the minister's response, which was that he would take the question as a comment.

Mr SOMYUREK — On the point of order, President, let me be clear. My take on the member's question was that it was a lecture about how I have responsibility for my portfolio. There was not a question there at all. That is why I said I would take it as a comment; I did not find any question in it at all. It was a comment and it was a lecture.

The PRESIDENT — Order! I accept the minister's explanation that he did not hear a question. That is possible, because a fair bit of interjection surrounds some of the questions and answers that involve this minister. It is quite possible he did not hear a question, but I did. To resolve this matter now, rather than asking for a follow-up in writing, I ask Ms Fitzherbert, without editorial, to pose the question again, which was effectively the last sentence of her supplementary question.

Ms FITZHERBERT (Southern Metropolitan) — Certainly, President. I ask again: which of the minister's programs will no longer continue as a result of the \$17.4 million funding cut? I ask him to re-examine the budget papers, and if he does not know, will he give a commitment to this house to provide a complete written response?

The PRESIDENT — Order! I say to Mr Somyurek that that was the supplementary question I heard. It is a fair enough question in that sense.

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I disagree, President, but I will defer to you. In that case, Ms Fitzherbert's supplementary question was: will I examine the budget papers and get back to her? I think I have answered that in my substantive answer — that is, the budget is phase 1. Phase 2 of delivering on *Labor's Financial Statement* commitments is when the design of these funds — the \$500 million Jobs and Investment Fund, the \$200 million Future Industries Fund, the \$60 million Start Up fund and the \$500 million

Regional Jobs and Infrastructure Fund — comes in. Let us have a discussion about this after July, when these funds come onstream.

East Gippsland timber industry

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture and relates to allegations of illegal logging in East Gippsland. The Minister for Environment, Climate Change and Water has confirmed that there was not enough evidence to prosecute VicForests for recent allegations of illegal logging of rainforest on the Errinundra Plateau. The minister for environment has confirmed that a further allegation regarding VicForests failing to identify protected rainforest in coupe 892-508-0006 is still being investigated and is known as the fourth allegation. I am informed that logging continues to this day in that coupe, thereby destroying the very evidence that would support a prosecution. What actions will the minister undertake today to ensure that any evidence of unlawful or incompetent activity by VicForests is protected?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question on this matter. On 8 April the Department of Environment, Land, Water and Planning (DELWP) and VicForests received a report of an alleged breach of the Code of Practice for Timber Production 2014 from the Goongerah Environment Centre. The report outlined an alleged breach of rainforest protection prescriptions in a timber harvesting coupe in the Bendoc State Forest in East Gippsland. A further report with additional details was submitted on 16 April. As the member is no doubt aware, DELWP is the environmental regulator for timber harvesting on public land, and both the department and VicForests have well-established processes that they work through when investigating these reports.

The area in question was inspected in the week of 13 April. DELWP's investigation confirmed that the area in the south-eastern corner of the coupe was identified and marked as rainforest and the maximum buffer, which is 40 metres, was put in place by VicForests. I indicate to the member that harvesting in this area has never been planned or intended. As a result of the investigations, VicForests was cleared of claims that it had not adequately protected waterways, which was another allegation. While the department's investigation of the claimed illegal harvesting was inconclusive, VicForests pre-harvest assessment was that the area was not rainforest.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. My supplementary question is: given that the timber harvesting compliance unit investigation highlighted that VicForests retains a degree of culpability in these matters, will the minister undertake any immediate measures to ensure that VicForests improves its performance in identifying protected rainforest species?

Ms PULFORD (Minister for Agriculture) — I thank the member for her supplementary question and note that it is acknowledged that contractor practices were not best practice. VicForests is already looking at amending its operating procedures to improve contractor practices. Where practical and provided it does not compromise regeneration, roading or safety, harvesters will more clearly be instructed that large examples of rainforest tree species in patches that are not protected under existing law should not be unnecessarily felled or pushed over by harvesting equipment.

VicForests logging coupes

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture and relates to the conduct of regenerative burns in logging coupes managed by VicForests. Is the Department of Environment, Land, Water and Planning being paid by VicForests to undertake, attend, supervise or participate in the regenerative burning of logging coupes managed by VicForests?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question. I will take that question on notice and provide a written response to the member tomorrow.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for that answer. I wonder whether I can add to that: under what circumstances would the department provide assistance to VicForests in the conduct of regenerative burns of logging coupes?

Ms PULFORD (Minister for Agriculture) — I will ensure that the written response is also responsive to that question.

Offence investigation and prosecution

Mr BOURMAN (Eastern Victoria) — My question is to the Attorney-General via the Minister for Training and Skills, Mr Herbert. Other than the RSPCA, what

private entities have legislated powers to investigate or prosecute offences?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Bourman for his question. I am always happy to provide as detailed an answer as I can. In the case of this question, however, I am not sure what specific types of offences he is talking about. If Mr Bourman is talking about animal cruelty offences, then the question should probably go to the Minister for Agriculture. Mr Bourman indicates that it is offences in the general sense. I will have to take that question on notice. It will take a little bit of work to get an answer back to him.

Supplementary question

Mr BOURMAN (Eastern Victoria) — On a supplementary question, what government measures are taken to ensure that adequate oversight and accountability are maintained to these private entities that have legislative powers?

Mr HERBERT (Minister for Training and Skills) — If we are talking about RSPCA powers, obviously that is a matter for the Minister for Agriculture, but once again, if it is about broader powers, I will need to take advice and get back to the member. It is a very broad question, and I hope to be able to get a response by tomorrow, but it may be a lot more difficult. I ask the member to bear with us, and we will get him a good answer.

Abbotsford Convent

Ms PATTEN (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade in his capacity of representing the Minister for Planning. I recently had a tour of Abbotsford Convent with the CEO, Maggie Maguire. With over 6 hectares, 11 historic buildings, galleries, on-site artists, jewellers, cafes and restaurants, the site is being maintained and improved without any government funding. Unfortunately the introduction of the congestion levy on the convent's car park has had a catastrophic effect on the site and its ability to generate any income. The convent is also generating a debt of approximately \$288 000 per annum. The profits from the car park used to provide the greatest source of reliable income to the convent, and critically this is now at risk. My question to the minister is: will the government provide Abbotsford Convent with an exemption from the congestion levy?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — It is a good question. The

facility is well used. Unfortunately I am going to have to take the question on notice.

Supplementary question

Ms PATTEN (Northern Metropolitan) — My supplementary question is: how much revenue does the government expect to raise from the congestion levy in the next financial year?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I question whether that question should be directed to the Minister for Finance or the Treasurer.

Ms Patten — It is my understanding that the congestion levy legislation is managed by the Minister for Planning.

Mr SOMYUREK — I will take it on notice and pass it on.

The PRESIDENT — Order! In respect of question time today, I seek from the Minister for Small Business, Innovation and Trade a response to Mr Ondarchie's question with regard to the wage cost associated with the Easter Sunday public holiday. I accept that other ministries might well have built in their wage requirements going forward, but the supplementary question was fairly specific to the outcome cost. I am not going to tell the minister how to answer the question, but I understand that he also has a review underway and that information may well be made available to the house. I ask the minister to provide a response in terms of the supplementary question, which was about the Easter Sunday costs.

I have had a look at Ms Fitzherbert's question, and I am satisfied that the Minister for Small Business, Innovation and Trade can oblige the house with an answer in regard to the supplementary question as to what programs will not continue as a result of what I understand to be a \$17.4 million funding reduction in the industry and enterprise innovation output. I heard the minister's substantive answer about the fact that there was a reorganisation of programs and that there may be some new programs and some might continue. As the minister said in his substantive answer, I understand that there is a review and that may well feed into a written response on the supplementary question, but the supplementary question was specific enough to require some response.

Mr Somyurek has also undertaken to provide an answer on behalf of the Minister for Planning in respect of the Abbotsford Convent. I indicate that for the first two matters — Mr Ondarchie's and Ms Fitzherbert's

supplementary questions — I wish to have an answer tomorrow. In respect of the matter raised for the Minister for Planning, I will apply the 48-hour response time.

With regard to the question asked by Ms Dunn for the Minister for Agriculture, Ms Pulford has indicated that she will provide a written answer to both the substantive and supplementary questions. Even though the Minister for Agriculture is responsible for the timber industry, there may well need to be some input from the Minister for Environment, Climate Change and Water, so I will apply the 48-hour response time there as well.

I sought to look at the question from Mr Bourman to the Minister for Training and Skills because I wanted to understand whether it was about all people authorised by government to carry out inspections or investigations — a very significant number of people, which includes local government inspectors — or whether the question was more narrow. It is more narrow because it is in regard to private agencies. The RSPCA example was given by Mr Bourman, but the question referred to private agencies authorised under legislation to carry out investigations and so forth. I am of the view that it may still be a broad question in terms of having to obtain information from a number of ministers; therefore I hope the minister may be able to assemble an answer within 48 hours, but given the scope of the question, the minister might inform the house and Mr Bourman, as a courtesy, if there is some difficulty in meeting that time frame. I note Mr Bourman is quite satisfied with that.

QUESTIONS ON NOTICE

Answers

The PRESIDENT — Order! I have received a query from Ms Hartland in respect of a question that she put on notice to the Minister for Families and Children for the Minister for Health in relation to Western Health's Footscray hospital. Her belief is that the minister did not provide a satisfactory answer in respect of some of the aspects outlined in that six-part question, and I must say I am inclined to agree with her. The minister has indicated that there has been a review of services at Western Health. Clearly the minister believed that that was sufficient to answer these points, but it may be that a response to some of the other matters that have been asked specifically by Ms Hartland could still be provided, to her benefit and the benefit of the house. Therefore I indicate that question 488 should be reinstated on the notice paper.

Ms Mikakos — On that matter, President, can I seek some guidance to clarify whether the entire question on notice is to be reinstated or just part of it? You said it was in various parts.

The PRESIDENT — Order! I will have the entire question reinstated. It is possible that not all of those six items might be addressed in the minister's new response. I accept that that might well be the case, and I would not be concerned about that, but I think some more specific information can be provided to the generalised statement that has currently been provided as an answer. I will have the entire question reinstated, but I could accept that not all of the information may be available.

Mr JENNINGS (Special Minister of State) — I am delighted to inform the house that during the consideration of question on notice 488 I was provided with the following answers to questions on notice: 415, 429–31, 438, 439, 474–6, 479, 492, 502–7, 516–8, 520, 522–4, 526, 538, 539.

The PRESIDENT — Order! I have had a query from Mr Bourman with regard to a question without notice to the Minister for Training and Skills relating to the firearms registry and certain statistics. At this stage I intend to give this further consideration. I think the minister has been particularly helpful in terms of the information provided, but there may well be some definition issues, if you like, in terms of what was provided and what Mr Bourman was seeking. I need to give that some further consideration.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is to the Minister for Health and it is regarding Goulburn Valley Health's dialysis facilities. My office was recently contacted by a constituent concerned about the limited availability of dialysis services at Goulburn Valley Health, particularly for his 84-year-old father. The constituent was advised that his father's kidneys are operating at only 10 per cent of their capacity and that without immediate dialysis he is facing a life expectancy of one to two years. Due to the limited availability of dialysis services at Goulburn Valley Health, the constituent's father will likely be forced to travel to Melbourne to receive the treatment that could increase his life expectancy to five years. The family have grave concerns about the impact that travelling to and from Melbourne for treatment will have on his quality of life. On behalf of the constituent and his family, I ask that

the minister commit funding to expand capacity at Goulburn Valley Health as a priority so that dialysis services can meet demand.

I note that in today's budget speech there was no firm commitment to the expansion and redevelopment of Goulburn Valley Health in this year's budget. That is of great concern to the Goulburn Valley community, as our hospital is operating at its capacity at the moment. It can be seen from my constituency question today that it is not meeting the demands of our community. The community will be very disappointed — in fact, devastated — that this government has not given a firm commitment to the redevelopment of Goulburn Valley Health. Our government had given an election commitment that stage 1 would be funded in this year's budget with \$75 million to be allocated to it. The Labor government has slashed \$74 million from that program and has included just \$1 million for some more planning. During my time as a member of Parliament there have been four master plans and two of those have just sat on the shelf, gathering dust. We hope this one does not do the same.

The PRESIDENT — Order! Ms Lovell, as I understand it, that was a call for an action rather than a question.

Ms LOVELL — It was, yes.

The PRESIDENT — It needs to be a question. A call for action is an adjournment matter.

Ms LOVELL — I ask the minister: will she commit funding to expand capacity at Goulburn Valley Health as a priority so that dialysis services can meet demand?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is for the Minister for Environment, Climate Change and Water. My electorate of Eastern Victoria Region boasts beautiful natural landscapes, including the Mornington Peninsula National Park, the Dandenong Ranges National Park, the Yarra Ranges National Park and the Baw Baw National Park, and indeed, as I have been advised by another well-informed member of the house, the Gippsland Lakes area and many other national parks further east. Many of my constituents have welcomed our government's decision to scrap the unfair basic campsite fees imposed by the previous government. How will the removal of basic fees benefit local communities in eastern Victoria?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — I acknowledge the response from the Minister for Public Transport, dated 10 April, to my constituency question asked on 18 March regarding the retention of the Healesville freeway reserve as public open space. I commend the government's decision to retain the reserve as public open space to be used for healthy recreation and public enjoyment in perpetuity. On behalf of interested community groups, including the Whitehorse Cyclists Advocacy Group, I rise to ask the minister a further constituency question: what arrangements will be made for community consultation regarding the planning for public use of the Healesville freeway reserve land?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Emergency Services and relates to the relocation of staff who were employed at Fiskville, a Country Fire Authority (CFA) training facility in Ballan. On Sunday I attended an unofficial memorial service at Fiskville to honour and remember those firefighters who gave their lives in the line of duty. I have attended annual memorial services at Fiskville as a member of Parliament representing Western Victoria Region for the last five years.

I had an opportunity to discuss the government's decision to close Fiskville with the Ballan community and the local CFA brigade led by Ian Ireland. The shock of the closure announcement still resonates through the Ballan community, no more so than with the 70 men and women who lost their jobs due to the Labor government's actions. While the local Labor members of Parliament were on holidays in far-flung places, the decision around the re-employment of Fiskville staff was put on hold. My question is: now that the Labor government is back from holidays, could the minister indicate what is being done to offer employment to those people who lost their jobs?

Ms HARTLAND having made statement:

Mr Finn — On a point of order, President, I listened to Ms Hartland's constituency question and it appeared to me — and I seek your guidance and ruling — that it was not a constituency question but rather a question on an issue that may have been related to her electorate in some way but not specifically a constituency question.

Ms Hartland — On the point of order, President, my apologies, that was my members statement; Mr Finn is completely right.

The PRESIDENT — Order! The derision can be directed at me because I called Ms Hartland, who is listed by the Greens as having a members statement, not a constituency question. We will take that as a members statement later. My apologies to both Ms Hartland and Mr Finn. (*Ms Hartland's statement at page 1157*).

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Public Transport. I have been alerted to some concerns regarding the government's plans to remove the level crossing at the Chandler Road intersection in Noble Park. While the Greens are fully in support of the removal of level crossings, there is a worry that the government will take the cheapest option and elevate Chandler Road over the top of the train line, which would split the community of Noble Park down the middle. That is exactly what happened in Warrigal Road, Oakleigh, and it would appear to violate the objectives of the Transport Integration Act 2010, especially the requirement that transport infrastructure facilitate better mobility within communities, and especially when there are potentially other, much better options, such as running the train line under the road. Will the minister assure the community of Noble Park that the government will remove the level crossing in line with the Transport Integration Act and do a proper consultation with the community and local government to ensure that the community gets the outcome that best meets its expectation?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question is for the Minister for Police. I had the pleasure recently, together with the member for Bass in the Assembly, Brian Paynter, to visit the hardworking members of Victoria Police stationed at the Phillip Island police station at Cowes. It is clear that that station, which was opened in the early 1990s, is in need of a master plan either for a total replacement or full refurbishment. Phillip Island has grown more rapidly than was anticipated when that station was opened. The number of major events has increased and the peak period for tourism has been extended. A number of police on duty at Phillip Island are seconded from other stations during those peak periods. That requires additional capacity and an upgrade of the outdated and antiquated system. My question for the minister is: does the government have any plans to replace the current Phillip Island police station?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is also directed to the Minister for Police, and it relates to the small town of Minyip in my electorate. Minyip is famous for being the home of the much-loved television program *Flying Doctors*, in which it was known as Coopers Crossing. The residents of Minyip have been battling since last year to have their police station staffed with a full-time officer. It was reported in the *Weekly Times* of 22 April that a commitment has been made to have a full-time officer appointed to man the station in Minyip. Can the minister confirm that a full-time police officer will man the Minyip station and when that will occur?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Environment, Climate Change and Water. I refer to the ongoing concern held by a significant number of my constituents about the impact the Ravenhall tip will have on their lives. Given that the Environment Protection Authority Victoria seems to regard this most important issue as being in the too-hard basket while thousands of people in Caroline Springs, Deer Park and surrounds are at their wits' end dealing with the horrific stench emanating from the tip site all too often, will the minister act to stop the stink making my constituents' lives a misery?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question is for the Minister for Emergency Services, and I note the fantastic job done by our volunteer firefighters in the Country Fire Authority (CFA). With the prevalence of high-rise buildings in suburbs like Epping North, Epping, Thomastown, Mernda, South Morang and Doreen, one of the challenges for the local CFA station is sourcing an appropriate appliance to deal with injured people who need to be rescued from high-rise buildings — for example, last week someone fell from a third-storey balcony onto a second-storey balcony and an appliance was needed to be brought in from quite a distance away. I wonder if the minister is aware of an aerial appliance called a ladder-platform vehicle that is used to rescue people in high-rise emergency situations, and as such it is distinct from a Teleboom which is used to put out fires. I ask if the minister will commit to providing an aerial ladder-platform vehicle to the CFA rescue unit which services Melbourne's outer northern region, in accordance with its commitment on budget paper 4, page 53.

Eastern Metropolitan Region

Mr DALLA-RIVA (Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety and relates to the section of the Burwood Highway between Morack Road and the EastLink bridge. My constituent, Gary Venter, has asked for a review of the installation of lighting and a footpath between these two roads in the Vermont South area. I understand that Knox City Council has undertaken preliminary design work and has estimated the project and that VicRoads has undertaken a more detailed analysis. My question on behalf my constituent is: will the minister release the detailed analysis so that a proper examination can be undertaken by the residents?

MEMBERS STATEMENTS

Prescription monitoring

Ms HARTLAND (Western Metropolitan) — In 2014 there were 314 deaths related to pharmaceutical overdose. That is more than the road toll and illegal drug and alcohol deaths. We were shocked today that the government has allocated only \$300 000 for real-time prescription monitoring when the Australian Medical Association recently costed it at approximately \$55 million for doctors to access dispensing histories. I am hoping the \$300 000 allocated will be used for planning work this year and there will be a real commitment by the government to this work as soon as possible.

Leadbeater's possum

Ms DUNN (Eastern Metropolitan) — The federal government's adding of the Leadbeater's possum to the critically endangered list is a sad indictment of the failure of successive Victorian governments to protect the habitat of our state's faunal emblem. Sad as it may be, the real tragedy is that the clear-fell logging of the Leadbeater's possum's habitat continues to this day. The logging industry would have us believe there are tens of thousands of jobs in the balance if logging is banned in high-conservation value areas of state forests. Properly managed, there would be no job losses. What makes the logging industry immune from pressures to modernise? What is so special about the industry that protects it from the pressures that every other industry sector must absorb? Exaggerated claims of unemployment and fatuous claims of the economic benefits of logging of high-conservation forests may well be the epitaph of the Leadbeater's possum.

Let that not be the case. Let us move forward with the plans for the Great Forest National Park and create many more jobs in tourism through opening up our

amazing native forests to the world. Let us move forward with a full, real and transparent review of the regional forests agreements which are due for review later this year. Let us move forward with modernisation of the logging industry, protect our native forests, focus on higher value timber products and source our pulp from plantations only. Let us acknowledge the listing of the Leadbeater's possum to critically endangered and take real action now.

The PRESIDENT — Order! I will now take Mr Elasmars' members statement prior to his taking over the chair. The house will then deal with other matters before resuming statements.

Victorian Amateur Football Association

Mr ELASMAR (Northern Metropolitan) — The Victorian Amateur Football Association was kind enough to invite me to attend its season launch on Wednesday, 25 March. It was a great night and I was happy to be in attendance. The president of the association, Mr Michael Hazell, hosted the event while keynote speakers gave inspirational speeches to all the young amateur players in the audience, some of whom received certificates of merit for their efforts in the previous amateur season. It was a very pleasant event which I enjoyed immensely.

Darebin City Council

Mr ELASMAR — On Thursday, 9 April, I was invited to attend a local government briefing of the Darebin City Council held at the Darebin North East Community Hub in Bundoora. Both state and federal parliamentary colleagues were in attendance at this informative and interesting session in which council laid out its future planning projects for the enhancement of the lives of its residents. I congratulate the mayor, Cr Steven Tsitas, and his fellow councillors, who made us all most welcome, for making this event so constructive and enlightening.

Statements interrupted.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 4 of 2015, including appendices.*

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Acting Clerk:

Anti-Cancer Council of Victoria — Report, 2014.

Crown Land (Reserves) Act 1978 —

Minister's order of 23 March 2015 giving approval to the granting of a lease at Mt Rouse Public Park.

Minister's order of 31 March 2015 giving approval to the granting of licence at Bannockburn Bushland Reserve.

Minister's order of 2 April 2015 giving approval to the granting of a lease at Victoria Park.

Federation Training — Minister's report of failure to submit 2014 report to the minister within the prescribed period and the reasons therefor.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 20.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twenty-second Amending Deed, 1 May 2015, pursuant to section 15B(5) of the act.

Exhibition Street Extension Agreement Fifteenth Amending Deed, 1 May 2015, pursuant to section 15D(6) of the act.

Melbourne City Link Thirty-third Amending Deed, 1 May 2015, pursuant to section 15(2) of the act.

Melbourne Polytechnic — Report, 2014.

Municipal Association of Victoria — Report, 2013–14.

National Health Funding Pool — Victorian state Pool Account — Report, 2013–14.

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

Bayside Planning Scheme — Amendment C137.

Buloke Planning Scheme — Amendment C19.

Darebin Planning Scheme — Amendments C130 and C135.

Frankston Planning Scheme — Amendment C102.

Gannawarra Planning Scheme — Amendment C41.

Glen Eira Planning Scheme — Amendment C102.

Golden Plains Planning Scheme — Amendment C68.

Greater Dandenong Planning Scheme — Amendment C170.

Greater Geelong Planning Scheme — Amendment C305.

Knox Planning Scheme — Amendment C135.

Maribymong Planning Scheme — Amendment C150.

Maroondah Planning Scheme — Amendment C99.

Melbourne Planning Scheme and Port Phillip Planning Scheme — Amendment GC29.

Melton Planning Scheme — Amendment C142.

Moonee Valley Planning Scheme — Amendment C145.

Mornington Peninsula Planning Scheme — Amendment C176 (Part 2).

South Gippsland Planning Scheme — Amendments C52 (Part 2) and C96.

Southern Grampians Planning Scheme — Amendment C28.

Stonnington Planning Scheme — Amendment C181.

Strathbogie Planning Scheme — Amendment C42.

Wodonga Planning Scheme — Amendment C113.

Wyndham Planning Scheme — Amendment C213.

Yarra Planning Scheme — Amendment C178.

Professional Standards Act 2003 — New South Wales Bar Association Scheme, 16 April 2015.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2013–14.

Statutory Rules under the following acts of Parliament —

Casino Control Act 1991 — No. 27.

Environment Protection Act 1970 — No. 25.

Plant Biosecurity Act 2010 — No. 23.

Tobacco Act 1987 — No. 26.

Victorian Civil and Administrative Tribunal Act 1998 — No. 24.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 23 to 27, 29 and 30.

Legislative Instrument and related documents under section 16B in respect of — Orders surrendering interests in unreserved Crown land and for the revocation of part of the temporary reservation of Crown land, 14 April 2015, under the EastLink Project Act 2004.

BUDGET PAPERS 2015–16

Mr JENNINGS (Special Minister of State) — By leave, I move:

That there be laid before the house a copy of the following —

- (1) In accordance with section 27E of the Financial Management Act 1994 —

- (a) strategy and outlook (budget paper 2);
- (b) service delivery (budget paper 3); and
- (c) statement of finances (incorporating quarterly financial report no. 3) (budget paper 5);
- (2) Treasurer's speech (budget paper 1);
- (3) state capital program (budget paper 4);
- (4) 2015–16 budget overview; and
- (5) budget information papers —
 - (a) Putting People First;
 - (b) Getting On With It;
 - (c) rural and regional; and
 - (d) suburban growth.

Motion agreed to.**Laid on table.****Ordered to be considered next day on motion of Mr JENNINGS (Special Minister of State).****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, 6 May 2015:

- (1) the notice of motion given this day by Ms Wooldridge providing references to certain joint committees;
- (2) order of the day 8, resumption of debate on motion relating to voluntary euthanasia;
- (3) the notice of motion given this day by Mr Drum relating to the Murray Basin rail standardisation project; and
- (4) notice of motion 95 standing in the name of Mrs Peulich in relation to the Andrews government's first months in office.

Motion agreed to.**MEMBERS STATEMENTS****Statements resumed.****Budget**

Ms WOOLDRIDGE (Eastern Metropolitan) — The budget that has been handed down today by the Labor government is not a budget about Victorians.

Infrastructure spending is down. There is no plan for jobs for Victorians. Unemployment will be higher for longer, with 15 000 more Victorians unemployed under Labor in 2017–18. Hidden away is \$1.5 billion in reprioritisation of existing resources, with no outline or detail about where these cuts will come from right throughout the service delivery of the Labor government.

We have a tax on health, with additional dividends being taken from the Victorian Managed Insurance Authority. We have projects promised but their funding not delivered. People in the city of Casey will see only \$2.4 million funding from a \$106 million commitment. There is only \$15 million from a \$150 million commitment for the Victorian Heart Hospital. It was promised that both would be open by 2018, but they have not been funded under this Labor government. There is no money for breast cancer services at Maroondah and no funding at the Aikenhead Centre for Medical Discovery.

IT funding is not at the level that is needed to support IT services for our health and hospital systems. There is no funding for the much-needed expansion of Northern Hospital, which was started under this government and needs to be continued. We see cuts to the Rural Capital Support Fund, bush nursing support grants and health condition support grants. This budget is not for all Victorians; it is more about the Premier than the Victorians the government should be serving.

Victorian Aboriginal Honour Roll

Ms SYMES (Northern Victoria) — It was a great pleasure to launch the 2015 Victorian Aboriginal Honour Roll exhibition in Wangaratta a fortnight ago. Whilst the event was tinged with sadness following the recent passing of two of the honour roll's inductees, Yorta Yorta, Bangerang and Wiradjuri elder Dr Alf Bamblett, and Yorta Yorta and Wemba Wemba elder Aunty Walda Blow, it was also a great celebration of how much has been and is being achieved amongst our Indigenous communities.

I salute Uncle Alf for his commitment to fighting injustice and breaking through barriers to achieve equality for Aboriginal people through better health, better education and improved justice outcomes. I applaud Aunty Walda Blow for her devotion to advocating for members of the Victorian Aboriginal community, particularly young Aboriginal women at risk.

Glenrowan local Robert Wally Cooper, or Uncle Wally, was a guest speaker at the event. It was inspiring to

meet and hear from an inductee of the Victorian Aboriginal Honour Roll who has devoted himself to preserving Aboriginal heritage through his practice of traditional techniques in spear throwing, carving emu eggs and making stone tools and boomerangs, as well as through his work mentoring young Aboriginal people, improving justice outcomes and working with people across the community to promote understanding and respect.

After Wangaratta the road show will travel to Geelong, Horsham and Healesville to celebrate these remarkable people and also to invite nominations for the honour roll. I encourage all Victorians to visit the exhibition if it comes to a town near them.

Anzac centenary

Mr RAMSAY (Western Victoria) — I thank the many RSL clubs across the nation that worked feverishly to make the Anzac Day centenary commemoration such a significant and special day in the lives of so many families. For me the Anzac week started with being given the honour to officiate at a naming ceremony at Curlewis for Captain Percy Cherry, a local Drysdale war hero who served with the 26th battalion at Gallipoli and who was later shot and died in France, at Lagnicourt. He received the Military Cross and a posthumous Victoria Cross.

Many stories were told on Anzac Day of the bravery of our service men and women, like that of Captain Percy Cherry. I was pleased to be able to attend the dawn service at Queenscliff with RSL president Graham Christie, to march at the Barwon Heads service, to attend the Geelong RSL service with Andrew Hanns, the president, and to finally finish the day at Johnstone Park, where thousands gathered to march and participate in the service by Father Kevin Dillon and mayor Darryn Lyons.

I pay tribute to the federal Minister for Veterans' Affairs, Senator Michael Ronaldson, who worked tirelessly to help prepare the RSL clubs for the centenary commemorations, and also Ted Baillieu for his work as state chair of the centenary committee, which alerted me and many of us here today of our family connections to World War I. My grandfather Major Robert Ramsay was one of the first enlisted men to sail from Princes Pier to Gallipoli on the HMAT *Orviato*, where he fought, then got ill with pneumonia, was shipped to France and then to a London hospital, where the story goes that he fell in love with a New Zealand nurse, whom he eventually married and brought home to Australia, in the true Anzac spirit. It was because of that connection and the history —

The ACTING PRESIDENT (Mr Elasmarr) — Mr Ramsay's time has expired.

Nepal earthquake

Ms TIERNEY (Western Victoria) — Since the last time this Parliament met, a number of horrific events have occurred beyond the borders of this state. In particular I wish to speak on the devastating earthquake in Nepal.

The number of lives lost in this disaster continues to rise, with the latest news reports stating a figure over 7300. The number of people injured is more than 14 500. The loss of life and the number of people injured is of historic proportions, and I am sure that everyone in this chamber would join with me in conveying their most heartfelt concerns and condolences. Our thoughts are with the families who have lost loved ones, and those who still do not know whether their loved ones have survived.

I take this opportunity to encourage my colleagues to join in and provide financial support towards the relief effort in Nepal, a task that is currently being undertaken in very difficult topography. Many of us simply cannot comprehend how a rescue and relief mission could possibly operate in that environment. The task at hand is enormous, and it is at times like this that we are reminded of the importance of organisations like Oxfam. With this in mind, I encourage everyone to make a contribution to Oxfam's Nepal Earthquake Relief Appeal through its website. I also take this opportunity to remind members that the first Victorian parliamentary Oxfam meeting will be at 7.30 a.m. tomorrow. I wish to indicate my strong interest in and ongoing support for this initiative, as well as the ongoing work of Oxfam here in Australia and internationally.

Anzac Day

Mr O'DONOHUE (Eastern Victoria) — In a similar spirit to Mr Ramsay, I acknowledge Anzac Day and the hard work of the many RSLs throughout my electorate that organised wonderful commemorations for those who have defended a nation. It was a privilege to attend the dawn service at Mornington.

I also take the opportunity to acknowledge the Star News Group for the remarkable publication it has put together, the souvenir edition of the *Pakenham Gazette*. It marks the centenary of Anzac. It is a true historical document that gathers together much information about those who served from the Pakenham, Berwick and West Gippsland districts. I have learnt a great deal

about many families who are known to me and the services their members or forebears gave to our country.

I take this opportunity to congratulate the Star News Group, particularly editor Garry Howe who poured many hours into this remarkable publication. It will stand the test of time as a commemoration to those who served our nation from the Pakenham, Berwick and West Gippsland areas.

Warrnambool racing carnival

Mr PURCELL (Western Victoria) — It gives me great pleasure to rise today to speak about the internationally acclaimed event being held in my electorate this week. The TAB Warrnambool May Racing Carnival is a three-day event commemorated by a public holiday in our district on Thursday. It is attended by about 35 000 people — an incredible effort for a town with a population of about 30 000 — and injects many millions of dollars into our economy each year. It may not include the race that stops a nation, but it does include the Grand Annual Steeplechase, a 5500-metre race with more fences than any other steeplechase in the world. We wish this year's carnival every success and congratulate all involved.

Border Inn Hotel, Apsley

Mr MORRIS (Western Victoria) — I extend my congratulations to the residents who have pulled together to reopen the Border Inn Hotel in Apsley. The 166-year-old pub closed in 2011 and appeared doomed never to reopen. That was until a group of locals came together. With a lot of hard work over seven months the pub has reopened. Locals and visitors alike can enjoy a cold beverage and a hearty meal in a great country pub. This was a great effort by a small country town to ensure that its community has an important meeting place. Long may the beer taps run at the Border Inn Hotel in Apsley.

Ballarat jobs forum

Mr MORRIS — On Thursday of last week Labor held a jobs forum in Ballarat. I was shocked — truly shocked — that the local Labor members in Ballarat, along with the Minister for Agriculture, Ms Pulford, and the Minister for Public Transport, Ms Allan, had the gall to hold a forum promoting jobs, when the Labor Party, with the relocation of VicRoads, is responsible for cutting 600 jobs that should be in Ballarat's CBD. The government needs to get on with it — less talk, more action. Government members

should do what they know needs to be done. A sensible way forward is to relocate VicRoads to Ballarat.

Thomas James

Mr DALIDAKIS (Southern Metropolitan) — I rise to pay my respects to Major Tom James. Tom was born in Ballarat on 15 June 1941, and he died recently, on 8 April. Tom was a much-loved member of the Labor Party, and a large crowd attended his funeral at Our Lady of the Assumption Church in Cheltenham. The service was conducted beautifully by Father Peter Matheson. The principal mourners were Tom's wife, Sandra, and his children and grandchildren, and I pay my respects to them. Mourners also included friends, members of the local RSL and Lions club, of which he was a member, councillors from the City of Kingston and of course members of the Labor Party, who will miss him.

Tom's coffin was covered with the Eureka flag — he was ever so proud of his origins — along with his military medals. The moving eulogy delivered by his son, Earl, covered Tom's early life in Ballarat; his working life, which saw Tom study part time to become a solicitor; his military service; and his dedication to the Labor Party in his 40-plus years of membership.

Tom was a past president of the Cheltenham Moorabbin RSL and always attended Anzac and Remembrance Day services. He was awarded the Australian Defence Medal for his service to our country. He was a true believer in social justice and a wonderful family man. To Sandra and Tom's family, I offer my sincere condolences on the passing of a fine man. May he rest in peace.

Western distributor

Mr FINN (Western Metropolitan) — To fully understand life in Victoria under this Labor government, it helps to have a deep appreciation of Monty Python. That said, I doubt even John Cleese could come up with a scenario where a Premier spends hundreds of millions of dollars cancelling a road project that almost everyone agrees is desperately needed — so much of the taxpayers hard-earned down the gurgler just to please a handful of Greens voters in the inner suburbs. Sublimely ridiculous!

Now we see the Andrews government promoting a road which will undoubtedly become known as the world's most expensive T-intersection — if it is built at all. Not only does this government want to replicate the daily mayhem of the Eastern Freeway and Hoddle

Street on the western side of Melbourne but this project will apparently be paid for by motorists whether they use it or not. Transurban certainly saw Daniel Andrews coming.

The Monty Python team would be scratching to come up with a script that gives us less of a rail tunnel than the coalition government proposed but at a greater cost. Nobody would believe them if they suggested that any government would propose digging up the centre of Melbourne, dividing our town between east and west. There has not been such a thing since the fall of the Berlin Wall. Maybe our socialist left Premier is feeling nostalgic for the good old days. To make the situation even more comical, Daniel Andrews and his Treasurer then publicly disagreed on how this tunnel might be paid for. The spirit of the Cain and Kirner governments is alive and kicking at 1 Treasury Place. Meanwhile, the electorate is starting to agree with Monty Python on one thing: Daniel Andrews is not the Messiah — he is a very naughty boy!

Budget

Mr MELHEM (Western Metropolitan) — I rise to speak on the state budget which was introduced in the Parliament this afternoon. It is the biggest ever education budget, with a massive boost for hospitals and record public transport funding. I congratulate the Premier, the Treasurer and the Minister for Finance on the wonderful job they have done in the first term of this Labor government. It is a great budget, and I want to talk about what it will do for my electorate in the western suburbs of Melbourne.

In relation to education, Victoria University will receive further funding. Footscray will get two new schools with the Footscray Learning Precinct and the Tarneit P-9 college. Planning will commence for a new tech school in Wyndham. There will be upgrades of existing schools such as Essendon Keilor College in the East Keilor district, Werribee Secondary College, Sunshine College, Sunbury College and Williamstown High School.

In relation to health, \$200 million has been committed in the budget to Western Women's and Children's Hospital, as well as \$85 million for an upgrade of Werribee Mercy Hospital. In relation to roads, the former government ripped money out of the M80 Western Ring Road upgrade, but funds have been allocated to finish that road between the E. J. Whitten Bridge and Sunshine Avenue. The Main Road West and Furlong Road railway crossing is now part of the budget and will be done. The CityLink-Tullamarine Freeway widening —

The ACTING PRESIDENT (Mr Elasmarr) — Order! Thank you, Mr Melhem. Your time has expired.

NATIONAL PARKS AMENDMENT (PROHIBITING CATTLE GRAZING) BILL 2015

Second reading

Debate resumed from 16 April; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RAMSAY (Western Victoria) — It gives me pleasure to contribute to the debate on this bill, the detail of which is well known to this chamber because a similar bill was debated in the previous Parliament. That was a debate in relation to allowing a small number of cattle access to the high country and the low alpine plains to provide weed control, vermin and fuel reduction, land management and environmental stewardship opportunities for that very precious part of the national park.

Unlike the Minister for Environment, Climate Change and Water, Lisa Neville, who is seeking to ban grazing in the high country, I can speak with some authority, because I do not believe she was schooled in the high country. I do not believe she has actually camped or hiked in the high country. I do not believe she knows many of the families that manage and look after the many huts used by campers, hikers, tourists and others who love the beauty of the high country.

I do not believe she has ever been a beef farmer or knows much about beef farming at all. In fact I do not believe she would know one end of a cow from the other. She certainly does not know the difference between a *Bos taurus* and a *Bos indicus*, given the detail in the legislation. She would not know the difference between a domestic and a wild cow, nor would she have any understanding of many of the feral animals that run rampant through the high country. She would not know about the Stoney and Lovick families who are putting a lot of time, energy and effort into making sure the park is well managed and free of weeds and vermin, or about the issues around fire which are very important in the high country, where the cattle are playing a significant role in fuel reduction.

Unfortunately this issue has become political. I remember in my days as president of the Victorian Farmers Federation that we worked very closely with the Mountain Cattlemen's Association in looking at opportunities for those who have licences to graze in the high country not only having the opportunity, short

term, of grazing their cattle in the high country to help keep the grass down, but also having the opportunity to do other environmental and management works to make a more enjoyable experience for those who venture up into the high country.

Unfortunately the Labor Party has always taken the position that it would not support cattle in the high country, despite the fact that only part of the work was done in relation to trials. The coalition government initiated trials in order to provide the science around any debate on the impact cattle may have in the high country, but sadly that work has not been completed. In fact the Labor Party was in such a rush to be politically motivated and ideologically driven and ban cattle in the high country that it never allowed those scientific trials to finish in order to use the analysis to determine what impact cattle might have, good or bad, on the environment in the high country and the river red gum forests.

At the time when the coalition government introduced legislation to allow cattle access to the high country, only 60 cattle were allowed into the area. Therefore in terms of cattle population in that region it is a very small number; and in addition to that restricted number the grazing could only occur at a certain time and at a certain level, certainly not in the higher zones of the high country. They were permitted only in the lower zones, where the impact was not as great, and they were only there for a short duration and in small numbers. This allowed a specific scientific trial to be conducted in order to properly study the impact without having significant effects on the environment in the high plains. The trials would have allowed an opportunity for the cattlemen who live and work in those alpine areas to have access to the high country while knowing that the cattle were not having a significant environmental impact.

I am disappointed that the Labor Party is playing the political game in relation to steadfastly refusing any access of cattle into the high country, based not on scientific analysis but purely on political ideology. Its decision will prevent any scientific studies from continuing.

I find it somewhat curious that a minister who lives on the Bellarine Peninsula is providing advice to those who support cattle access to the high country through this trial period. The Minister for Environment, Climate Change and Water, who is also the member for Bellarine and the member for suburban Geelong in the Assembly, has the authority to make a recommendation to Parliament stopping current trials in this area.

In the minister's second-reading speech in the other place she talked about the bill, not about denying the mountain cattlemen's connection to Victoria's high country. The actual connection for those families who live up there and have cattle there under licence is that they are continually overlooking the whole alpine country. They are up there nearly every day — rebuilding the huts, checking on their cattle, checking on the environmental impact, checking on the waterways and checking on weed and vermin control. They are taking groups of interested parties — people who love to camp and hike in the high country — on tours. They are walking through the areas to make sure the alpine country is safe and that the international and domestic tourists are safe. These cattlemen play many roles. They are environmental stewardship managers, land managers, tourism managers, occupational health and safety managers, and I could go on and on.

The minister's second-reading speech also talks about memories and the iconic *Man from Snowy River*, which is a proud part of Victoria's recent history and which will continue to be so. She said that the mountain cattlemen and women will continue to play a role in managing the high country, using their invaluable skills and knowledge for the benefit of all Victorians. I suggest the minister is taking a fairly presumptive stance in saying that when she has taken away the opportunity of those land managers, those cattlemen and families who live in the high country, who have a succinct, direct interest in the welfare of the high country, to graze cattle. It does not make sense to me.

It is almost an oxymoron that the minister expects cattlemen to preserve the history and iconic nature of the high country in the future when she does not allow them the opportunity to graze their cattle and have a working interest in the managing of the high country. However, I am sure mountain cattlemen will continue to do so regardless because they have a love of the high country.

In essence this measure has been politicised by the Labor Party. It made an election commitment through the *Our Environment, Our Future* policy paper, regardless of the fact that the scientific trials are yet to be completed. The government has adopted the political position from many years ago against the Mountain Cattlemen's Association. I strongly support the work of that association, and particularly the Lovick and Stoney families and those who have, over many years, put enormous effort into preserving what we love about the high country. It is therefore very sad that the government has again played the political game in not allowing the trial work to continue.

On that basis I am totally opposing the bill. The passage of this bill will prohibit the scientific trial work which enables those respected high country families to act as land managers, environmental managers and tourism managers as well as having the opportunity to graze, in part, a small number of cattle to help reduce the fire, vermin and weed risk of the high country we love.

Ms DUNN (Eastern Metropolitan) — The bill prevents the authorisation of the introduction of cattle into the Alpine National Park. It also prevents cattle grazing in Victoria's red gum parks of the Barmah, Gunbower, Hattah-Kulkyne, Lower Goulburn, Murray Sunset and Warby-Ovens national parks. The bill removes the power of public officials to permit the introduction or use of cattle within the specified parks while retaining a scheme for the direct transit of cattle to and from properties bordering national parks under a single-use permit scheme, which is a very positive move. The Greens certainly support the bill and have no issues with it in its current form.

The government's action on this important issue is a testament to the efforts of dedicated environmental scientists and the continuing efforts of a range of community bodies and networks, particularly the Victorian National Parks Association, which had the fortitude to issue legal proceedings against the former government to test the meaning of laws that protect national parks in Victoria. Cattle grazing in Victoria's high country was banned by the Bracks Labor government in 2005, more than 40 years after cattle grazing ceased in the high country of New South Wales.

The first act of the Baillieu government in December 2010 was to reopen Victoria's high country to cattle grazing, only to have it shut down by federal Labor around one year later under the commonwealth Environment Protection and Biodiversity Conservation Act 1999. In May 2014 the then new federal coalition government opened the Alpine National Park to grazing once again under the moniker of scientific research into fire prevention. Allowing cattle grazing in the high country constitutes a denial of 60 years of scientific research which has established that cattle grazing tramples stream banks, springs and soaks; spreads weeds; destroys sensitive alpine mosses; pollutes water; threatens rare and endangered plants and animals; and covers the high country in hundreds of thousands of cowpats.

Further, research conducted after the 2003 fires on the Bogong High Plains concluded that grazing cannot be scientifically justified as a tool for fire abatement. When we look at the issue of the science and what it

says about cattle grazing, we ask: is the science flawed? Can we question it? No, it is quite the opposite. Concern over damage to the important alpine water catchments has resulted in many decades of peer-reviewed published science. The considerable impacts of cattle in terms of erosion, weed invasion and damage to peatlands and wetlands as well as impacts on threatened species and on delicate alpine soils and vegetation are now very well known.

With respect to the question of whether cattle help reduce bushfires in the high country, the evidence shows they have no significant impact at a landscape scale. Australia's most prestigious organisation of scientists who work on natural ecosystems, the Ecological Society of Australia, has reviewed the science on the subject and says:

Strong evidence gathered over many years convincingly shows that cattle grazing in the Australian high country does not reduce the risk of fire.

It has also said:

Detailed studies of the 2003 and 2007 fires in the ... Alpine National Park showed that cattle grazing had little or no effect on occurrence and/or severity of fire in the alpine vegetation above tree line, and in the surrounding subalpine woodland and montane forest.

The house might wonder: do cows eating grass reduce fuel? Yes, but it is not that simple, and complex ecosystems are never that simple. The studies done on the aftermath of real bushfires show that while free-range grazing may sometimes reduce the severity of fire locally in patches of grassland, that effect is very local and does not significantly change fire occurrence or severity across the landscape. What I am saying to members is that given the localised nature of fire prevention, the best place for cattle to help reduce fire severity is immediately around a house, not far away on the high plains, not in the mountain forest and not in the Alpine National Park. It just does not work like that.

Was the fire trial in the Wonnangatta Valley good science? It does not matter how many cattle it was proposed would be involved in that trial. What matters is that a scientific trial should be scientific; it should involve scientists, yet it did not. It was flawed science. What is most significant about that trial is that no scientists are known to have been involved in it. The design and management of the trial was strongly criticised by many leading scientists and by Australia's and Victoria's most prestigious scientific organisations. The Australian Academy of Science said:

The proposed activities, as set out in the experimental design and other related documents, are scientifically flawed ...

The Royal Society of Victoria said:

The royal society considers the proposed trial as another example of so-called scientific study, undertaken without adequate appreciation or even demonstrated knowledge of the literature and which is characterised by inadequate planning and inadequate scientific rigour ...

It was not a scientific trial and should not be regarded as having been a scientific trial.

The Liberal and Nationals parties are like a dog with a bone on this issue. They are clinging on to one or two scientists who are merely questioning whether further study is required to investigate fuel reduction and cattle. The science is well and truly in. The Minister for Environment, Climate Change and Water has set out the compelling scientific evidence that proves how bad cattle are for sensitive wilderness. I simply make the point that whether or not you are prepared to accept that cattle does nothing for fire prevention; not one scientist or researcher has questioned whether cattle are bad for the wilderness. The seesawing on cattle grazing in the high country has seen some of our most precious environments once again used as a political football.

It is really important to look at the Victorian government's Alpine Grazing Taskforce report, which contains a number of findings on the relationship of cattle grazing to the environment and to fire. These include:

1. Cattle damage water catchments, causing bare ground, soil disturbance and erosion, and trample moss beds and watercourses.
2. ... grazing adversely affects water quality.
3. Grazing modifies and damages vegetation in the park, with the task force finding the evidence of the damage caused by cattle to moss beds and snow patches to be compelling.
4. Cattle grazing is considered a significant threat to at least 25 flora species, 7 fauna species and 4 plant communities found in the park that are listed as rare, vulnerable or threatened with extinction.
5. Cattle have contributed to the establishment and spread of several weed species.

On the evidence before it, the task force also concurred with the conclusions of the 1998 Groves report — that the scientific research is adequate and consistently reveals that grazing has a deleterious effect on biodiversity. The task force found that rehabilitation and restoration necessary to repair modified and damaged areas were very difficult with the continued presence of cattle. The task force found significant damaging impacts and no overall benefits for the environment from cattle grazing in the Alpine National

Park. That was certainly the finding of the task force in relation to environmental impacts, and it also went on to talk about impacts in relation to fire in particular. It noted:

Both grazed and ungrazed areas were burnt and unburnt in the 2003 fires, with fire severity predominantly determined by the prevailing weather conditions, topography, fuel loads and fuel flammability types, not whether an area has been grazed.

The task force concluded that cattle grazing did not make an effective contribution to fuel reduction and wildfire behaviour in the Alpine National Park. It is also compelling to note that in 2010 the final report of the 2009 Victorian Bushfires Royal Commission made no recommendations for alpine grazing as a useful fire mitigation tool, nor did it include grazing impacts in its many recommendations for bushfire management research.

This is an issue that polarises the community between those favouring the romantic Snowy River imagery immortalised in Banjo Patterson's poem, and later on film, on the one hand and the counter arguments on the side of rational, empirical science. The issue exposes the clash between a long-term vision of a protected and pristine wilderness and short-term ideas about supporting a small interest group for relatively recently established cultural and sentimental reasons. It has been another example of political leaders turning their backs on accepted science for potential votes. While the government is to be commended for this bill, it is a stern reminder that established empirical science must be placed at the forefront of public debate on sustainability and the environment for the benefit of the environment itself and for future generations. The Greens will be supporting this bill.

Ms SYMES (Northern Victoria) — It is a pleasure to speak on this bill. As a child of regional Victoria, it is with great pride that I stand here today to express my heartfelt support for the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015. Cattle grazing was first banned in 2005. It took a Labor government at that time to sensibly and logically review the science and come to the conclusion that cattle grazing is bad for the environment. It is pretty much as simple as that — the evidence is overwhelming. The former coalition government manufactured what amounted to little more than a pantomime to appease and cajole its Nationals colleagues and maintain its tenuous grip on power. Rather than bring the issue to the Parliament for open and accountable debate and decision, it instead hoodwinked the community — and the cattlemen themselves — by establishing a so-called scientific trial that in essence rode roughshod over the legalities of the bill passed in 2005.

The bill before us — coming almost 10 years after the original legislation was introduced — will close the loophole that the former government sought to exploit for political expediency, against community interest, and will allow for the 2005 legislation to be honoured for its genuine intention and purpose. This is a timely reminder for those opposite that you have two choices in this place: either you change the law or you respect and uphold it — although it may be difficult for some on the other side to uphold the laws when they clearly fail to understand them. During debate on this bill in the other place the opposition suggested there was an error in the drafting of this bill in relation to the definition of *Bos taurus*. Much was made of the member for South-West Coast apparently catching out the government.

Mr Davis — He is a vet.

Ms SYMES — Embarrassingly, and even more embarrassingly for the member as a former vet, he had not checked his facts. The government has used the correct terms, again relying on the science. *Bos taurus* is a term for the species and covers the two subspecies *Bos taurus taurus* and *Bos taurus indicus*. The bill has the correct definition. Although I am not a scientist, a vet or even a Taurus, and in fact do not even eat cows, as I love cows — but I digress — I accept the advice of Victoria's chief veterinary officer and the information contained in the third edition of *Mammal Species of the World*, which is the standard reference work in zoology and gives descriptions and data for the known species of mammals.

There is no question amongst the scientific community that cattle grazing damages the environment and entirely fails to reduce fire risk. Hundreds of papers published over the past 50 years have found cattle grazing causes environmental damage. Labor has always had, and will always have, a strong commitment to the environment. Protecting our national parks is fundamental to that commitment. Ensuring that our national parks — and, for me, those in northern Victoria in particular — remain sanctuaries for wildlife, flora and the Victorian people is paramount for me in performing my role as an advocate and activist for my community.

That New South Wales had the foresight to ban cattle grazing back in the 1960s while we are still here today debating this issue is a sad and sorry fact and a consequence of the efforts of climate change deniers and some members of this house. Countless letters, articles and reports evidencing scientific consensus on this matter were quoted during debate on this bill in the other place. I will not rehash everything that has already

been stated and is available for all to read in *Hansard*. However, I will join other members in quoting from the submission of the Australian Academy of Science to the then Department of Environment and Primary Industries in February 2014 on its Wonnangatta Valley research trial. I note that the Australian Academy of Science is an independent, non-political body that provides impartial advice on scientific matters of importance to the nation. It is made up of 450 of Australia's leading scientists, all of whom have been elected by their peers on the basis of outstanding contributions to scientific knowledge. The submission says:

... the peer-reviewed scientific literature shows that cattle grazing in alpine national parks has an adverse impact on native flora and fauna.

As for the evidence gleaned from the former government's scientific trial, it appears there is none. There is one dissenting voice, a fringe voice on the edge of the scientific consensus, and his name was thrown around in debate in the lower house with much vigour. This opinion appears to hold less weight than those of the anti child vaccinators. What is clear is the mounting case of substantiated evidence that led the Bracks government to establish a ban on cattle grazing in 2005.

This policy is a clear election commitment from the 2014 campaign. In fact it was a clear election commitment from the time the trial started in 2011. We on this side of the house are absolutely committed to keeping faith with the electorate and honouring the wishes of those who voted us into government by keeping our promises. As one of the two Labor representatives elected in Northern Victoria Region, I was well placed throughout the election period to hear views from across the electorate, and I can tell members that the feedback was overwhelmingly asking us to protect our national parks and protect our environment. This bill seeks to do both.

While I understand that this bill will not satisfy the cattlemen and will surely annoy the few members of The Nationals left in the Parliament, it will deliver a better outcome for the communities in northern Victoria. Of that I have no doubt.

Mr Davis — The few Nationals that are left in the Parliament? Really? Goodness. What sort of a throwaway line is that?

Ms SYMES — It is a matter of fact, Mr Davis.

Mr Davis — No, it's not. There are actually quite a few.

Ms SYMES — I suggest Mr Davis counts them. He can calculate the numbers before and after the election. This debate demonstrates the extent to which The Nationals are representative of a small minority of people with vested interests, at the expense of the genuine needs of regional and rural Victorians.

Whilst I have the utmost respect for our cattle industry and those who work in it, and appreciate its value and importance to the Victorian economy and the prosperity of regional Victoria, this industry can continue to thrive without inflicting damage on our environmental heritage. It is pretty simple. Cattle cannot help having hooves, and hooves cannot help but harm fragile ecosystems. This has been proven not only across Australia but across the world. Northern Victoria has so many natural wonders and environmental gifts that make it both a tourist mecca and a magnificent place to live. Our national parks are fundamental to this.

The potential of these natural environments to attract visitors and further develop tourism opportunities and all the significant economic benefits that accompany that should not be understated or underplayed. The regions, the towns and, most importantly, the people of northern Victoria have much to gain from preserving and protecting our natural environments, as do the generations to follow. I come from a regional town and have known many farming families. Over the years I have seen changes and modifications to farming and agriculture practices that have enhanced production, improved efficiencies and achieved better outcomes for farmers and communities.

Let us not forget that national parks are not paddocks. No longer is grazing cattle in our precious national parks a logical and natural step on the pathway to better practices. Protecting and preserving our national parks for all Victorians at the expense of a small minority of cattlemen and self-serving members of The Nationals is good policy. It was promised and it is now being delivered. I commend the bill to the house.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 and to indicate in the first instance that the coalition will oppose this bill. There is a typical set of decisions for many that relate to matters around cattle grazing, and a significant balance has to be struck between the need on the one hand to protect environments, including pristine environments, and on the other hand to respect the cultural heritage of many in our high country. It is an important heritage which has been part of significant movies, significant literature and significant Australian identity. In that

sense I see debate on this bill today as a sad event that takes a step away from the heritage that is very much part of Victoria's history.

The government has indicated that it went to the election with a policy to prohibit cattle grazing, and this bill seeks to take that step. This could have been done by administrative means, but the government chose not to do that. That was its choice, but the bill itself is not necessary to achieve the government's objective. Much has been made of the science on these matters, and I am not going to reprise those debates in this chamber today. I know Mr Battin, the member for Gembrook in the lower house, made significant contributions in this regard in that house, and I pay tribute to his commentary in this area. But the coalition will on this occasion oppose the bill as we see the importance of the heritage that is involved in cattle grazing.

A trial was set up under the previous government by the former Minister for Environment and Climate Change, the member for Warrandyte in the Assembly, Ryan Smith, who sought more definitive answers on the impact of cattle grazing in the high country, in particular whether long-term management of the environment would improve and mitigate the risk of bushfires. It is clear that we have a significant problem with land management in our community. I was concerned to see in the state budget today what appeared to me at first glance to be a reduction in funding for preventive burning and the steps taken in mitigation of fire and fire preparedness. That is a retrograde step. But the concept that cattle grazing could be used to augment preparatory steps in terms of bushfire mitigation is an important one.

The trials were not completed, so the government and the community will never see the final result of those trials, and that, I say, is unfortunate. I see Mr Philip Davis, a former member for Eastern Victoria Region, is in the gallery. He made a significant contribution to protecting the heritage that relates to cattle grazing in our high country and I pay tribute to the work that has been done over many decades. Other former members of this chamber, such as Mr Stoney and other country members in particular, have also worked very hard to protect the heritage that is a significant part of Victoria's history. Notwithstanding that, I note that this bill will achieve the government's objective of prohibiting cattle grazing in the high country. For that reason, the opposition will oppose the bill.

Mr DRUM (Northern Victoria) — I too would like to make a short contribution to the debate on the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015. It has been a long campaign for the

Labor Party to ban cattle from the high country. Some 10 000 cattlemen and their supporters converged on Melbourne to create one of the biggest protests this city has ever seen when the original plan to take cattle out of the high country was proposed by the Bracks government.

At that time Labor decided to run a series of consultations with people in the high country. It formed a committee and started the process of consultation. Committee members went up to meet with the cattlemen and over a series of months spoke to them, inspected the so-called damage for themselves and looked at the evidence that was supposedly going to lead the Labor government of the day to stop cattle from supposedly ruining the bush. It is interesting to note that the Labor Party made up its mind while the consultation process was going on. On the very day it announced that the consultation process had finished, the government announced its decision.

The government then rolled out an advertising campaign that had taken over a month to produce. Here we have a typical dishonest Labor Party. Its members met with well-intentioned landowners in their homes and sat around kitchen tables having supposed proper consultation in good faith about the future of their businesses and their livelihoods. While they were having these conversations they were already putting together an advertising campaign to convince mainstream Victorians that they had made the right decision. They finished the consultations and within a month announced that they were going to ban cattle forever from the high country.

It was one of the greatest deceptions I have witnessed in my time here. It went to the core of a government that had made an ideological decision — namely, to ban cattle from the high country. It is fair enough for the government to make the decisions it wants, but its members went into people's houses and supposedly had a consultation process — a supposed conversation in good faith about the supposed damage cattle were causing. Yet at the time they were looking at this evidence and having these discussions, those same politicians were organising a TV advertising campaign. They were getting their communications plan in place to show the supposed damage so that they could effectively convince mainstream Victorians that they had made the right decision. When were they going to come clean about the way they made those decisions?

With respect to the proposed banning of cattle in the high country, one of the things I have always struggled with is how Labor discerns the difference between the damage supposedly caused by the cattle and the

damage from brumbies when the brumbies outnumber the cattle by three or four to one? Obviously the horses must prance around the bush without causing any destruction because we never hear the Greens saying that we need to go up there and shoot the brumbies. We never hear about the samba deer. The number of samba deer running wild in the high country was in the hundreds of thousands the last time I heard, and supposedly they do not cause any damage either. The situation is that it is only cattle that are causing destruction, damage and a proliferation of no-good situations in our high country. Common sense suggests that man, cattle, deer and brumbies have all existed in the high country for at least 100 years. When I spent my childhood up in the high country, it was absolutely beautiful and pristine. Some of the greatest memories I have as a youngster are of going up into the high country and witnessing it firsthand.

As Mr Davis said, the trials put in place by the previous government were never completed. We will never know the extent of the bushfire mitigation measures. What we have here is ideology. It is the Labor Party chasing the Green vote and the inner-city latte-sipping group who think cattle cause all sorts of destruction to our forests in the high country. It is not just the high country. We have letters from constituents living in the Murray Plains area, and they say brumbies are running wild and loose around the Murray River in the Murray-Sunset National Park. Obviously horses do not cause any damage because apparently they know how to dance around any threatened species. They know how to get themselves in and out of the river for a drink without causing any muddied slides into the river.

It is a non-practical solution to say that by banning cattle in the high country somehow or another we are going to improve the health of our forests, which have not needed this sort of intervention over the last 100 years or so of our co-existence. This bill is about ideology gone mad. I will not support it. I wish people would find something serious to spend their time on, instead of coming to this Parliament with this type of rubbish and causing damage to the people who we should be representing.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (Ms Dunn) — Order! I acknowledge the presence of Mr Philip Davis in our gallery. Mr Davis is a former Leader of the Opposition in the Legislative Council. Welcome; it is lovely to see him.

**NATIONAL PARKS AMENDMENT
(PROHIBITING CATTLE GRAZING) BILL
2015**

Second reading

Debate resumed.

Mr MORRIS (Western Victoria) — We have heard many contributions in the house this afternoon in the debate on the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015, and I will not repeat a lot of what has been discussed. However, there are a couple of points I want to raise, and they are around the fact that cattle have been grazing in the Victorian high country since 1834. One thing that has been discussed is that the natural vegetation within these areas can be kept down by cattle grazing. Since 1834 we have certainly seen the introduction of many weeds, and cattle have the capacity to ensure that weeds are reduced. This point seems to have been lost on many.

The reduction in weeds in the high country reduces the fuel load for possible fires, and that is exceptionally important. Our Country Fire Authority volunteers will have increased workloads as a result of the passage of this bill. We will have risks to communities that could easily be avoided if cattle could graze in the highlands. I have heard a lot about scientific research. I wanted to see the capacity for more scientific research to be done, but what I have heard in the house this afternoon seems to be the comment, ‘The science says this’, without any scientific fact to back it up. I have always thought that anyone would want some evidence to back up scientific research. As a result of the passage of the bill we will become a laughing stock because we do not have the facts that we need to back up what is in the bill.

I am not surprised by the bill because what we have is the result of an ideological decision. The bill is not based upon facts but upon an ideological decision that was made before the election. A catchcry I have heard in this chamber is that this was an election commitment. For some reason it seems that if one says in this chamber, ‘This was an election commitment’, it absolves one from all rational thought, from being principled and from observing the rules of good governance and good decision-making. If people say to themselves, ‘This was an election commitment’, they can absolve themselves from making good decisions; they can just go ahead with what they are ideologically driven to do.

The position members on this side find themselves in is unacceptable. Something that has been going on in Victoria since 1834 will be outlawed just because of the

ideological bent of a few members of the government. The people who are being disadvantaged have had cattle grazing in the national parks for many, many years. To appease people in the inner city we have a decision that will place Victorians in danger and remove something that has been an important part of Victoria. There is absolutely no way I could support this bill.

Ms SHING (Eastern Victoria) — It is an important bill that I rise to speak on this afternoon. It gives effect to an important election promise that was made by the now government. Delivering on promises is a crucial part of what the government has done to date. Those opposite may not like it. In fact those opposite are highly unlikely to like it, because they have fought tooth and nail over taking an evidence-based approach to decision-making that informs good, considered public policy. We have seen this on so many occasions now that I ought not be surprised by the vehemence of the contributions of those opposite. They have said that in order to maintain the history and heritage of *The Man from Snowy River* we ought not act in a way that takes account of decades of scientific research.

To pick up what contributors from the other side have asked — that is, ‘Where is this science?’ — the answer is that the science has been available. It is out there. This is not something government members have magically produced out of the air. Before the poll that those opposite are so disgruntled with we did not go to the electorate with an election policy in which we said that it was suddenly palatable to remove cattle from the high country. The policy was based fairly and squarely on an assessment of the damage that was being caused and that had been caused to fragile ecosystems. The activities were based upon a faulty premise. The specious reasoning associated with arguing for the maintenance of the trial was that it was to make sure that vegetation — and I think a previous speaker referred to weeds — was kept in check.

The rationale and reasoning behind the management of invasive vegetation species was put up by those opposite as an appropriate reason not to remove cattle from the high country. That simplifies to dangerous levels the subject matter of this bill. What we are looking at is the aggregate of decades and decades of damage that was left unchecked because people — for reasons based on the need to protect heritage — would not understand what was happening.

There is no evidence to show that bushfire risk is substantively reduced by allowing cattle to graze in the high country. Bushfire spreads through the tree canopy. As far as I am aware, no cow has ever existed that has

been either genetically modified or congenitally gifted enough to be able to climb a tree and graze upon what is a major bushfire risk. The bill is based on a task force report, on science and on broad consultation. That is not to say that it will not cause grief, upset and disgruntlement to those who have a proud and relevant history and who have made a really important contribution to our understanding of Australia's early history, including the development of the agricultural sector and in pushing new frontiers. That history is important, and no-one would resile from recognising it. However, it is time to move on. It is time to put that scientific research to good use and funnel it in the appropriate direction.

The bill reflects an election commitment that government members were unequivocal about. The community supported that election commitment when at the poll on 29 November last year it determined that the Andrews Labor team ought be given an opportunity to govern and that those opposite ought not be permitted to proceed with the policies and proposals their government flagged in its platform and campaign. We are putting the care and protection of the environment fairly and squarely on the agenda in delivering on these key promises. The bill is about national parks, which are not paddocks. Those parks belong to everyone in this state, and they should be used responsibly and respectfully. As scientific advancements enable us to better understand the impact on the environment of incursions by introduced species, we need to reflect in public policy what should be allowed or not allowed to happen.

I take strong issue with the comments made by Mr Ramsay in his contribution when he spoke about the distinction between various species of cattle. For the avoidance of any doubt, I note that *Bos indicus* is in fact a species and *Bos taurus* is the genus. The species falls as a subset within the genus. Anybody opening a biological textbook should be able to understand that in stating in the bill that the classification or definition of cattle refers to *Bos taurus*, by its very nature that includes *Bos indicus*, the subspecies which has caused so much consternation. All sorts of jokes can be made about this, and I note that those opposite have not been shy in making jokes.

To pick up the comments made by Mr Drum, who asked why the government cannot get on with delivering decisions and policy on the important matters of government, I note that the subject of this bill is an important matter. It enables us to take account of the science and to move in a different direction as far as the degradation of vegetation and national parks land is concerned. On that basis, I commend the bill to the

house. I trust that my comments are mercifully brief for those opposite, and I will leave them at that.

Ms LOVELL (Northern Victoria) — I rise to speak on the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015. It disappoints me to be speaking on this bill because there have been many debates about this issue in the past, and cattlemen have been given assurances by both sides of the chamber, but unfortunately those on the Labor benches have continually broken those assurances to the cattlemen. Basically this bill will prevent cattle from returning to the high country for any sort of scientific research. This bill is based on ideology and the Labor Party pandering to the Greens. The Labor Party is afraid of the Greens winning Labor's inner-urban seats, but that is going to happen anyway; the Greens are coming for Labor. In a desperate attempt to try to hold onto those inner-city seats the Labor Party is not only prepared to assign our heritage of cattle grazing to the scrap heap but it is also prepared to increase the sovereign risk of this state by cancelling contracts. We see the Labor government doing these things on a regular basis.

This bill will prevent the current allowance for a cattle grazier, in agreement with the department secretary, to graze cattle in the high country for a trial that was implemented by the former government. It will also end the contract with the local Gunaikurnai Indigenous people and the tradition of our high country cattlemen culture. The bill ends the trial under legislation rather than through ministerial direction, and that is something we should all be a little concerned about. In recent years our high country has been subjected to three bouts of devastating fires: in 2003, 2006 and 2009. I often refer to my election to this place as a baptism of fire, as the 2003 fires started within a month of my being elected, and I then had to deal with the issues faced by not only the cattlemen but all communities in the high country because of the fires in the national parks.

That type of fire is a direct result of poor management, including allowing the fuel load to rise out of control. The Minister for Environment, Climate Change and Water has claimed that the science is clear against the practice of cattle grazing, but a prominent Australian scientist, David Packham, OAM, in a response to Minister Neville headed 'Cattle ban sets dangerous precedent for science', says that is not true. It is right that we should not be doing anything to prevent science exploring options for better management of parks or for any other reason. David Packham has said:

This sets a dangerous precedent and speaking as a scientist, the principle of moving legislation to cut off options for any form of future scientific research causes me great concern.

The minister is claiming that there exists 'extensive scientific research' and that 'the science is clear'. On the subject of grazing and fuel reduction, adequate scientific work just does not exist in any credible form. It is a falsehood to pretend that it does so. The minister's comments in Parliament imply wider scientific work that has been done in the alpine area automatically supports this legislation. It does not.

I have grave concerns about the veracity of the small amount of completed scientific work that is available on the subject of grazing and fire threat. The methodology used to develop this work is questionable. I note that credible work is presently being undertaken in the NSW high country by independent scientists on this exact subject. I visited the trial site and it is showing very interesting and different results and should be taken into account.

We should have been able to take into account the results of the trial that was being undertaken in Victoria, but this legislation will prevent that.

Seasonal strategic cattle grazing is used as a fuel reduction tool in other parts of the world, including America and Bavaria. Studies done in the US have found that strategic grazing reduces the wildfire risk and has the potential to be an ecologically and economically sustainable management tool for the reduction of fuel loads. But the trial here in Victoria was not given enough time to show any conclusive results, and the government has offered no alternative plan for fire prevention when the cattle are removed.

Much of the damage that has already been done in our high country has not actually been done by cattle. It has been done by deer, feral pigs and goats, which, unlike cattle, wallow in the creeks and waterholes. The minister declares that the pigs, goats and deer are a separate issue. She does not even mention brumbies, but brumbies are also hard-hoofed animals present in the parks. The minister says that is a separate issue, but she fails to make any provision for the management of those animals in the high country.

Labor talks about our national parks as pristine, but they are not pristine, unchanged environments. There are countless introduced species of flora and fauna that require management so they do not overwhelm the natives. Cattle grazing has been shown to be one of the most effective tools for weed reduction, which allows for the growth of native plants and stimulates biodiversity. The trial that was introduced by the former government was a good trial that allowed the cattle to be in the high country, but unfortunately this legislation puts an end to that trial, and we will never know the scientific results that could have been concluded.

As I said, I am concerned about a number of aspects of this bill. I am concerned, as is David Packham, that it legislates against science by precluding the introduction

of cattle in the national park for any purpose. I believe, as David Packham does, that this is a dangerous precedent to set.

I am also concerned that the legislation removes ministerial discretion from the act. It is wrong to take away ministerial discretion. A minister should be advised on these matters by people who know the forests and parks and can make the best decisions about their management. These people can include departmental staff, people involved in management of the parks and even locals, who probably know their own environment better than anyone from the department.

I am concerned about the loss of local knowledge and heritage that will occur because of this bill. I know many of the grazing families who live in the high country, as well as those who live near the river red gum forest in Barmah. I have been on many trips to national parks in the high country and in Barmah with local cattle graziers. They are families like the Stoneys, the Lovicks, the McCormicks and the Ropers, who live around the alpine parks in my area, as well as Peter Newman and the late and great Stan Vale — a dear gentleman — amongst others who live in the Barmah area.

Local grazing families have managed the land for several generations, often in conjunction with local Aboriginal communities. These local families have extensive knowledge of the environment, the tracks and the dangers of the high country and the parks. They are best placed to advise the minister about fuel loads and the risk of wildfires that these loads present. Local families are the first to be called to assist when visitors to the region become lost in our national parks, and that is because they know the tracks, they know the dangers and they know where people are likely to be found.

If we take the cattle out of the high country and out of national parks, we also take the cattlemen out. Of course they will still visit because they love these areas, but they will no longer spend as much time caring for the environment of the parks, ensuring that the tracks and firebreaks are in good repair and using their local knowledge to report through the park's management to the minister. The longer cattle stay out of the high country, the harder it will be to re-establish alpine grazing in the future.

I refer to some remarks that were made in the last debate on this subject by a former member for Northern Victoria Region, Donna Petrovich, and in particular the response to those remarks by Mary-Anne Thomas, the current member for Macedon in the Legislative

Assembly. Last night I spoke to cattlemen who were highly offended by remarks made by Ms Thomas during her contribution to this debate in the last sitting week. Ms Thomas did not debate the issue; she played the person. She attacked Donna Petrovich for her comments about lead cows.

In her contribution to the debate that took place in the previous Parliament, Mrs Petrovich explained that the lead cow is one that has been in the high country before and can lead the new cattle around the tracks and teach them the ropes — much as our parents taught us the ropes. The cattlemen I spoke with last night reiterated to me that what Mrs Petrovich said is exactly what happens. When Mrs Petrovich was on her feet speaking, the then Leader of the Opposition, a member for Southern Metropolitan region, John Lenders, called Mrs Petrovich the lead cow — a derogatory and misogynistic comment that he threw across the chamber at her. Again, he was playing the person and not addressing the policy issue.

In the previous sitting week Mary-Anne Thomas called Mrs Petrovich a ‘failed candidate’ and argued that Mrs Petrovich was wrong. I can tell you that Ms Thomas is wrong, and last night those mountain cattlemen told me they agreed with Mrs Petrovich, not with Ms Thomas. Mrs Petrovich was a great advocate for her community and for the cattlemen in the high country. She was an extremely respected member of the former government. In terms of Ms Thomas playing the person and calling Mrs Petrovich a failed candidate, I do not believe Ms Thomas would like it if people started playing the person against her in the same way — and people could certainly do that. Mary-Anne Thomas could be called the failed candidate for preselection for the federal seat of Batman, where she was beaten by David Feeney. Despite Labor’s so-called support for females, the then female Prime Minister supported David Feeney against Ms Thomas.

Of course Ms Thomas could also be accused of being imposed on the seat of Macedon where local branch members — in fact 85 per cent of local branch members — were against her being their local member. Ms Thomas’s comments last sitting week were extremely disappointing, and she was wrong. As I said, the cattlemen supported Mrs Petrovich’s comments.

The loss of knowledge and expertise as a result of this legislation will come at an enormous cost to our state in the future. Whether that be through an increase in wildfires or loss of life is yet to be seen. Barmah National Park has some special needs. Red gums cannot withstand the heat of a wildfire. The fuel loads will build up in the Barmah forest. The cattlemen of the

Barmah forest can take you to an area that has been burnt before and show you the result of burning red gums and that the forest never recovers in those areas where there has been a fire of extreme heat —

The ACTING PRESIDENT (Ms Dunn) — Order! Ms Lovell’s time has expired.

Mr FINN (Western Metropolitan) — I rise to speak on the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015, and I do so with some regret. It is deeply regrettable we are debating this flawed bill today. It should be pointed out from the very beginning that this bill has nothing to do with science and it has nothing to do with informed comment, as we have discussed in the house today. It has been very clear, particularly in the comments of Ms Shing, that there is very little informed comment coming from anybody on the other side of the house.

This bill is a product of the green nutbag left. It has nothing to do with science. As coalition members have pointed out, it is all about ideology. We have seen that when members of the left talk about issues they consider their own, issues in relation to which they like to quote from works of science, they go down the track of declaring the issue closed, saying, ‘Science has decided this, so we will not be discussing it anymore’. My understanding is that science never closes. The art of science is about always questioning; it is an ongoing process. That is what we members of the former government were in the process of doing — we were conducting an ongoing scientific investigation into the introduction of cattle in our national parks. Now we will not find out the results of that investigation, not this side of 2018 anyway.

This is not the first time the green nutbag left has drawn a line and said, ‘The science is in, and we will have no further discussion’. The issue of global warming has been discussed in this place. Despite the fact that global warming is a thriving industry and that many people are making a great deal of money out of it, the fact is there has been no global warming for nearly two decades; that is a scientific fact. The left likes to call it a pause. After nearly 20 years I reckon it is more than a pause! Once again the left has pulled down the scientific shutter and said, ‘We are not going to discuss this because science has declared this to be the case’, but clearly it has not.

We have seen this with Professor Tim Flannery — Sandbags Flannery — the man who said it would never rain again and our dams would never be filled again. This is a man who had to flee Brisbane as the floods hit. This is a man who lives on the Hawkesbury River and

who, as I understand it, recently had to leave his home because it was under threat from rising water levels. Those rising water levels had nothing to do with climate change or global warming but everything to do with the fact that it had not stopped raining for three days! It was coming down by the bucketload. This was the man who said we would never again have the sort of water that we had come to expect in the past. This is the man who was responsible for the folly of Labor governments right around Australia building desalination plants. Those plants cost taxpayers in various states across Australia billions of dollars because Professor Flannery stood up and said, 'It's science', and that was accepted.

There is another issue that has long amazed me, and that is the ban on picking up firewood in forests, which was deemed to be some sort of scientific problem. Science decreed that you should not pick up firewood. I wonder what scientists would have told Aboriginal people all those years ago after they had been doing it for centuries — picking up wood from the bush and burning it. Despite the illogical nature of the debate, we were told we could not burn wood that had been left in the bush in the form of fallen trees, branches and the like.

Mr Leane interjected.

Mr FINN — I do not think cows eat branches or the wood, but they certainly eat the weeds and the fuel that feeds the fires. Mr Leane may not understand this. I understand there are very few members of the Victorian Labor Party who get out into the bush. For them, it is all about North Fitzroy and Carlton. They do not worry about getting out into the bush and making sure that they know what they are talking about. That is not something the ALP is concerned about.

I have some respect for the Greens on this matter — —

Honourable members interjecting.

Mr FINN — I do! We know that this is their religion, the new green faith. They pray at the altar of this new green religion. I understand why they do not take notice of anybody; it is because they are very single-minded in their devotion. But what about the Labor Party? Why is it pushing this agenda? Sadly, I have to point out the cynicism of this: for Labor it is all about votes. Labor is doing this for the same reason it dumped the east-west link and the same reason it is doing a whole range of things. It is all about picking up a few votes to protect Daniel Andrews's Socialist Left mates in the inner city suburbs of Melbourne.

That is the bottom line. Labor members do not care about anything else. At the time of the last election all they were concerned with was saving Ms Garrett in the Assembly electorate of Brunswick, which they did, and saving Ms Kanis in the Assembly electorate of Melbourne, which, sadly for them, they did not — it was only a partially successful strategy for Labor. Nobody should believe that the Labor Party takes this sort of stuff seriously. For Labor members this is all about political expediency, picking up votes and fighting off the Greens in the inner city. Nothing could be further from the high country and nothing could be further from the bush than where their minds are when these matters are raised and discussed.

The tragedy is that as a result of the green religion and Labor's cynical, vote-grabbing nature, we have a situation where the Greens and Labor, in some sort of warped coalition, are prepared to lock up the bush and let it burn, and that is exactly what will happen. If you lock up the bush and let the fuel loads grow, what will happen when the fires come? They will come. That is a matter of Australian history. When the fires do come they will burn like nothing else. We have seen that time and again.

I suggest to members opposite that they put aside their ideological and religious blinkers and think about putting people first. The Labor Party ran on that slogan at some point — Putting People First. This bill does not put people first. If Labor Party members say, 'We have gone to an election and have been endorsed on a particular policy', I will say to them that when they went to everybody in the electorate and said, 'We are going to put people first', they have let down those people with this bill.

I urge the house to use common sense, and I have some hope that common sense will prevail — I am an optimist from way back — and this bill will be defeated. I hope we will see, either now or in the not-too-distant future, this tired and warped ideology put to one side so that decency and common sense can prevail.

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I take this opportunity to thank all members who have made a contribution to the debate on the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015. This bill delivers on the government's longstanding and very clear election commitment to permanently keep cattle grazing out of the alpine and river red gum national parks. To be clear, this amendment is not about re-prosecuting the removal of cattle grazing in the alpine and river red gum national parks. This has already been done. Following

extensive consultation with the community, legislation was passed in 2005 and 2009 to end cattle grazing in the Alpine National Park and river red gum national parks respectively.

This bill complements and reinforces the 2005 and 2009 legislation that ceased all licensed grazing in those parks. The bill confirms that the National Parks Act 1975 cannot be interpreted to allow the introduction of cattle into those parks for any purpose and ensures that cattle can never again be introduced into the alpine and river red gum national parks under the guise of a scientific trial. The Alpine National Park contains some of Australia's most spectacular mountain landscapes, while the river red gum national parks protect our iconic river red gum forests and wetlands. These national parks protect land that is culturally important to Aboriginal traditional owners, who have played a vital role in its management for thousands of years and continue to do so to this day.

The science has been clear for decades. More than 100 scientific papers published over a period of more than 50 years conclude that cattle grazing causes significant environmental damage in our high country. There is overwhelming consensus in the scientific community that cattle grazing is damaging to the environment and does not achieve any significant reduction in bushfire risk on a landscape scale. Clearly the cattle do not graze on the flammable wood, bark and leaves that fuel bushfires in the high country which can impact on people, property and the environment. Cattle grazing has been banned in high country national parks elsewhere in Australia for decades. In 2005 the Victorian Parliament voted to ban cattle in the high country. The opposition has tested this legislation and worked on a loophole. To close that loophole and permanently protect national parks from cattle grazing, these amendments must be added to the legislation.

It is necessary to reaffirm that cattle grazing is compatible with neither the ideals of our national parks nor the community's desire to protect our natural environment for this and future generations. No campers, fishers or nature lovers want to go to national parks to see cows using them as paddocks. The government does not want to lock up our precious national parks. We recognise their significant value to the public in terms of recreation, education and tourism. Victoria's national parks are there for people to enjoy, not for cows to destroy.

House divided on motion:

Ayes, 21

Barber, Mr
Carling-Jenkins, Dr
Dalidakis, Mr
Dunn, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Herbert, Mr
Jennings, Mr
Leane, Mr
Melhem, Mr

Mikakos, Ms
Mulino, Mr (*Teller*)
Patten, Ms (*Teller*)
Pennicuik, Ms
Pulford, Ms
Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms

Noes, 19

Atkinson, Mr
Bath, Ms
Bourman, Mr (*Teller*)
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr
Drum, Mr
Finn, Mr (*Teller*)
Fitzherbert, Ms
Lovell, Ms

Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
Peulich, Mrs
Purcell, Mr
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms
Young, Mr

Motion agreed to.

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

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 21

Barber, Mr
Carling-Jenkins, Dr
Dalidakis, Mr
Dunn, Ms (*Teller*)
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Herbert, Mr
Jennings, Mr
Leane, Mr (*Teller*)
Melhem, Mr

Mikakos, Ms
Mulino, Mr
Patten, Ms
Pennicuik, Ms
Pulford, Ms
Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms

Noes, 19

Atkinson, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr
Drum, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms

Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
Peulich, Mrs
Purcell, Mr (*Teller*)
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr
Wooldridge, Ms
Young, Mr

Question agreed to.

Read third time.

**DOMESTIC ANIMALS AMENDMENT BILL
2015**

Second reading

**Debate resumed from 16 April; motion of
Ms PULFORD (Minister for Agriculture).**

Mr BARBER (Northern Metropolitan) — The Greens will be supporting this bill. We have, in fact, supported a number of bills that have sought to reform the law in this area, but I do not think we are by any means assuming that the task is necessarily complete. In fact there is a proposal before the house to set up an inquiry into this matter. I do not wish to foreshadow debate on that, but that indicates a willingness by members of this house to look closely at this area which we understand is a difficult and contested area. It is difficult for those who are trying to keep the community safe and difficult for dog owners who are caught up in the issue. It is also difficult in terms of crafting the correct set of regulations and making sure that they are enforceable.

We have before us a brief bill with really only one operative clause. It sets up, in a limited set of circumstances, a moratorium, if you like, where councils must not exercise their power to destroy a dog if that dog is a restricted breed dog. This is an area to which the Greens have paid close attention as the bill has come through the Parliament, and we have received many submissions on it. These have included submissions from people who want to see a tightening of regulations and also from those who believe the legislation is somewhat arbitrary in how it is to be enforced.

We are fully aware of the arguments that have been put forward by those numerous submissions. However, we believe that the small change that is being put forward in this legislation today would receive — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Ramsay) — Order! A number of members are having conversations in the chamber. I am having difficulty hearing Mr Barber and I suspect Hansard is too. I ask members to be quiet or to have their conversations outside the chamber.

Mr BARBER — Thank you for your protection, Acting President. Mr Barber is having trouble hearing Mr Barber at the moment.

I believe this legislation will receive the support of all parties in the Parliament. We will continue to follow this area closely and make the necessary improvements to legislation that we believe are required.

Ms TIERNEY (Western Victoria) — I am pleased to stand here today to make a contribution to the debate on the Domestic Animals Amendment Bill 2015, because this amendment is an election commitment that the Labor Party took to the last state election. It is also with great pride that I am making a contribution to debate on a bill that reinforces the delivery of that election commitment before the house this afternoon.

Over the last two weeks I have had the opportunity to have a look at *Hansard* and read what people had to say about this bill in the other place. It was very clear from those contributions that people had lots of stories to tell about their direct and personal experiences in pet ownership. They had a lifetime of memories, many of which were extremely happy. The member for Yuroke in the Assembly spoke of her dog, Hera, who was an American pit bull terrier, a breed which is deemed restricted under the legislation we are amending today. It is a breed that would be destroyed under that legislation. Whilst I was not able to hear Ms Spence's contribution in the Assembly, it is clear from *Hansard* that the issues we are dealing with today can be very emotional for thousands of people, in particular pet owners in this state.

The bill concerns sections 84P(a) and (b) of the Domestic Animals Act 1994, which specifically deals with the destruction of a dog based purely on its breed. We are not dealing with parts of the act relating to the destruction of the dog because that dog had attacked a person or indeed livestock. The act of destroying a dog based purely on its breed has resulted in a number of issues being raised by a whole range of different stakeholders, which I will outline later. These issues must be investigated and ironed out.

In the past, both in Victoria and other states, legislation has passed in response to specific dog attacks that have occurred in relation to a specific breed. I note that the Leader of The Nationals and member for Murray Plains in the other place stated in his contribution that he believes this is one of the most amended pieces of legislation in the Parliament. I am not sure whether that is the case, but I will say it is time for Parliament to take a holistic approach to this issue and examine the causes

of dog attacks and the legislative framework that must be put in place to limit dog attacks.

The bill establishes a moratorium on the destruction of restricted breed dogs until a joint parliamentary committee can report on an inquiry conducted on this issue. I agree with Mr Barber in that I do not want to pre-empt the debate and discussion that will go on with respect to the proposed joint parliamentary inquiry, but this action symbolises the approach this government has generally in respect of this issue. The moratorium will provide sufficient time for the committee to report recommendations and for the government to consider those.

It is proposed that the joint parliamentary committee report to the Parliament by 30 September this year and that the moratorium stay in place until September 2016. The joint committee will be bipartisan in nature, and all its members will be charged with ensuring that community safety is the absolute priority of the committee's work. We need to get the balance right on this issue, and the parliamentary inquiry is the first step towards that. It will give a number of stakeholder groups and organisations a chance to put forward their learned views and experiences, which is always a worthwhile exercise.

The stakeholders involved in this matter are many and varied, but I note that the Australian Veterinary Association says banning particular breeds does nothing to address aggression in dogs or increase community safety. This view is shared by the RSPCA, which states that any dog of any size, breed or mix of breeds may be dangerous, and thus dogs should not be declared dangerous on the basis of breed or appearance.

The RSPCA offers a number of strategies to reduce the incidence of dog attacks, including: firstly, the registration and microchipping of all dogs so that all are traceable by their owners — and on that point it must be said that legislation on destroying particular breeds increases the risk of underground breeding, whereby no owners of these dogs will register or microchip; control of unrestrained and free-roaming animals; desexing of non-breeding male and female dogs, which lowers the risk of aggression in male dogs and lowers the risk of male dogs being attracted to entire female dogs; education of the public, particularly children, on safety around dogs; training dogs as well as owners; and of course the socialisation of dogs with people and other animals.

Each of these points relates to the involvement of the dog owner. It is clear that the role of the dog owner and the environment in which the dog is raised, rather than

the specific breed of the dog, are paramount in determining whether a dog will be aggressive or not. I am also aware that the statistics on dog attacks have not decreased since breed-specific legislation was introduced and that there is no research that supports the notion that it does. I look forward to reading the submissions made by these well-respected and well-informed organisations, along with others such as breed experts, individual dog owners and individuals who have been involved in this area, as well as individuals who have been attacked by dogs in the past.

The inquiry will also give local councils an opportunity to speak about their responsibilities and experiences in this area. Under the existing legislation, local councils have the right and responsibility to seize unregistered restricted breed dogs from their owners. In turn, those owners also have the right to challenge that decision through the Victorian Civil and Administrative Tribunal. This has led to a number of cases where local councils have had to pay legal costs in the hundreds of thousands of dollars in dealing with the matter, and a number of cases have resulted in dogs being returned to their owners.

The other issue about which I have become aware concerns the definition of a restricted breed. This causes particular pragmatic problems for animal control officers, who need to have confidence to enforce laws in respect of the act they work under. The definition as it stands at the moment in relation to an American pit bull terrier is: a dogo Argentino or Argentinian fighting dog; a fila Brasileiro or Brazilian fighting dog; a Japanese tosa; or a perro de presa Canario. There is clearly a problem in the definition in that the words 'a dog that appears to be' makes it very difficult to determine whether a dog is in fact a restricted breed or not.

It is not hard to imagine the level of distress a family would be feeling when told their beloved pet is being taken away from them to be destroyed, especially when it is on the basis that their pet simply looks like a dangerous breed, whereas in most cases the dog is an integral part of the family and has never hurt or shown aggression towards anyone. There are clearly issues that need to be resolved with regard to dangerous dogs in our community. This government is looking for a way to deliver the best possible policy and solutions for limiting dog attacks and keeping our community safer. We believe the proposed enquiry will provide recommendations as to the best possible legislative framework going forward, and that is what is needed. Therefore I commend the bill to the house.

Mr FINN (Western Metropolitan) — I rise to speak on the Domestic Animals Amendment Bill 2015. I say from the outset that the opposition does not oppose the bill. I also say from the outset that I am a dog lover. I have my Bobbidog at home, and I am very fond of my Bobbidog. She is a very good dog. She is a puglia, and she is a beautiful dog. Anybody who would seek to hurt my Bobbidog would cop my wrath in a very severe way, so I can fully understand why people get upset when legislators, councillors, rangers or whoever make an announcement that a person's dog has to be put down. I can relate to that in a very personal way. The bottom line is that our responsibility is to protect all. We must protect human beings, of course, but we must also protect those animals that would fall victim to attacks by dogs that are quite often out of control.

One of the things that crosses my mind from time to time when I am taking Bobbi for a walk is what I would do if a dog came from nowhere and attacked her, because I know that Bobbi would be in no position to defend herself. She is in fact scared of the cats.

Ms Shing — Everybody is scared of the cats, Mr Finn.

Mr FINN — She is. She is scared of the cats. She is not so much scared of the big cat, but she is very scared of the little cat, who I think is possibly related to Osama bin Laden — I am not sure about that, but I have a feeling. I have often wondered what I would do if a dog were to come from nowhere and attack Bobbi. We have heard stories about people who have been taking their dog for a walk and the dog has been attacked by a dog who has just come out of the blue and who has killed their dog. Some of these dogs have jaws that just cannot be prised open. Once the jaw latches on to whatever the dog wants to latch onto, the other dog is history; there is nothing much anybody can do.

It is with that in mind that I speak on this bill today. Whilst there is certainly a human element to this — and I will speak about that in a moment — I am also concerned about the welfare of animals, who would in fact be far more likely to be attacked by these wild dogs, if you want to call them that.

I am sure we all remember that some years back in St Albans a little four-year-old girl, Ayen Chol, was killed in her kitchen as she begged her mother for help. A dog had latched onto her and killed her. My very great concern — and I have said this in the Parliament before — is that if a little child sitting at home watching the television can be attacked by a dog who has wandered in off the street, then we have a problem that needs to be tackled. Maybe this legislation is a good

way of tackling that and maybe it is not. I welcome the parliamentary inquiry, a motion for which we will be debating tomorrow, and I sincerely hope the proposed motion gets up. I will not go any further down that track; I might be debating that motion tomorrow. I do, however, think it is important that we as a Parliament and as a society get our priorities right. Whilst it is important that pets are protected, it is also important that they not be allowed to attack other pets and that they not be allowed to attack human beings. They most certainly should not be allowed to cause physical damage and indeed death as we saw in the case of Ayen Chol.

I am very hopeful this bill will go some way to solving the dilemma we have. I reiterate that I can understand why some people get so very upset about legislation of this nature; I can fully understand why they do. We have to have legislation such as this, however. We have to have protection for those who, quite frankly, would not otherwise be able to protect themselves. That is something that as legislators we should have very much at the forefront of our minds at all times. As I say, the opposition will not be opposing this bill. I hope it achieves what it sets out to achieve, and I look forward to debating tomorrow a motion on a reference to a joint parliamentary committee on this matter. Hopefully that committee will be able to come up with some even more real solutions to a very real and worrying problem.

Mr DALIDAKIS (Southern Metropolitan) — There are times in one's parliamentary career when we debate legislation before the house that is controversial, and there are times when we come together in the best interests of the true democratic spirit, and we concur — —

Mr Finn interjected.

Mr DALIDAKIS — Not just on the fact that Richmond should always be the football team in ninth place; we also agree on outcomes that are for the betterment of society. This particular piece of legislation represents such an outcome, but it also looks after our beloved furry friends of the canine variety.

It is important to note that the bill before the house in no way changes the requirements or the enforcement of provisions in relation to dangerous dogs. It is very important that we start with that point, first and foremost. It is important to always maintain the trust of the public no matter what the issue we are debating is, and on this specific issue the public can rest assured that the community will remain safe whilst a thorough

review of this legislation is underway. The safety of the public is of paramount importance.

It is proposed through this legislation to withhold the ability to destroy animals that are declared to be restricted breed dogs. The legislation will provide for that to allow for the establishment of an inquiry by a joint parliamentary committee to have a look at the issue of the destruction of restricted breed dogs — what we term RBDs — and to allow for consideration of and response to any recommendations made by the committee in relation to the Domestic Animals Act 1994. The Domestic Animals Act 1994 provides a number of pathways in relation to the destruction of dogs. As a child I had a couple of collies; they were beautiful, and while not necessarily the cleverest of dogs, they gave me a lot of love as I grew up. It was because of them that I always loved watching episodes of *Lassie*. As a lover of our furry friends — our canine cohabitants — it is important to note that the inquiry — —

Mr Finn — What are you doing with dogs?

Mr DALIDAKIS — I take up the interjection. I must remind Mr Finn that we are not talking about the Western Bulldogs Football Club or the Richmond Football Club — which is actually the Tigers — but about our pets. The purpose of the bill is to impose a moratorium on the destruction of restricted breed dogs while a joint committee review is undertaken. That review will consider whether or not the destruction of a dog should be based solely on its restricted breed. This bill proposes that our fair furry friends will be given a reprieve of sorts while the committee is undertaking its work.

Unfortunately, under the current legislation a dog could potentially be destroyed purely because of its breed. It is fair that society question the fitness of some dog breeds to live in our community. But there are also dogs that are not restricted breed who attack individuals, and there are restricted breed dogs who do not commit egregious or criminal acts such as harming children, other people or other animals. It is important that the joint committee have the opportunity to undertake this investigation.

I note that the committee is looking at reporting to the Parliament by early next year, if not later this year, and we as a Parliament will be better informed for it. A range of changes to this legislation are required, which is why we are talking about this right now. I acknowledge the contribution of Mr Finn. I acknowledge the bipartisan spirit in which this legislation has been received by the Parliament. I

welcome that — it is my intention to ensure that it occurs as often as possible in this place. On this occasion I appreciate the support of the opposition, and I commend this bill to the house.

Mr DRUM (Northern Victoria) — I am pleased to have the opportunity to talk about the Domestic Animals Amendment Bill 2015. It is true that the objective of members on both sides of the house is to make our communities as safe as we possibly can. There are people within the community who like the idea of breeding restricted breed dogs and of walking those dogs among us. It is a very sensitive issue, because people who enjoy breeding restricted breed dogs have their own motives, of which I imagine most are credible. I am sure many simply have an affinity and an affection for those breeds. However, restricted breed dogs can cause a fair amount of angst and, on some occasions, a large amount of grief.

The tragedy surrounding the death of a little girl in St Albans, Ayeen Chol, got everybody moving in one direction very quickly. The death of a child in an attack by a restricted breed dog was all the motivation that was needed to bring Parliament together to quickly pass legislation for the safety of our communities. At that time a raft of reasonably strict guidelines and regulations were put in place without anybody being concerned that they were too onerous. That legislation introduced in 2010 allowed for a standard to be established as a way of giving local government officers tools for identification. Once somebody was identified as having a restricted breed dog, there was a range of regulations to be complied with, including to have those dogs registered within 30 days and kept in an incredibly secure compound. Those regulations may have been quite onerous, but again, that was what we felt we had to do.

The government has proposed that an inquiry be undertaken, the process for which will reach its conclusion in late September 2016, and that a moratorium on the destruction of these dogs be put in place until that time. This means that the dogs will simply be kept, which will put local governments around the state in a difficult position, because the expense of looking after these dogs will fall to them. There is nothing in the bill about any assistance from the state government to local governments to help them carry out this task.

It is perplexing that the Minister for Agriculture has chosen this as her very first bill dealing with agriculture. We could have had something to do with the baiting of wild dogs, the fox bounty, water rights or assistance for drought-affected farmers. We could have

had a range of initiatives put forward by the minister to do with introducing new markets for our produce and perhaps increasing prices at the farm gate for our produce. But no, we have a restricted breed dog bill, which is going to save dogs, if they are identified, from destruction for 18 months. It is time — and the budget confirmed today that it is time — that the minister put on her shoes and visits our agricultural sector to look at what it really needs in the way of assistance across the state. When it comes to agriculture Labor has a history of going missing. At this point in time we need a Minister for Agriculture with their skates on and an ability to provide input to ensure that serious assistance and resourcing is given to the sector. That will give our farmers and our food and fibre producers confidence that the government will assist them, not make things more difficult and onerous.

This bill, which will save restricted breed dogs that have not necessarily done anything wrong from destruction for a period of 18 months, will not be opposed by the opposition. We believe the government should get this bill through the house so that it can get on with other bills that will make a significant difference to the lives of those in our agriculture sector.

Ms SHING (Eastern Victoria) — We have heard about Bobbidog and we have heard about Mr Dalidakis's collies. In my first speech in this place I named my own two dogs, Betty and Reuben — —

Honourable members interjecting.

Ms SHING — Two dogs indeed. I note that there is an enduring theme here. Dogs are an incredibly important part of Australian family life. We have more than 3.4 million dogs owned by various households around Australia. They are so beloved that there is a huge industry devoted to taking care of their every need. They are so beloved that there are bags you can buy to carry your dog around lest it become too difficult for the dog to use its four legs and take itself around on its own.

There is a great deal of indulgence that goes into making sure that our pets and our companion animals are taken care of to the best extent possible. However, this bill raises a number of important matters. Dogs should be owned, managed and trained responsibly, irrespective of the nature of the dog, the breed of the dog, the size of the dog, the origins of the dog or the history of the dog. The responsibility rests with an owner to make sure that the dog is housed securely and properly, that the necessary attention to care, food and water is given, and that it is given attention in relation to training and instruction so it understands where it fits

in the family pack. One of the great challenges we have as a state and as a country in indulging our animals is showering them with all sorts of love and attention that might be appropriate for a human being in order to show them that we care.

However, dogs are different. They are pack animals. They like to know, and indeed need to know, where they sit in the order of things. I speak from personal experience when I say that if a dog does not know where it sits in a familial order, it becomes stressed and it becomes anxious. It can become aggressive and it can become unpredictable in its behaviour. This is not a case of the dog getting it wrong. It is a case of the environment in which the dog exists not being consistent or predictable or indeed understandable from the dog's perspective. We are obliged as pet owners to make sure that we take all the steps necessary for our dogs to understand where they fit. We are obliged to give them veterinary care. We are obliged to teach them how to walk responsibly on a lead. We are obliged to make sure that they do not develop on-lead aggression, that they do not develop separation anxiety and that they do not develop an urge to act out aggressively.

Dogs are inclined to protect their owners. Various breeds have congenital traits that go back hundreds of generations. They are designed to protect or to guard or to herd or to demonstrate all sorts of behaviours, whether in relation to fetching things, learning tricks or pre-empting what their owner's needs or desires might be. We have exceptionally intelligent dogs. A Border Collie, for example, might be better equipped to deal with my tax return than me. However, this does not mean that they should be left to fend for themselves. Rather, they need order, they need structure and they deserve exactly that in terms of understanding who goes first through a door; who feeds them; and when, where and how they are required to stand, sit or behave themselves. This is part and parcel of making sure that any dog that is left in the company of a child is not going to act in a way that causes harm, distress or upset. Our animals require us to show them how to behave.

It is not, in my view, the existence of a restricted breed classification that makes a dog aggressive or not. I note that this particular issue has a very long history, which is based upon anecdotal evidence that starts with and gathers momentum following a series of incidents that may include a common thread around a dog's appearance, demeanour, history or location that has led to specific breeds being identified as more inclined to being vicious, threatening and intimidating or more inclined to harming other dogs, other animals, livestock or people.

In the 1970s German shepherds were held up as the example of a vicious dog — the dog that everyone should be aware of and should be wary of. I grew up with a German shepherd; he was in the family home before I came along. He was well trained. He knew his place. He knew what to expect. We were taught to respect the fact he was a dog and needed to behave as such from the get-go. In the 1980s it was Rottweilers that were reviled. It is very easy to conjure up a picture of a feral dog guarding a chain-link fence at some abandoned factory, put a Rottweiler there and therefore classify any dog that looks like that, whether it be a Doberman pinscher, Rottweiler or related breed or sub-breed, as being guarding, ferocious, fierce and inclined to be feral if given half the opportunity. The Rottweilers I grew up with were docile, slug-like, wily, loving, intelligent and calm.

In terms of injuries that are sustained through dog bites, I am consistently advised that the number of admissions to hospital as a result of dog breeds that include the characteristics of labradors and golden retrievers far and above exceeds the number occasioned by dogs which typically fall within the range of breeds that are otherwise condemned or reviled. German shepherds in the 1970s, Rottweilers in the 1980s and more recently Staffordshire terriers have copped a bit of a hiding, but when we look at the mixed pit bull and American pit bull varieties, it becomes clear that it is this new subset of breeds which is attracting attention.

People are entitled to be safe. People are entitled to go and walk their dogs or take their children to the park without fear of being mauled. However, in looking to resolve this policy dilemma, it is important to note that people are responsible for making sure that animals under their control are well trained and well managed and kept in secure locations. For the safety and security of others who may come into contact with animals, it is important to make sure that we do not use the notion of a restricted dog breed to allow us to abdicate the responsibility we must take as pet owners.

I own an adopted greyhound. Greyhounds are required under legislation to be muzzled unless they have been through the greyhound adoption program. This is an exceptional program which has made sure that dogs from the racing industry are rehomed and given a green collar, which means they are not required to be muzzled. They are required to be kept on a lead and managed responsibly in the same way that all dogs are required to be managed by their owners. Yet when I am walking my dog people often come up to me and say, 'He must be vicious'. This comment is based on the perception that because greyhounds wear muzzles on the track, it is not then possible to retrain a dog to the

point where you could walk him on a piece of dental floss and not feel any resistance. I am proud to own a dog which has been rehomed. I feel the same as thousands of other Victorians who are proud to take dogs from shelters and rehoming programs to give them a new life.

The appearance of dogs should not be determinative of the way in which they are treated. Again the community deserves and requires education on the fact that it is dog temperament, dog environment and dog control that are found wanting in incidents that involve injury or damage. It is important to make sure that this parliamentary inquiry occurs in a way that looks at the problems we are attempting to resolve and actually applies solid reasoning to it. Legal appeals that have resulted in restricted dog breeds not being euthanased after extensive costs to councils are testament to the fact that there is a need for change, to do something better than the system we have had to date.

This bill will implement a commitment to impose the moratorium that is necessary and warranted in the circumstances. It will enable us to have an across-the-board approach to find a sensible, well-founded and rational solution to the issue of how to manage dangerous animals. This is not to say — and this is an important point — that dogs cannot be euthanased in circumstances where a dog has attacked a person or livestock or where it must be destroyed on health grounds. However, what it does do is confirm the fact that it is not in and of itself a breed that determines whether a dog is dangerous but rather it is its characteristics, temperament and history that determines its risk to the community at large.

I am pleased to see that the inquiry will review the current regulatory regime and other regimes outside of Victoria. Taking account of broader considerations and what other jurisdictions are doing is an important part of getting this right. It is important that the inquiry will take submissions from interested parties, and I look forward to dog ownership groups, community groups, the Australian Veterinary Association, peak bodies, local councils and individuals who have been affected by violent or aggressive dog behaviour being able to be involved in the course of the inquiry and the preparation of recommendations for improvements to the current regime.

It has been made clear today that we love and want the best for our dogs, but in order to do that we have to think carefully about the problems we are seeking to remedy and about how it is that we encourage not dogs to be better but people to be better in the ownership and custody of their animals.

Ms PULFORD (Minister for Agriculture) — I thank members from across the house for their indication that they will either support or at least not oppose this legislation. This is a simple piece of legislation compared to many of the bills we consider in this place. It establishes a moratorium on the destruction of dogs where the cause for their destruction is simply that they are a restricted breed. It does not relate to dogs that are dangerous or dogs that are destroyed for other reasons. The bill has a very narrow scope.

The reason for the legislation is to halt the destruction of these dogs while the Parliament undertakes an inquiry into the question of the effectiveness of our current legislative regime. There is almost universal support for the assertion that what we have does not work very well. In a Supreme Court ruling it was suggested that the legislature could again consider this question. A small number of councils have spent a large amount of time, effort and money in defending the current legislative regime. The experience of people who have interacted with the regime is that it is largely unworkable. Labor's proposal before the election was simply that we consider whether we can do a better job by coming up with an appropriate legislative framework to deal with dangerous dogs. It is important to state that the no. 1 imperative must always be community safety. At no point did the Labor Party ever propose that dogs subject to the current regime would be free to roam the streets while the inquiry is underway.

On the inquiry, I have circulated to members of other parties — including Mr Walsh, the Leader of The Nationals and member for Murray Plains in the other place — the draft terms of reference for the inquiry. It is proposed that the upper house Standing Committee on Economy and Infrastructure undertake this work. It is envisaged that, subject to feedback from the committee, the work will not take a particularly long time and that the committee can conclude its deliberations by the end of September. The bill provides for the moratorium to be in effect until 30 September 2016. That is so that, in the event that the committee determines there is a better way for us to regulate for the control of dangerous dogs, legislation can be developed and considered by the Parliament before the moratorium lapses.

I thank members for their contributions to the debate. I note that the current regime poses considerable difficulty for numerous organisations and indeed for families who find themselves caught up in it. There have been instances of local councils spending hundreds of thousands of dollars defending their

decisions to declare a restricted breed dog and those hearings have tied them up in the Victorian Civil and Administrative Tribunal or in the Supreme Court on appeal. This is part of the problem that we are seeking to address by referring this broader policy question to a parliamentary committee for consideration.

I would like also to respond briefly to Mr Drum's suggestion that the government introduce other legislation relating to agriculture. Animal welfare issues do sit within the agriculture portfolio. I note Mr Drum's comments and I urge him to look at the considerable number of new measures to support our agricultural industries that are in the budget. I encourage him also to reflect on a number of the things that he suggested the government could legislate around in support of our agricultural industries, because most of the things Mr Drum listed are not really the kinds of things that a government would legislate for, such as access to new trade markets and the like. The better way to address those matters is probably with less legislation rather than more. The budget is really the mechanism by which we can support those matters. I can assure Mr Drum that other significant pieces of legislation in the agriculture portfolio, including legislation relating to primary industries and to the prevention of cruelty to animals, will come to the Parliament for consideration at some point during the life of this Parliament.

As members will have noticed, this bill runs to all of three pages. It was a pretty straightforward task from a legislative point of view. I offer that as an explanation for why this bill was introduced quickly — that is, because it could be developed easily. The bill members are considering today is a very small measure, but I can assure Mr Drum that lots of very technical and complicated legislation in the agriculture portfolio will be coming his way. That will include legislation to acquit a number of election commitments, among them legislation to establish Fisheries Victoria as a statutory authority and the like.

With those words, I will wrap up. Again, I thank members for their contributions to this debate. I believe we are going into committee for a quick discussion.

Motion agreed to.

Read second time.

Committed.

*Committee***Clause 1**

Mr DAVIS (Southern Metropolitan) — I thank the minister for the opportunity to raise this series of questions on the purpose clause of the Domestic Animals Amendment Bill 2015, which states:

The main purpose of this Act is to amend the **Domestic Animals Act 1994** to provide for a moratorium on the destruction of restricted breed dogs in certain circumstances.

As the Minister for Agriculture has eloquently pointed out, this is a very simple bill. The intent and content are indeed very simple, but there may be consequences of the passage of the bill. There may be a number of dogs held by councils for a lengthy period to 2016, as provided for by the bill. That is a matter, in the first instance, of the safety, security and position of dogs and also, in the second instance, in terms of costs to local councils. In conversation with me earlier the minister indicated that she believes there is only a single dog being held, but there may be others that come under the purview of the legislation in the forthcoming period. In a sense what I am seeking here is some indication of who will bear the cost of managing the dogs and also what guarantees she has in place to ensure the safety and security of dogs through that period.

Ms PULFORD (Minister for Agriculture) — I thank Mr Davis for his question. Currently councils bear the costs of detaining dogs, whether that is for reasons of being restricted breed dogs, dangerous dogs or — as we hear too often — dogs that do not have any owner to whom they can be returned. It is our expectation that any costs incurred by any council in the implementation of the moratorium would be very modest, in fact almost theoretical. Currently one dog, Axel, is being detained under these provisions. I am advised that a few days ago the Victorian Civil and Administrative Tribunal ruled that Axel should be released, so Axel will be out and about in the community and will remain so even if the council involved in that dispute seeks to appeal that ruling in a higher jurisdiction.

It is our expectation that costs will be able to be reasonably met by councils and that on balance the bill reviewing the current regime, which can be very costly for a small number of councils, is a reasonable interim measure. However, I indicate to Mr Davis that if any council is of the view that holding a dog during the period of the moratorium while the parliamentary committee's consideration of the issue is underway is causing the council to experience any unnecessary

hardship in meeting the holding costs, I urge that council to contact me to discuss that.

Mr DAVIS (Southern Metropolitan) — I thank the minister for her commitment that there can be dialogue with the councils if that does occur. I know a number of councils are concerned about the potential costs and also the potential welfare of dogs that may end up being impounded for significant periods of time. I know the Municipal Association of Victoria has written to the minister and sought to register a number of concerns in this regard. I understand the minister is intending to meet with representatives of the association in late June, and there may be an opportunity for her to address some of those points directly. I appreciate the fact that the minister is prepared to entertain discussion with councils about any long-term costs that may be incurred by councils.

Ms PULFORD (Minister for Agriculture) — I am meeting with the Municipal Association of Victoria. The department consulted affected councils and, as I indicated, it is a very small number of affected councils indeed. On balance the councils are supportive of the greater objective of reviewing the current legislation. They acknowledge these are matters that have been discussed between the department and those councils. I would welcome a discussion with any council that felt it had been unduly affected. I make the point to Mr Davis that at the moment we gather that councils are already not declaring dogs that they might otherwise declare, because of the unworkable nature of the current arrangements and perhaps even due to the holding costs that they are already currently bearing. I thank the member for making representation on behalf of those organisations.

Clause agreed to; clauses 2 to 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.22 p.m. until 8.03 p.m.

INAUGURAL SPEECH

Ms Bath

Ms BATH (Eastern Victoria) — President, I am honoured to take my place in this chamber. I wish to acknowledge and pay my respects to the traditional owners of my electorate, the home of the Gunaikurnai and Bunurong people. I also wish to record my respect for those who have gone before me in recent times in this place. During my involvement in The Nationals I have been so impressed by the high calibre of our former MPs Peter Hall, Peter Ryan and Tom Wallace.

I congratulate my predecessor, the newly elected member for Gippsland South in the Legislative Assembly, Danny O'Brien, and look forward to working with him, my other fellow Nationals lower house colleagues Russell Northe and Tim Bull, the members for Morwell and Gippsland East, and my federal colleagues Darren Chester and Senator Bridget McKenzie, to deliver for our collective constituents. Together they have an impressive pedigree of political and life experience, and I would be remiss in not saluting the career of Jeanette Powell, who until recently was the only sitting woman MP in our party. Now we have three.

I pay tribute to a former member for Eastern Victoria Region, Peter Hall, who was an exemplary representative for his electorate for over 25 years. Peter was respected by his peers on both sides of the house, some of whom are in the chamber tonight. He was meticulous in his research and held the institution of Parliament in high regard — an example for us all. I also pay tribute to our former leader, Peter Ryan, whose passion and determination helped cultivate my interest in politics. Confident, emphatic, eternally optimistic and smart, Peter Ryan led our party for 15 years but, more importantly, he was a tireless worker for his constituents and the people of rural and regional Victoria for 22 years. Peter was always one step ahead of the pack. He had the question answered and the strategy in place before the question had even been posed.

I think it is fair to say that politics is in my blood. My great, great, great-grandfather, Richard Richardson, served as a conservative member for Creswick in the late 1800s. He was a former engineer and in one portfolio was minister for roads and bridges, still a most important item on our agenda today.

I carry six generations of Gippslanders in my DNA. My grandfather George Tatterson's forebears arrived from England by steamship and camped their first night on

the banks of the Yarra River and followed the Princes Highway to Warragul. From there they became hoteliers, grocers and butchers to as far afield as Sale. My grandfather was a role model and inspiration to me; he was honest to the core and passionate to know about science, technology and history.

Pa led by example, never rhetoric. His life lessons were 'Always have a go', 'Do your very best whatever the result', 'Never die wondering', 'Don't be afraid to ask questions' and, although he wasn't religious, 'Do unto others as you would have them do unto you'. He commenced his working life as a third-generation butcher and concluded as a regional manager for the State Electricity Commission of Victoria with a degree in electrical engineering. His lessons are something that I continue to live by.

My home base is South Gippsland. I grew up in Fish Creek, the daughter of a dairy farmer whose family were pioneers of that area. My father, Stan Bath, was a gentleman in the true sense of the word, and he taught me the value of hard work. Dairying is all consuming, sometimes for little reward. I recall 18 per cent interest on the farm's Rural Finance loan.

My mother, Mere, passed on to me her high standards and sense of fair play. Throughout her life Mere has donated countless hours to public service — hall, school, football, netball, church, asthma and citizens advice bureau committees to name a few. Like so many men and women, her deeds are the glue by which country communities are bound.

My father, when marrying Mum, had two non-negotiables: one, she had to become a member of the Country Party; and two, she had to support the Essendon Football Club. Both those conditions have served our family well — although I understand I am breaking the mould a bit as both my parliamentary predecessors barrack for the Blues.

Politics often cropped up in our family conversations around the dinner table. Listening to my parents' passionate dialogues sparked an interest. This interest was further fanned at the tender age of 16. Picture this: a smiling debutante dressed in white taffeta descending the stairs of the Fish Creek Memorial Hall. My goal was to curtsy with perfection to the impeccably dressed new federal member for Gippsland, Mr Peter McGauran. He was attending his first debutante ball. The vision of this dashing young politician got me thinking about the world of politics.

Later on, when completing a science degree and a diploma in education at Melbourne University, I looked

further into the principles and philosophies of The Nationals and became a member of the Young Nationals. The Nationals have always advocated for country Victorians. We pride ourselves on working to build stronger regional economies and secure communities, delivering prosperity for all regional Victorians and ensuring that country people are afforded the same opportunities as those in the city. These ideals align with my own. I have always believed in justice and fairness for all.

Part of the reason I have entered this profession is to advocate for people who may not be able to advocate for themselves. I am honoured to be able to serve the people of Eastern Victoria Region. There is no better place. It is my home, it holds many great childhood memories and it is where I chose to raise my two wonderful boys.

As a child, with my brother, Glenn, we often holidayed at beautiful Waratah Bay with the backdrop of the magnificent Wilsons Promontory in the distance. I do not believe I am being biased when I say that the eastern region boasts some of the state's best tourism attractions. My electorate covers over 44 000 square kilometres, extending from the Mornington Peninsula to the New South Wales border. It includes such gems as Ninety Mile Beach and the gorgeous Gippsland Lakes area. We have the high country, the snowfields, Tarra-Bulga National Park, known for its magnificent mountain ash, and the wonders of the Gippsland penguin parade, which is so popular with local and overseas tourists. As well as being attractions, these icons are also places of information and environmental education.

Small business and agriculture are the backbone of our region. These industries must be serviced with safe and adequate roads, the lifeblood of our transport system. In his 1988 inaugural speech Peter Hall identified the state of our roads as a major issue of concern for regional people. The coalition's \$160 million country roads and bridges program contributed much to improving the state of our regional roads, but the work has not yet been completed and more needs to be done. It is vital that people who live in regional and rural communities are not forced to travel on dangerous roads and that maintenance and improvements are adequately funded.

My electorate is home to some of the most fertile farming land in our state. Gippsland is Australia's largest dairy region, producing over 20 per cent of the nation's milk, and it is supported by the Macalister irrigation district. As a dairy farmer's daughter, I know only too well the importance of this industry to our region and our local economy. It employs 6000 people

on farm and in processing. In 2011–12 the region produced milk with an estimated farm gate value of \$915 million and \$2.5 billion as valued-added product.

The region also has a significant grazing and meat processing industry, representing 25 per cent of the total value of Victorian beef production, a significant amount of which is exported as high-value beef products. Our abundant waterways and fisheries support a strong seafood industry and some aquaculture. Gippsland's diverse soil types and climates enable a range of vegetables, nursery products, cut flowers and fruit to be produced. Producers range from very large vegetable growing enterprises to smaller intensive enterprises producing products for specialty markets. Each has its place, and it is important we support local agribusiness to ensure that it continues to drive economic activity in the region.

The Latrobe Valley in Gippsland produces most of the state's electricity. Its brown coal resources are estimated to be capable of powering Victoria for centuries at current usage levels. The brown coal mining and energy industry accounts for a significant proportion of economic activity and employment in the Latrobe Valley. While it is hard to predict exactly what the region's future might be, I support the development of innovative technologies for clean coal production and viable options for renewable energy sources. The oil and gas reserves of the Gippsland Basin in Bass Strait also deliver economic value to the region. For us to prosper in the future, local industries must be encouraged to grow, build, adapt and be innovative.

I believe education is the key to our future prosperity. Our students are our future workforce. We must pay attention to the youth of today and invest in their education to provide country students with the best possible educational opportunities. After many years working with youth, I have a good understanding of the issues and problems they face today, and I plan on working hard to address these.

Programs for early childhood literacy, better partnerships between schools and industry, and relevant high-quality tertiary courses are required for our young people to meet future job markets. We need to encourage stronger partnerships between TAFE institutes and universities to make it easier for students to access higher education in regional Victoria. The gap between country students and their city peers is still far too wide. More city students than those in regional areas go on to seek tertiary qualifications because there are simply fewer tertiary options available and more financial barriers for country students, including the cost of transport and of living away from home. As

Victoria moves to a knowledge-driven, innovative economy, we need a workforce with higher levels of qualifications and skills. Country students must not be left behind in meeting a fast-moving and highly competitive job market. Your postcode should not dictate your potential.

The thoughts and views of our young people are important to me. I plan on engaging with the youth of our region to listen to their ideas and needs. Let me speak in my old role as a chemistry teacher. When you distil politics down to its pure essence, it is all about people — communicating, listening, advocating and leading the changes. As politicians, we are here to serve our communities, not ourselves. Active listening is the key, as is giving people time and respect on the issues that are important to them.

I am not afraid of rolling up my sleeves and working hard for the people of my electorate. My years of study, travel, owning and running my own small business, growing a family and educating young minds have given me the skills, determination and passion to direct my energy into the future prosperity of Eastern Victoria Region. I am determined to help build on The Nationals proud history of commitment to country Victorians, and I look forward to working with our new leader, Peter Walsh, and my upper house colleague Damian Drum to make that happen.

As the parents of Darcy and Lachlan O'Connor, Graeme and I are so very proud of our now young men. Darcy and Lachlan, you are the lights of my life. I am privileged to have a loving brother, Glenn, sister-in-law, Suzi, and five special nieces and nephews.

I thank my partner, Gary, for his continued love and support, and I treasure the friendship of Sarah and Tim. I thank my dear family and wonderful friends, some of whom are in the gallery tonight. I thank my electorate office staff and the staff here at Parliament House for their help and kindness. I pay tribute to the principal, Karen Lanyon, and staff of Mirboo North Secondary College.

Finally, I humbly pledge to support the people of Eastern Victoria Region, from the tiny villages to important centres, and to continue to make our area a state prosperity hub.

JURY DIRECTIONS BILL 2015

Second reading

Debate resumed from 16 April; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to speak in the debate on the Jury Directions Bill 2015. The matters the bill considers are jury directions in respect of criminal trials, which are some of the most fundamental matters that are considered before our courts. The way in which juries interact in criminal cases is critically important to those who have been victims of crimes. Equally they are critically important to those who are accused of crimes. The way in which juries are directed and the way in which juries undertake their duties in a criminal trial are absolutely fundamental to our justice system. The way in which judges at trial direct juries in the conduct of criminal matters is fundamental to the success of our criminal legal system.

The bill before the house is important. It makes a number of changes and enhancements to the way in which juries are directed. The bill reduces the complexity of jury directions that are given in criminal matters. It simplifies and clarifies the issues that juries must determine when they are sitting on criminal trials. It simplifies and clarifies the duties of the trial judge in giving directions to a jury through the course of a criminal trial. It clarifies that one of the duties of the legal practitioners in a trial, be they defence counsel or prosecution, is a role to assist the trial judge in providing directions to juries in criminal matters. It assists trial judges to give directions in a manner that is clear, brief, simple and as comprehensible as possible.

Of course that recognises that juries are drawn from among our peers. With the exception of members of Parliament, who are an excluded class with respect to juries, juries are drawn from the general population. By definition they are not people who are exposed to and familiar with the criminal justice system. Therefore it is important that the way in which judges direct juries is simple, clear and concise, so that they can undertake their important duty in a way that ensures the appropriate delivery of justice in criminal matters. The bill provides simplified directions in respect of specific matters in criminal trials. These are sexual offence cases and the like. The provisions in this bill are incredibly important. Ensuring that they are carried and enacted will lead to a significant improvement in the way judges are able to operate in providing directions to juries.

It is ironic that this house is dealing with this bill as part of the Andrews government's legislative agenda, because the bill we are being asked to consider — and it is a bill the opposition will not be opposing — is remarkably similar to a bill which was brought before the Parliament last year. That bill was brought forward by the then Attorney-General, the member for Box Hill in the other place, Robert Clark, following substantial work undertaken by Justice Weinberg and experts within what is now the Department of Justice and Regulation with respect to sentencing and the operation of criminal trials. Legislation was brought forward in 2013 to achieve these improvements to criminal trials. The types of improvements we are seeking to make through this legislation tonight could have been brought forward 18 months ago.

This is ironic because when the legislation was brought into the Parliament by the previous Attorney-General, those opposite — the people who have now brought this bill in today — opposed the legislation. They did not oppose it on a matter of principle, and they did not oppose it because they were concerned about the provisions the previous government was seeking to put into the Jury Directions Act. They opposed it on purely political grounds. They opposed it because the then member for Frankston in the other place had determined that he would oppose it. By opposing it the then Labor opposition could defeat a government bill in the other place, so it was for a purely political reason that the 2013 version of this bill was defeated in the other place.

It was not because those opposite who opposed the bill at that time actually opposed the initiatives the bill was seeking to introduce. It is a reflection on the character of those opposite — and those leading the government and the opposition at the time — that they were willing to gang up with the member for Frankston to defeat an important piece of legislation that sought to make important reforms to the criminal justice system purely for political purposes. They wanted a stunt: they wanted to defeat a government bill in 2014 and to make a point about the then government's numbers on the floor of the lower house.

They were willing to put at risk the opportunity to improve criminal trials in this state. I cannot help but think of all those victims of crime, all those defendants in our courts in the last two years who could have benefited from the improvements this bill will make to the operation of criminal trials and the directions that are given to juries. They were unable to have the benefit of those changes purely because of the political game-playing of those opposite, who wanted to score a political point with the member for Frankston.

The coalition will not oppose this legislation. This is legislation that should have been enacted in 2014, during the previous Parliament. The bill before the house this evening is remarkable in the sense that the government has sought to make it look like a different bill. It has taken the clauses that were proposed by the previous government and put them in a different order to try to pretend that this is somehow a different bill. It is in substance the same bill that the people opposite voted against last year. It is a bill that should have been enacted when it was first introduced by the then Attorney-General, Robert Clark. It will improve the operation of the criminal justice system here in Victoria. The coalition does not oppose it, and nor should the Labor Party have done so last year.

Ms SYMES (Northern Victoria) — Following on from the previous member's contribution, I rise to speak tonight on the Jury Directions Bill 2015. The bill is in the house today due to the mismanagement of the previous government, its failure to treat the Parliament with respect and indeed its failure to deal appropriately with a non-government, so-called Independent, member of the Legislative Assembly.

I could spend much of this contribution rehashing the former government's lack of due diligence and poor record on consultation. Mr Rich-Phillips certainly rehashed his version. There was plenty of tit-for-tat in the lower house and plenty of people saying who was and who was not beholden to the former Liberal member for Frankston. But I think this bill deserves to pass through the house without much fanfare and to advance to become law so it can deliver worthy reforms in relation to criminal trials.

The Jury Directions Bill 2015 builds on the Jury Directions Act 2013, which came into force on 1 July 2013. Jury directions are the instructions that a trial judge gives to the jury to ensure that the jury decides whether an accused is guilty or not guilty in accordance with the law. The judge also directs the jury about the evidence in the case and summarises the submissions of the prosecution and defence about why the accused may or may not be guilty. In Victoria these directions have been lengthy and complex, making them difficult for juries to follow and leading to many appeals and retrials. This bill will clarify and simplify important jury directions, relying on the framework in the act.

The act and the bill have five important objectives: to reduce errors in jury directions, to make the issues that juries must determine much clearer, to improve the way information is provided to juries, to reduce delay by shortening jury directions and to reduce the number of

retrials, which will reduce stress and trauma for victims of crime.

Jury trials are used for both civil and criminal trials, but they are a real centrepiece of our criminal justice system. Twelve jurors are chosen for criminal trials. Their names are initially plucked from the electoral roll. They are people without legal training, as practising lawyers, MPs, police officers and most of those who may have picked up a bit about the law through criminal convictions are all barred from performing jury duty. So what we have are 12 people — citizens, legal laypersons — who are representatives of the Victorian community. Their job is to determine whether an accused is guilty or not guilty. It is a huge responsibility, and despite what may be depicted on *Law & Order*, *Boston Legal* or even my favourite legal show, *Rake*, understanding and applying the law is extremely difficult, and the 12 ordinary people on the jury should be given as much guidance and assistance as they need to ensure that they are confident in their decision. The consequences of not doing this are too severe. This is where jury directions come in.

The supreme test for a jury direction was described by English Court of Appeal judge Lord Mackay as being ‘comprehensible to an ordinary member of the public who is called to sit on a jury and who has no particular acquaintance with the law’. It is the responsibility of the trial judges to give the jury directions that will assist the jury to avoid erroneous or unfair reasoning and to reach a proper verdict, based on the application of the law to the facts as found by the jury. A failure to give a proper direction can lead to a miscarriage of justice. Developing jury directions that accurately state the law and meet Lord Mackay’s supreme test can be very challenging. The judge’s role in providing very clear and distinct jury direction is crucial.

It is also imperative that jury directions be up to date and reflective of modern society. For example, currently the laws in relation to sex offence cases may permit a complainant’s credibility to be affected by their failure to report the offence at the earliest opportunity. We in this house all agreed that this type of misconception must be removed from our statute books when we passed the Limitation of Actions Amendment (Child Abuse) Bill 2015 recently.

The Jury Directions Bill 2015 builds on the Jury Directions Act 2013 in order to simplify and clarify the law relating to jury directions given in criminal trials. The bill repeals the former act and replaces it with a new principal act to allow for some refinements to the current provisions and a restructure. The restructure improves the readability of the legislation and, in line

with the intent of the act, makes things clearer and more logical and straightforward.

Part 3 of the Jury Directions Act sets a framework for determining what jury directions should be given in a criminal trial. This is based on counsel requesting the trial judge to give certain jury directions. The bill refines part 3. In particular the bill clarifies the residual obligation of the trial judge to give a direction to the jury on certain matters when neither party has requested the direction. The bill replaces the current test which requires a direction to be given to avoid a substantial miscarriage of justice with a test that requires the trial judge to give a direction if there are substantial and compelling reasons to do so. This change will avoid complexities associated with the term ‘substantial miscarriage of justice’. The new test will be clearer and easier for the parties to understand and for the trial judge to apply.

The bill makes several changes to simplify important directions on specific topics, and I intend to summarise them. The bill refines the directions on what must be proved beyond reasonable doubt by limiting the matters that the trial judge may direct the jury must be proved beyond reasonable doubt and the elements of the offence and the absence of any defences. The bill abolishes complex common-law directions to the contrary that are very confusing.

The bill abolishes common-law directions regarding evidence of other misconduct by the accused. Such evidence is used to establish a tendency in the accused’s behaviour and thereby assist in proving guilt. Unreliable evidence provisions in the Evidence Act 2008 will be incorporated into the Jury Directions Act. The new provisions will be restructured and made consistent with the rest of the act.

The bill provides a new framework for identification evidence. A single broad definition will be introduced, as well as minimum content of directions. Effectively the bill will provide for directions on identification evidence that are simple and clear but that highlight that this type of evidence can be notoriously unreliable.

The bill proposes to address the issues associated with directions on delay and forensic disadvantage. This direction applies in cases where a delay between the time of the alleged offence and the complaint has disadvantaged the accused in the conduct of his or her defence.

The bill provides that judges must not use the phrases ‘dangerous or unsafe to convict’ or ‘scrutinise with great care’ in relation to delay and forensic

disadvantage. These phrases are contained in the existing Longman direction and are no longer appropriate.

The bill also prohibits judges from directing that a complainant's failure to report a sexual offence at the earliest possible opportunity may cast doubt on the complainant's credibility or suggesting that sexual assault complainants are unreliable as a class. Directing juries that they can take delay into account in assessing the complainant's credibility serves to perpetuate misconceptions about the behaviour of victims of sexual abuse and supports the false premise that a genuine complaint can be expected to be made immediately after the offence. As I have said, and as we have all agreed in this house, there is no place for such a direction in a modern legal system. Further, under the bill judges will be prohibited from suggesting that a jury may make an adverse inference if an accused fails to explain facts that would be within the accused's knowledge or fails to give evidence or call witnesses.

Part 5 of the bill brings together the directions that are relevant only to sexual offence trials and includes reforms to directions on consent and reasonable belief in consent. Under the bill, directions on consent and reasonable belief in consent may be requested by the parties when relevant to the matters at issue in the case before the court. Consent has been an evolving issue over recent decades, and I am pleased that as a society we condemn views such as that it is not possible to rape a prostitute or a wife, or that the crime is less serious if the woman is unconscious during the act.

The bill sets out a list of directions concerning the meaning of consent that the parties can request that a judge give to the jury. These include informing the jury that a person can consent to an act only if that person is capable of consenting and free to choose whether or not to engage in or allow the act, or that where a person has given consent to an act, that person may withdraw that consent either before the act or at any time while the act is taking place. An emphasis on the importance of communication of consent and on the capacity of a person to withdraw that consent are important directions to jury members in relevant sexual offence cases. The bill also proposes that directions may warn the jury that evidence that a person did not protest or physically resist or did not sustain physical injury is not in itself enough to regard a person as having consented to an act.

These are important reforms that will assist jury members to apply the law to some of our traditionally most complex cases. The discussions between counsel and the trial judge in relation to which directions are

required, and the residual obligation on the trial judge to give a direction if there are substantial and compelling reasons to do so, will ensure that helpful and relevant directions are given. This approach is more effective than mandatory directions as it focuses on the real issues in the case. Jurors are unlikely to be assisted by directions that are not relevant to a particular case.

All these changes will help to create a fairer, more responsive and efficient criminal justice system. It is about giving clarity to what can appear as a legal maze. It will reduce complication and complexity. It is about giving those on jury duty a greater understanding of what is required of them. The refined jury directions will be more relevant and will focus them on the task.

The bill has broad support. The shadow Attorney-General is on the record as saying it is the opposition's bill. It was developed in consultation with the advisory group that is chaired by the Department of Justice and Regulation, and comprises representatives from the Court of Appeal, County Court, the Victorian Bar, the Office of Public Prosecutions, Victoria Legal Aid, the Judicial College of Victoria and academics specialising in jury research.

I also note the significant contributions made by the team led by Justice Weinberg of the Court of Appeal in the simplification of jury directions report in 2012 and the report by the Victorian Law Reform Commission. With that acknowledgment, I respect all that hard work and commend the bill to house.

Ms PENNICUIK (Southern Metropolitan) — The Jury Directions Bill 2015 largely re-enacts the Jury Directions Act 2013, regarding the current definitions, guiding principles, jury direction request provisions, provisions on summing up and the use of integrated directions, and these will all continue to have the same effect under the new act. However, the bill also makes some refinements to that act, including restructuring the act by grouping directions into broad themes.

These themes include 'request for directions', which deals with the obligations of parties requesting particular directions, assisting in identification of matters at issue and the obligation of the trial judge to give requested directions; 'evidential directions', dealing with post-offence conduct, other misconduct evidence, unreliable evidence, identification evidence, delay and forensic advantage, and failure to give evidence or call witnesses; 'sexual offences', regarding consent and reasonable belief in consent, delay and credibility; 'family violence', dealing with requests for direction on family violence and content of direction — and I will return to speak on these last two matters a

little later in my contribution — and the other broad theme is ‘general directions’, which covers what must be proved beyond reasonable doubt and an explanation of ‘proof of beyond reasonable doubt’.

There are more sections in this bill than are currently in the Jury Directions Act 2013. Prior to the introduction of the Jury Directions Act 2013 and the amendments in this bill, the Victorian system was known to be lengthy and complicated with regard to jury directions and in need of great reform. The reforms in the earlier legislation and the reforms contained in this bill are important because juries need to be well directed by the presiding judge in terms of points of law, correct summing up of the cases put by the defence and the prosecution, and so on. Therefore it is good that Victoria has reformed the legislation, and I acknowledge that there has been much consultation in terms of the advisory committee and the involvement of the Court of Appeal and other courts generally, and a great number of stakeholders.

A couple of issues around the removal of the mandatory directions in sexual offence cases and family violence cases have been raised with the Greens and other members and by stakeholders during the consultation process. Under part 3, request for directions, the bill replicates much of the existing act, but it also introduces some reforms to ensure that both the prosecution and defence counsel assist the trial judge in determining the matters at issue rather than just the defence counsel, which was previously the case. In this part of the bill another reform aimed at clarifying and simplifying the law is that the trial judge must give a direction regardless of the views of the parties if there are substantial and compelling reasons to do so, rather than the previous test of ‘if there was a substantial miscarriage of justice’. As Ms Symes said, it makes that direction simpler and clearer for people to understand.

The bill also provides for additional jury directions reforms to clarify the law on key evidential directions, including providing for jury directions in the bill on other misconduct evidence, unreliable evidence, identification evidence, delay and forensic disadvantage evidence, and failure to give evidence. With regard to sexual offences, it includes directions on consent and reasonable belief in consent in rape and sexual assault trials that were also passed in 2014 but have not yet commenced, but they are not mandatory directions. This is covered by part 5 of the bill. This part also reforms directions on delay and credibility in sexual offence cases.

With regard to family violence cases, the bill includes directions that were inserted into the act in 2014 in

relation to family violence, relating mainly to the use of self-defence and duress defences by an accused who alleges that they were victims of family violence. These directions are also not mandatory, and concerns have been raised with us by the stakeholders with regard to those issues.

I have prepared amendments on behalf of the Greens with regard to the removal of the mandatory directions for sexual offence cases and family violence cases, and I am happy to have those circulated.

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

Ms PENNICUIK — Part 7 of the bill provides for simple, short directions on what must be proved beyond reasonable doubt and the meaning of proof beyond reasonable doubt, which is of course the cornerstone of what a jury is trying to decide when presented with the evidence. Therefore it is very important that jury directions in this area are accurate and assist in a good and just outcome of any trial before a judge. This section also provides a framework for the trial judges summing up at the end of a trial and amends the Evidence Act 2008 in relation to corroboration directions, making it clear when a corroboration direction is required.

In relation to the issue of mandatory directions with regard to sexual offence trials and family violence trials, the Federation of Community Legal Centres wrote to the Greens on 9 April, raising again issues it raised when we were considering these matters in the previous Parliament. Among other things it says:

The Federation of Community Legal Centres wishes to raise again its concern regarding the removal of certain mandatory jury directions in sexual offence trials ...

As we advocated in relation to the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014, it is essential that jury directions concerning consent and the accused’s reasonable belief be mandatory. We note that this view was expressed in 2014 not only by the federation but by a further 11 organisations including Victorian Centres Against Sexual Assault, Domestic Violence Victoria and the Victorian Council of Social Services.

The letter continues:

The complexities confronting juries without appropriate guidance are likely to be multiplied when this proposal is combined with the lack of specificity in the new sexual offences legislation with regard to the meaning of consent, consent-negating circumstances, and the accused’s reasonable belief.

...

We say that matters of consent and what is reasonable for the accused to believe are also commonly misunderstood by the broader community. This is supported by research, for example, the most recent national community attitude survey found that about 20 per cent of Australians think a woman is partly to blame for being sexually assaulted if she was drunk or drug affected. It would therefore be consistent to retain the essence of the current mandatory jury directions in sections 37, 37AAA and 37AA of the Crimes Act 1958.

With regard to family violence, the Federation of Community Legal Centres says:

Similar concerns and reasons apply to the non-mandatory nature of the jury directions in part 6 of the Jury Directions Bill 2015. These directions apply in criminal proceedings in which self-defence or duress in the context of family violence is in issue. They may only be made at the request of defence counsel or, in the case of an unrepresented accused, at the request of the accused or by the trial judge without request.

Just as we cannot assume that members of a jury understand the nature and dynamics of family violence, we cannot assume that all defence counsel have a sufficiently sophisticated understanding of this issue and will request relevant directions in each case. We recommended last year ... that these directions should be mandatory and we remain of that view.

Without mentioning anyone's name, I note that just this week some unfortunate statements with regard to sexual assault and what women should not do while running their everyday lives were made by a prominent member of the public. That was an unwise statement, and it was apologised for, but it just goes to show that the community's views in relation to these matters are still not necessarily as sophisticated as they should be, and that could very much be reflected in juries. We agree with the stakeholders who throughout the consultations raised the concern that it is premature to be removing the mandatory jury directions in terms of these two particularly sensitive areas of sexual assault and family violence.

A point I have made before in relation to previous legislation in this area is that we must also keep in mind other steps to enable the law to respond appropriately to women in the context of family violence, such as mechanisms recommended by the Federation of Community Legal Centres Victoria, the Domestic Violence Resource Centre Victoria and other organisations. These include specialised family violence training and cultural awareness for legal professionals, including defence counsel, prosecutors and judges; steps to reduce the overcharging of female defendants; the prompting of legal professionals to use expert evidence about family violence; and the establishment of a specialist list for homicide cases involving family violence.

The federation and the Victorian Centres Against Sexual Assault Forum say that legislative improvements and reforms in the area of sexual offences are required but must occur in tandem with ongoing appropriately funded community education programs and primary prevention initiatives and the funding of community-based legal services and sexual assault victim/survivor advocacy organisations; ongoing education of judges, counsel, prosecutors and police about the context of sexual assault; the development of and inclusion in the Crimes Act 1958 of clear definitions and examples; and empowering judges to disallow questioning of a complainant that is unduly intrusive, humiliating, intimidating or overbearing.

Experience suggests that placing the onus on the prosecution or defence to not only request the direction but also specify which direction is required will increase unjust outcomes for victims and is also likely to result in an increase in appeals, which jury directions reform is intended to reduce. These are the reasons the Greens again will move amendments for the retention of the mandatory directions in those two particular contexts.

Mr FINN (Western Metropolitan) — This is a particularly important bill, and it is perhaps appropriate that it is a jury directions bill, given that this bill itself represents an act of theft by the Labor Party; it is a piece of legislation that was put forward by the previous government. There is a degree of appropriateness, as I say, in the fact that this is a jury directions bill.

At the outset I must commend the former Attorney-General, Robert Clark, the member for Box Hill in the Assembly, for the great work he did over four years. In my view he was an outstanding Attorney-General who worked tirelessly to strengthen the integrity of the justice system in Victoria after it had been undermined for 11 years by the previous Attorney-General. One of the great disappointments for us on this side of the house in not being in government is the fact that Robert Clark will not be able to continue his work of strengthening the justice system and really putting faith back in where there is little.

What I want to mention tonight — and I do not want to go through all the details of the bill, as others have — is the lack of public confidence in the legal system. I have said — I have probably said it 100 times and I would love a dollar for every time I have said it — that what we need in this state more than anything else is a justice system and not a legal system. Far too often people see the wigs, see the judges and see the lawyers charging through the nose. People are so far removed from

justice and from what should be a justice system that it is not funny. I am therefore very hopeful that this bill will go some way towards restoring people's faith in a system that we should all have faith in. We should all feel that each and every one of us, whoever we are, whatever our background and wherever we are from, should all have equality before the law, and we should all feel we will get a fair go if we are ever in a situation where we are before the beak, as they used to say in the old days.

I would sincerely hope this legislation — as I said, I think it is very good legislation, largely put together by the previous government — goes some way toward returning the faith of Victorians, the people in the suburbs, the people in country towns, the people on the farms, wherever they may be. I think there are far too many who look upon the legal system and just shake their heads. We can point the finger to a degree at the judiciary, because there have been some extraordinary decisions in recent years that have brought the system into disrepute, and that has impacted enormously on people's ability to have faith in the system. It is a very sad reflection on our legal system that people do not feel it delivers the justice we all desire and that it does not fulfil community expectations for appropriate justice.

I will not speak any further on this bill, other than to say I am very happy to support it and that I sincerely hope the new government continues Robert Clark's work to bring the people back to supporting the justice system. Without that support the legal system is somewhat hollow and is not doing the job we all rightly expect it to do. I am hopeful rather than confident that the government will take up this work.

Mr ELASMAR (Northern Metropolitan) — I rise to join the debate on the Jury Directions Bill 2015. The bill amends part 3 of the Jury Directions Act 2013 and clarifies the obligations of parties and trial judges, in particular the judge's residual obligation to direct the jury on certain matters when neither party has requested the direction. The bill eliminates a number of common-law directions and replaces them with simple directions. Jury directions are the directions a trial judge gives a jury to help it decide whether an accused is guilty or not guilty. In Victoria jury directions have not always been effective in performing their important role.

For many years juries were required only to be satisfied beyond reasonable doubt of the elements of an offence and of the absence of any relevant defences. Doubtless some jurors have struggled to understand and apply the lengthy and overly complex directions that the law now requires. The new bill eliminates numerous phrases and

common-law directions but gives scant guidelines for what judges ought to say instead. The government acknowledges that directions are a very difficult area for judges and juries, generating uncertainty and inefficiency in our legal system. The new provisions contained in the bill provide a framework for determining which directions are given in a trial. The bill also supports trial judges giving short, relevant summations, encourages better ways of communicating with juries and simplifies certain problematic jury directions.

At this time our legal system is endeavouring to cope with long waiting lists, and this bill attempts to shorten trials and obviate the necessity for applications for retrials. Victoria's courts are stretched to the limit, a situation that arises from the previous government's four-year lack of strategic planning and chronic under-resourcing. I commend the bill to the house.

Mr HERBERT (Minister for Training and Skills) — I will be very brief in my contribution to debate on the Jury Directions Bill 2015. The main provisions have been well aired in this chamber, and I thank all members for their contributions to the debate. This is an important bill, and I hope it will get through this chamber. It will make quite a difference to the way jury directions happen and the way our court system operates in terms of key parts of legislation.

I want to take the opportunity to put a different view from those expressed by the Honourable Gordon Rich-Phillips and Mr Finn in regard to what happened when jury directions legislation was introduced by the previous government. It is quite correct that Labor opposed it at the time. We did not oppose it because we were playing political games or because of its provisions. We opposed it because we held the very simple view that a bill of this nature should be debated rather than pushed through the Parliament.

In our opinion the then government, which was having quite a bit of difficulty in a publicly aired dispute with the former member for Frankston in the Assembly, Geoff Shaw, wanted to put the bill through without enabling him, or indeed any member of Parliament, to have a say. We believed a bill of this nature should have been debated, and that was the reason we opposed it. I understand there is a difference of opinion, but I wanted to clarify that the viewpoint put by members opposite is certainly disputed by this side of the house. With those few comments I commend the bill to the house and look forward to contributions on the proposed amendments.

Motion agreed to.

Read second time.

Committed.

Committee

Mr HERBERT (Minister for Training and Skills) — Ms Symes will join me at the table.

The DEPUTY PRESIDENT — Order! I understand that Ms Pennicuik has a number of amendments to the bill, which have been circulated. There is one principle behind these amendments, which seek to make jury directions on consent and reasonable belief mandatory for the trial judge rather than be reliant on a request from the prosecution or defence counsel. While there is one underlying principle, Ms Pennicuik has proposed that it apply to two separate parts of the bill — part 5, sexual offences, and part 6, family violence. I will therefore deal with the amendments as two separate principles.

Clauses 1 to 6 agreed to.

Clause 7

The DEPUTY PRESIDENT — Order! I call on Ms Pennicuik to move her amendment 1, which is a consequential renumbering as a result of her amendment 3. Amendment 3 seeks to insert a new clause in the bill. I will therefore allow Ms Pennicuik to speak more broadly to the issue at this stage. I consider this amendment to be a test for further amendments 2 to 19 and 24 to 34.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 7, line 31, omit “51(1)” and insert “52(1)”.

This is a small consequential amendment to clause 7, but I think it tests quite a large number of other amendments which are also consequential amendments. It also tests the substantial amendments which are amendments 3, 4 and 5, which are the amendments relating to the retention of mandatory directions in cases of sexual offences. Without going over the arguments I made in my contribution to the second-reading debate, this is as a result of strong representations to us by bodies such as the Federation of Community Legal Centres and the Victorian Centres Against Sexual Assault Forum, and other stakeholders that deal with these types of offences. It was their strong view that while they support the rest of the provisions of the jury directions amendments that have gone through the Parliament in the last couple of years and in this bill, they strongly recommend the retention

of mandatory directions in cases of sexual offences under part 5 of the bill.

Mr HERBERT (Minister for Training and Skills) — These clauses relate to the basic thrust of the belief held by Ms Pennicuik and the Greens that there should be mandatory directions with regard to sexual offences and domestic violence. We believe in clear directions but with judicial discretion, so the government will not be supporting the amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition will not be supporting Ms Pennicuik’s proposed amendment. The purpose of the bill is to simplify the way in which jury directions operate. It is also to ensure that judges have discretion, can use their own judgement when giving appropriate directions to juries and are not bound by a formulaic approach which would be the consequence of accepting Ms Pennicuik’s proposed amendment. We do not think it is in the spirit of the rest of the bill, and therefore we will not be supporting it.

Ms PENNICUIK (Southern Metropolitan) — I understand the arguments being made by the government and by Mr Rich-Phillips. I do not believe, however, that the retention of mandatory directions — it is not the insertion of them, it is the retention of them; they have always been there — necessarily goes against the simplifications or clarifications that have been made in the general directions and themes of the bill. I do not agree that it would make things less simple or less clear.

Committee divided on amendment:

Ayes, 6

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

Noes, 34

Atkinson, Mr	Melhem, Mr
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	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr	Purcell, Mr (<i>Teller</i>)
Eideh, Mr (<i>Teller</i>)	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms	Young, Mr

Amendment negatived.

Clause agreed to; clauses 8 to 57 agreed to.

The DEPUTY PRESIDENT — Order!

Ms Pennicuik’s next amendment is in relation to clause 58.

Ms PENNICUIK (Southern Metropolitan) —

While the technicalities are laid out in my list of amendments, in terms of the principles I am testing, amendment 20 goes to clause 58, the part of the bill regarding family violence.

Clause 58

The DEPUTY PRESIDENT — Order! I ask

Ms Pennicuik to move amendment 20, which proposes to change the heading to clause 58. This is a test for Ms Pennicuik’s further amendments 21 to 23 to clause 58, relating to directions on family violence.

Ms PENNICUIK (Southern Metropolitan) — I move:

- 20. Clause 58, line 12, omit “**Request for direction on family violence**” and insert “**Direction on family violence**”.

This amendment will change the heading of clause 58. It is also a test for further amendments and goes to the principle of retention of mandatory jury directions for family violence cases for the reasons I outlined before — that many in the community have preconceptions with regard to family violence cases. We are talking about the current status quo where mandatory directions do exist for such cases, notwithstanding the simplifications and clarifications made by the Jury Directions Bill 2015 before us. The stakeholders involved in these issues on the ground and in the courts have raised the view many times that they should remain as mandatory directions. That is the reason I am moving the amendment.

Mr HERBERT (Minister for Training and Skills) — With regard to the family violence directions, we believe these directions may be requested by defence counsel, which allows counsel to present its case in the manner it sees best. Further, we believe that making these directions mandatory would be problematic as directions may be given early in the trial before any evidence is heard. At that stage the defence counsel will be best placed to determine which directions are required.

The provisions also allow defence counsel to tailor its requests for directions based on matters that are relevant to the accused. There is a real risk that these directions would operate to the detriment of the accused if they were not tailored. In essence we believe a

request process for these directions rather than a mandatory requirement to give directions is the best approach for ensuring that family violence directions achieve their intended outcome. We will not be supporting the amendment.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition will not be supporting Ms Pennicuik’s amendment to retain mandatory directions. This is a matter on which the presiding judge will be able to exercise their discretion in the giving of directions if they see fit. In the spirit of the bill simplifying directions to juries, we believe it is appropriate that that mandate be removed and therefore we will not support the amendment.

Committee divided on amendment:

Ayes, 6

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

Noes, 34

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

Amendment negated.

Clause agreed to; clauses 59 to 81 agreed to; schedule 1 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Vaughan-Tarilta bridge

Ms LOVELL (Northern Victoria) — My adjournment matter is for the attention of the Minister for Roads and Road Safety, and it is regarding the Vaughan-Tarilta bridge in Mount Alexander shire. In its first budget today the Andrews Labor government has confirmed that it has scrapped the coalition government's country roads and bridges program. That will have a serious impact —

Honourable members interjecting.

The PRESIDENT — Order! Members leaving the chamber should do so quietly so the minister has a chance to understand what the adjournment item is about, and certainly as a courtesy to the member raising the issue.

Ms LOVELL — The scrapping of the program will have a serious impact on the council's ability to fund a range of road and bridge projects in Mount Alexander shire and in particular the Vaughan-Tarilta bridge. My request is that the minister provide Mount Alexander shire with \$1.3 million in funding for the replacement of the Vaughan-Tarilta bridge, which has deteriorated beyond repair and is no longer suitable or safe for use.

During a recent meeting I had with the Mount Alexander shire mayor and chief executive officer, the issue of the Vaughan-Tarilta bridge was raised. The bridge provided access to 10 Vaughan properties on the southern side of the Loddon River from Vaughan Springs Road. In a broader context it also served as a link from Vaughan Springs Road to Porcupine Ridge Road, which extends all the way to Daylesford-Malmsbury Road, and acted as an alternative way to get to Tarilta.

The council advised me that the current bridge is more than 100 years old and past the end of its useful life. In recent months a programmed bridge assessment has been undertaken, which rates the condition of the bridge as being beyond repair. In late 2013 the deck of the bridge failed. The council closed the bridge immediately, and it remains closed. The council advises that the only feasible option going forward is to build a new bridge upstream, keeping the existing bridge in place and closed.

As planning for the project progressed, the council was made aware of some complications and amendments required for the project, with heritage, Indigenous, environmental and water concerns noted. Since the original scoping works on the bridge, detailed design and consultation with construction engineering experts has estimated the cost of the bridge to now be approximately \$1.3 million. The budget estimation includes \$1.1 million for the bridge cost and \$200 000 for road approach works.

My request is that the minister provide Mount Alexander shire with \$1.3 million in funding for the replacement of the Vaughan-Tarilta bridge, which has deteriorated beyond repair and is no longer suitable or safe for use. Its replacement is beyond the capacity of the council without access to assistance from the country roads and bridges program.

Government contracts

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter is for the Premier and concerns transparency in government contracts. It should be no surprise to anyone that the public are completely disillusioned about government contracting and the lack of transparency surrounding major infrastructure projects. Over the past few months we have been bombarded with allegations and accusations over the east-west link. There were the same arguments, allegations and accusations over the desalination plant when the Liberal-Nationals coalition came to government in 2010. Both sides were jousting over who was virtuous and who was vile.

With the east-west link there was almost universal displeasure in the lack of transparency surrounding the negotiations and the contractual arrangements for massive compensation. While one side justifies its decision to include massive compensation payments in a contract, the other side damns the decision and negotiates its way out for, apparently, \$1. We cannot yet be sure what those negotiations ultimately contained.

The current budget contains significant road projects which will greatly benefit the state and my electorate of Western Metropolitan Region. I hope the government will see fit to go ahead with the airport rail link in the next budget, as I noticed it is missing from this budget. Development and infrastructure is a good thing, but what does the government intend to do in the negotiations on the construction of these latest projects, and will those negotiations be shrouded in secrecy? Will those negotiations be over and the contract signed before the public can have any input? Will there again

be massive compensation clauses? And will every inquiry about costing be met with the parroted response of, 'Commercial in confidence, commercial in confidence'?

Every worker, every family, every small business, every farmer, every contractor, every taxpayer in this state is fed up with compensation clauses that make it enormously profitable for a project to fold. Ask any contractor and they will tell you that if a project is scrapped, they should be entitled to reimbursement for costs expended and possibly for demonstrated profits that have been lost over the period of the project to date. I and the rest of Australia would like to know when we are going to be let in on these negotiations that put our savings, our tax dollars and our future on the line. There is no justification for these massive compensation clauses, and neither this nor any other government has a right to make a commitment to which the people of Victoria would never agree. No government has a mandate for secrecy. No government has a mandate to squander the public purse.

I call on the Premier to ensure that all negotiations for the major government contracts that are contained in the current budget are conducted with the openness, honesty and transparency that the Victorian public expects and that no commitments are made without the knowledge of the Victorian people.

The PRESIDENT — Order! I will let the member's adjournment matter stand — and certainly there was a call for action to the Premier with regard to the performance of the government — but the contribution had all the hallmarks of a set speech. That concerns me because adjournment matters are not to be set speeches. The remarks made are to be in support of the action requested of the minister. This contribution probably erred on the wrong side of the ledger; nonetheless, I will let it stand tonight. Members need to be mindful of that issue.

Barwon Health North

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Health. The matter I raise is in relation to the previous coalition government's commitment to a new healthcare service, known as Barwon Health North, in the northern part of Geelong. Last May the then Premier, Denis Napthine, the member for South-West Coast in the Assembly, and the former Minister for Health, David Davis, announced a new \$28 million innovative and integrated community-based ambulatory care service model providing an urgent care centre

incorporating the Corio community centre into this proposed new facility.

At the time this healthcare investment in the north of Geelong was heralded as unprecedented, and it surprised many that it took a coalition government to provide health funding to a region that was strongly held by Labor but was ignored by both federal and state Labor MPs for decades. I congratulate David Davis, Denis Napthine, their departments and the coalition government on their commitment to this very important service in the north of Geelong, because it was identified as an area highly in need of health services.

It was an important commitment given that one-third of category 4 and 5 patients presenting at Geelong's emergency department were from Geelong's northern suburbs. While this announcement was made in early May 2014, prior to the budget, a proposed site was under consideration in consultation with the City of Greater Geelong.

I raise this matter because prior to the caretaker period last year it was reported in the *Geelong Advertiser* that the Department of Health wanted to start building the new Barwon Health North health hub in early 2016. But I have scanned the budget papers — and I have them all here in front of me — and the only reference I can find in relation to a commitment from Labor is on page 41 of budget paper 4, where it indicates that the estimated cost of expenditure for Barwon Health North is now \$33 million, and the expenditure as at June this year is \$380 000. There is a line item that suggests \$1.7 million has been allocated for the 2015–16 financial year.

I have googled Barwon Health North, but I can find no reference made to it by any of the sitting Labor MPs since that announcement in October. Because I have been told that the directive from government is that opposition MPs are not to talk to Barwon Health to gather information in relation to this commitment, I ask that the minister provide an assurance that the government is committed to this health service for northern Geelong and that she provide to the chamber a construction time frame for this facility.

Mornington Peninsula wine industry

Mr MULINO (Eastern Victoria) — My adjournment matter is for the Minister for Agriculture. I ask the minister to provide an analysis of the likely benefits for the Mornington Peninsula wine industry of measures contained in the budget. The Mornington Peninsula wine industry is substantial and includes over 200 vineyards and 50 wineries. Something of the order

of 8 kilometres squared is currently planted. I cannot claim to be the most discerning consumer, but I have been informed by reliable sources that wine from this region matches wine from any region in the rest of the country. The wine industry is a major direct employer for the region and indirectly supports a significant tourism industry that serves people from across the state and beyond.

It is worth noting that the industry, while substantial, has endured quite a roller-coaster history over the last century and a half. The first plantings took place in 1886 in Dromana, and within five years there were six registered vineyards. Since then there have been periods of substantial turmoil. A significant economic downturn in the 1920s directly affected the industry. There were major bushfires in the 1950s, which wiped out many vineyards. Continuous production on a major scale did not return until the 1970s in Mornington. Of course since that time the industry has significantly expanded to its current level. It is worth noting that history and also the fact that the wine industry, both domestically and internationally, is incredibly competitive. It is an industry which needs assistance.

Our state has a number of natural comparative advantages for the wine industry. It is an industry which has been highlighted as potentially a future high value-added growth sector. It is important that through the budget, and the government's actions more generally, we support industries like this, which are vital for our state's economic vitality. I put on the record my support for the wine industry, which is an important one in my electorate. I look forward to the analysis of how it is going to be supported.

Thompsons Road duplication

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Roads and Road Safety, Mr Donnellan. It concerns the improvements to Thompsons Road that were promised by the then Labor opposition prior to the election. I cite an article from the *Cranbourne Leader* dated 24 June 2014, headed 'Labor pledges \$175 million for Thompsons Road duplication'. The article says:

... the opposition has announced it will duplicate Thompsons Rd between EastLink and Clyde Road, if elected.

Labor's \$175 million commitment is set to ease traffic snarls on a section of road that carries more than 24 000 vehicles each day.

The article continues:

Narre Warren South state Labor MP Judith Graley said the works will 'put an end to the bumper-to-bumper traffic that is costing local families and businesses both time and money'.

Most of this important arterial road sits outside of my electorate, but many constituents in my electorate use Thompsons Road as a way to access the broader arterial network.

We go from that announcement in June of a \$175 million investment from Labor to today's media release from the Minister for Roads and Road Safety. Towards the end of the media release it states:

The budget provides \$20.5 million to commence —

and I emphasise the words 'to commence' —

the duplication of two congested sections of Thompsons Road in Cranbourne, between Frankston-Dandenong Road and the South Gippsland Highway, and between Narre Warren-Cranbourne Road and Clyde Road.

What we have seen is a commitment from Labor before the election of \$175 million evaporate down to \$20 million. The action I seek from — —

Mr Mulino interjected.

Mr O'DONOHUE — I hope Mr Mulino will join me in advocating for our mutual constituents in Eastern Victoria Region. I pick up the interjection that Mr Mulino will advocate to the minister for roads to allocate the \$175 million. I thank Mr Mulino for acknowledging the failure of Mr Donnellan to honour the commitment that Mr Donnellan made, and I welcome working with Mr Mulino to hold the government to account to provide that allocation.

The action I seek from Minister Donnellan is an explanation of where the missing millions have gone.

Midfield Group

Mr PURCELL (Western Victoria) — The matter I raise is for the Minister for Planning. I congratulate the minister on today's announcement of two multimillion-dollar projects for the Midfield Group in Warrnambool, which have been approved. The downside of this is that Midfield has been trying to get these projects approved for at least the last 12 months. The local council applied to the previous government to call this project in, which was refused. Midfield has been working with the current government since it was elected to try to get these projects approved.

Unfortunately the issue is that last Thursday the South Australian government gave planning permission for the milk processing plant to be built in Penola, and

Midfield Meats has decided that the plant that it would have built on the water at Warrnambool will go to Penola, which means that 60 jobs will be lost from Victoria. The company was very keen to build this plant in Warrnambool, but unfortunately under the planning requirements in this state the process to be undertaken is a long and arduous one.

In today's Warrnambool *Standard* Mr McKenna, the managing director of Midfield Meat International, is quoted as saying:

It was only about two weeks from when we put in the application until we got the all clear ... I was amazed by how quickly it all went through — it's such a contrast to what we have faced here.

The article continues:

Midfield is still awaiting city council approval for a Warrnambool factory, having been cleared by a planning panel that sat for eight days.

The Penola project was fast-tracked by a South Australian government agency, Invest SA, tasked with navigating the planning process for large projects.

I ask the planning minister to review the current planning processes. Planning applications that generate jobs should be streamlined, processed efficiently and effectively, and fast-tracked.

Local learning and employment networks

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Training and Skills and is in relation to local learning and employment networks, commonly known as LLENs. There are 31 LLENs in Victoria, and I have quite a few in my electorate, including the Central Grampians LLEN in Ararat, the Geelong Region LLEN in Geelong, the Glenelg and Southern Grampians LLEN in Hamilton, the Highlands LLEN in Ballarat, the South West LLEN in Warrnambool and the Wimmera Southern Mallee LLEN in Horsham.

More than half of Victoria's LLENs are in regional Victoria, and we all know they assist young people in being job ready and gaining the relevant skills that are required for gainful employment. LLENs work with those who are disengaged or not engaged in the school system as well as those who are at risk of not being engaged, along with retrenched workers and older workers.

I was grossly disappointed last year when the previous government walked away and shifted its responsibility for funding LLENs to the Abbott government. Once that occurred the Abbott government quickly cancelled

its funding of the LLENs, so it was a delight to see in the budget papers today that \$32 million has been allocated to LLENs across Victoria. It is a fantastic announcement — there is no doubt about that — and I am sure the ongoing work of the LLENs will be fulsome to say the least.

The concern I have is that I think it is very important to have LLENs that reflect the communities in which they work, and those communities are quite diverse. I do not think we should ever walk into a situation where one size fits all, because the needs of our community members are very different. What I seek from the minister is further information about how LLENs will focus on industry, youth and employment about whether there will be further reporting mechanisms to provide a greater focus in terms of the state government's drive to provide jobs and about youth unemployment coming off the books in order to get this state moving again.

Melbourne Metro rail project

Mr DAVIS (Southern Metropolitan) — My matter is for the Minister for Public Transport, and it concerns policies announced today in relation to the budget and the impact of those policies on my electorate of Southern Metropolitan Region.

I note that in table 1.7 on page 36 of budget paper 3, the Melbourne Metro rail project is listed. The table indicates that \$40 million is allocated for 2014–15, \$122.4 million for 2015–16, \$137.6 million for 2016–17, \$420 million for 2017–18 and \$840 million for 2018–19. The table also indicates that this will be a \$9 billion to \$11 billion project. Even my elementary arithmetic suggests that those numbers do not remotely add up to \$9 billion or even the enormous range between \$9 billion and \$11 billion.

On page 42 the entry that relates to this project indicates that Melbourne Metro will include a new rail tunnel with five new stations, which I would suggest are Arden, Parkville, CBD North, CBD South and Domain. The entry also indicates that Melbourne Metro will increase public transport passenger capacity and reliability.

My electorate of Southern Metropolitan Region includes the Assembly electorate of Prahran and South Yarra station. The coalition's rail project, which was cheaper but more effective, would have gone from South Yarra with a rail connection to Domain, across to Fishermans Bend, to Spencer Street, or Southern Cross,

station and ultimately to the airport, with an airport rail link connection being part of that project.

The coalition's project would have seen the connection of South Yarra station to all the other lines at South Yarra, but in Labor's plan — and I was horrified when I saw this confirmed in the budget today — there will be only five, not six, new stations and no connection of South Yarra to the Melbourne Metro rail project. Under this plan the new rail line will pass by at a depth of about 40 metres with no connection to any of the lines at South Yarra station and no ability to connect with that major focal point in my electorate.

I seek from the minister that she reconsider the position of South Yarra station and reconsider ways of connecting it to her Melbourne Metro rail project. I note that this is a wild and woolly project that has no proper costings and no proper business case, as we have heard from the Premier. In addition, the costing range is \$2 billion wide, with the allocations not even remotely adding up.

I am concerned for the people who live in South Yarra, Prahran and Southern Metropolitan Region given that under the government's plans there will be no connection to that important railway junction at South Yarra, so I seek a reconsideration of this by the minister. I ask that as she develops and seeks funding for the project, she consider South Yarra station.

Autism-specific and special schools

Mr FINN (Western Metropolitan) — I raise a matter this evening for the attention of the Minister for Education. I am currently in the process of visiting a number of schools and groups throughout the state that cater for children with autism. As part of that process I have been privileged and honoured to meet with parents and teachers who have shared with me their life stories, some of the problems and difficulties they have faced and some of the hopes and aspirations they have for their children and families.

As we know, some children will only ever be able to attend special schools, or autism-specific schools in other cases, but there is a growing push for their inclusion in mainstream schools. In recent times I have heard some horror stories of children being treated by teachers who know nothing about how to handle children with special needs in ways that we would not expect children to be treated.

I was very pleased when I was at Mill Park last Friday to speak with a group there who reminded me that the Minister for Education had made a promise prior to the

last election, when in opposition, that he would require all teachers in Victorian schools to have training in special education. I wonder how practical this is, but I think it will be a very positive move if it can be done. It has to be said that some of those parents expressed a degree of cynicism about whether this promise would be fulfilled, but again I hope that it will be.

I ask the minister to get on with implementing this promise. Life is difficult enough for these families without them being let down by the government, so I ask the minister to get on with implementing the promise he made and ensure that every teacher in every Victorian school is qualified as a special education teacher, which will go at least part of the way towards ensuring that they know how to handle children with special needs and that those children get a fair go whilst they are receiving their education.

Responses

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — There were nine adjournment matters tonight addressed to various ministers by various members of this house.

Ms Lovell addressed her adjournment matter to the Minister for Roads and Road Safety.

Dr Carling-Jenkins addressed her adjournment matter to the Premier.

Mr Ramsay's adjournment matter was to the Minister for Health.

Mr Mulino's adjournment matter was addressed to the Minister for Agriculture, who is also the Minister for Regional Development.

Mr O'Donohue's adjournment matter was to the Minister for Roads and Road Safety.

Mr Purcell's adjournment matter was to the Minister for Planning.

Ms Tierney's adjournment matter was to the Minister for Training and Skills.

Mr Davis's adjournment matter was to the Minister for Public Transport.

Mr Finn's adjournment matter — and it was a good adjournment matter, by the way — was to the Minister for Education.

I also have written responses to adjournment debate matters raised by a number of members — in fact I have 30 of those.

The PRESIDENT — Order! I take it that the matters that were raised tonight will be referred to those respective ministers, as the minister has enunciated.

Mr SOMYUREK — Absolutely.

The PRESIDENT — The house stands adjourned.

House adjourned 10.03 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Firewood collection

Question asked by: Mr Young
Directed to: Minister for Families and Children for Minister for Health
Asked on: 15 April 2015

RESPONSE:

Thank you for raising the issue of community access to firewood in the Barmah Forest on 15 April 2015 in the Legislative Council. I understand you also met with Minister Hennessy on 15 April 2015 to discuss the issue. I am grateful for your advocacy on this issue and for bringing the matter to our attention.

Minister Hennessy and I are committed to working with you to investigate alternative options, in collaboration with other Ministers, to ensure residents are not disadvantaged. These alternative options include energy concessions to reduce the cost burden to disadvantaged Victorians and working with the Minister for Environment, Climate Change and Water to find alternative sources of firewood for community members.

Ministerial code of conduct

Question asked by: Mrs Peulich
Directed to: Special Minister of State
Asked on: 15 April 2015

RESPONSE:

All ministerial staff have completed declaration of private interest forms, as a condition of their employment.

In addition all staff have signed letters of offer which acknowledge adherence to a ministerial staff code.

Firearms

Question asked by: Mr Bourman
Directed to: Minister for Training and Skills for Minister for Police
Asked on: 15 April 2015

RESPONSE:

I am advised by Victoria Police that the number of crimes committed by licensed firearm owners, with legal weapons, in the last 1 and 5 years is as follows:

2013/14 – 37
2012/13 – 40
2011/12 – 46
2010/11 – 44
2009/10 – 30

I am advised by Victoria Police that the organisation only has statistics over the five year period. The database which has been used to search against the requested crime statistics only stores firearm ownership details for the last seven years. Therefore, Victoria Police has advised that results for the 5-10 year period would be inaccurate.

In response to the supplementary question relating to the direct costs of the registration of firearms on a yearly basis, I am advised that the direct costs incurred by the Licensing and Regulation Division (LRD) are as detailed in the table below.

These direct costs incurred by LRD, as the regulator of firearms, covers the administration cost of the firearms licensing system, specifically the assessment of applications for firearm licences, authorities and permits. The regulator's costs also include the monitoring and compliance role, ensuring that firearm licence holders comply with their legislative obligations.

It should be noted that Regulatory fees and charges are determined in accordance with the Department of Treasury and Finance's Cost Recovery Guidelines. These guidelines provide that the cost of fees and charges should include direct and indirect costs of administering the regulatory regime. Hence, these costs should not be taken to be the entire cost of regulating the firearms industry in Victoria.

LRD Direct Costs

(Ten Year Summary)	\$000
	Direct Costs
As at March 2015	8,406
As at June 2014	10,289
As at June 2013	10,709
As at June 2012	10,873
As at June 2011	10,830
As at June 2010	10,006
As at June 2009	10,286
As at June 2008	10,855
As at June 2007	10,780
As at June 2006	10,059

Infrastructure projects

Question asked by: Ms Wooldridge
Directed to: Special Minister of State
Asked on: 16 April 2015

RESPONSE:

The Macquarie Dictionary defines 'shovel-ready' as follows:

adjective (of a building or infrastructure project) capable of being initiated immediately as soon as funding is assured.

For example, the Andrews Labor Government has committed \$1.5 billion in the 2015-16 budget for the commencement of planning, design and significant early works for the Melbourne Metro Rail Link project.

Initial works, which include the commencement of geo-technical drilling, began on the same day that \$1.5 billion was announced for this project..

Melbourne Metro rail project

Question asked by: Mrs Peulich
Directed to: Special Minister of State
Asked on: 16 April 2015

RESPONSE:

The Melbourne Metro Rail Project will benefit passengers across the entire metropolitan and regional train network and commuters on the Cranbourne and Pakenham lines will be among the biggest beneficiaries.

Commuters on the Cranbourne and Pakenham lines will have five new stations including Domain at St Kilda road, two new CBD stations and a station at Parkville for the hospital and university precinct. They will have seamless connections to all the existing city loop stations including Flagstaff, Southern Cross and Parliament and to Richmond Station.

In conjunction with the Andrews Government's improved plans for the Cranbourne Pakenham Rail Corridor all commuters travelling on these lines will have faster, more frequent, more comfortable services to more destinations. While all commuters will be inconvenienced by the significant and unavoidable disruption during the construction of both these major projects they will all have a far more convenient transport system once they are complete.

Water catchment management

Question asked by: Mr Purcell
Directed to: Minister for Small Business and Trade for Minister for Environment, Climate Change and Water
Asked on: 16 April 2015

RESPONSE:

Catchment management authorities have the lead role in the regulation of estuary entrance openings. Decisions on artificial estuary openings follow a state-wide process, however the ultimate decision is made case-by-case. This is due to;

- the variation in the environmental, social and economic values of Victoria's estuaries across the state; and
- the impact associated with a particular water level within individual estuaries may vary depending on the time of year.

For these reasons a state-wide trigger point for opening estuary entrances is not appropriate.

In the recent case of the Glenelg River, a risk-based assessment was conducted prior to Easter and consent issued to open the estuary on 26 March 2015. However, while consent was issued to Parks Victoria on 26 March it was not feasible to open the estuary until 1 April 2015.