PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 16 August 2016

(Extract from book 11)

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

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HANSARD150

1866–2016

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

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

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

> As a preface to the first volume of "Parliamentary Debates" (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.
>
> With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.
>
> This volume contains the complete reports of the proceedings of both Houses during the past session.

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016]	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms G. A. Tierney, MLC

Legislative Council committees

Privileges Committee — Ms Hartland, Mr Herbert, Ms Mikakos, Mr O'Donohue, 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

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

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

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

participating members

Legislative Council select committees

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

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 Bourman, Mr Elasmar and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.

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

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

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

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*): 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*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, Ms Kilkenny and Mr Pesutto.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

Acting Presidents:
Ms Dunn, Mr Elasmar, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin [3]	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	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	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Resigned 25 February 2015
[2] Appointed 15 April 2015
[3] Resigned 27 May 2016

PARTY ABBREVIATIONS

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

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Tuesday, 16 August 2016

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

ACKNOWLEDGEMENT OF COUNTRY

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

ROYAL ASSENT

Messages read advising royal assent on 28 June to:

Appropriation (2016–2017) Act 2016 *(Presented to the Governor by the Speaker of the Legislative Assembly)*
Appropriation (Parliament 2016–2017) Act 2016 *(Presented to the Governor by the Speaker of the Legislative Assembly)*
House Contracts Guarantee Repeal Act 2016
Justice Legislation (Evidence and Other Acts) Amendment Act 2016
Rural Assistance Schemes Act 2016
State Taxation and Other Acts Amendment Act 2016
Treasury and Finance Legislation Amendment Act 2016.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

The PRESIDENT — Order! It is also my duty and pleasure to advise the Council that I have received a letter from Sally Branson, the state director of The Nationals. In respect of the casual vacancy for Northern Victoria Region, she writes:

> I understand there should be a joint sitting of the Parliament of Victoria to fill the position that was made vacant in the Legislative Council upon Mr Damian Drum's resignation.
>
> In accordance with section 27A(4) of the constitution, The Nationals for regional Victoria nominate Mr Luke O'Sullivan …

and The Nationals have provided his address —

> to fill the vacancy.
>
> Mr O'Sullivan has been duly elected by The Nationals for this vacancy and is qualified to sit as a member of the Legislative Council.
>
> I would be most appreciative if you could advise our office of the timing of the joint sitting once it has been arranged.

Ms WOOLDRIDGE (Eastern Metropolitan) — I desire to move, by leave:

> That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Damian Drum and proposes that the time and place of such a meeting be the Legislative Assembly on Wednesday, 17 August 2016, at 6.45 p.m.

Leave refused.

Ms Wooldridge — On a point of order, President, it is a longstanding tradition and also a matter of absolute common courtesy that a member who has been chosen to fill a vacancy is allowed to do so at the earliest possible — —

Honourable members interjecting.

Ms Wooldridge — It is a matter of tradition and common courtesy that a joint sitting be held at the earliest possible opportunity to fill a vacancy in this house. You have the notification, the documentation from the party, in relation to that. In the absence of the government, which would normally initiate this process but has not proposed to undertake it, doing so, we have very reasonably put forward this motion that this happen tomorrow evening.

This means Mr O'Sullivan cannot even establish his office to represent his constituents and meet with them in his local community; he cannot even have an email address. It is an absolute outrage that the government is refusing to fill a vacancy, which has been a courtesy applied to it many, many times; that it refuses leave; and that it refuses to initiate this process. We will be opposing this in the strongest possible way, and we will be putting a motion to make sure that this joint sitting can happen at the earliest possible opportunity.

Mrs Peulich — On the point of order, President, by means of interjection the implication was made that this was some sort of tit-for-tat measure, a dummy spit of major proportions. Ms Mikakos said that we were denying Mr Jennings the opportunity to fulfil his duties as an elected member of Parliament. This is not the case; Mr Jennings continues to act as a member of Parliament. What this is is a denial of the right of this region to actually have a member elected to this place as per the constitutional arrangements.

I have also heard other interjections saying that we pick and choose our traditions. No, we do not. This house agreed to a motion that Mr Jennings is bound by. The answer is in his hands. It was not breaching convention or protocols. I think this would be a very grave direction for this chamber to follow, the ramifications of which could be very, very significant should there be other opportunities when other positions are called upon to be ratified — for example, Senate positions. We certainly know that the government is not averse to stacking boards or picking and choosing its traditions. This side of the house does not; it observes them to the letter of the law. The letter of the law would require that the member be given the right to be sworn in this house so that he can begin to represent his community as per the constitution of this state.

Mr Davis — Further to the point of order, President, it may be instructive to the house to know something of the background for this. When the rules that govern this house, the constitution, were changed in 2006 in effect following that election, there was a series of discussions. I was then Leader of the Opposition and Mr Lenders was then Leader of the Government. A process was discussed, and a tradition — I think a good tradition — was established by which there would be a swift filling of such vacancies. I think it would be very unfortunate for the house into the future if this were not maintained in a very fair and even-handed way. I think it is in the interests of democracy in this state that it be maintained. I would not want to see an Albert Field sort of situation or some other bizarre scenario where the will of the people was frustrated unhelpfully.

Ms Pulford — On the point of order, President, I thank the members of the opposition for their faux outrage and lectures to us about tradition and convention in this place, but in response to Ms Wooldridge's point of order I would indicate to the house that the Leader of the Government will move the motion, as is the longstanding tradition, upon his return to the chamber.

Ms Lovell — Further to the point of order, President, the constitution provides that each region in Victoria is represented by five members of Parliament. The people of Northern Victoria Region have the right to expect that they will be represented by five members of Parliament. That provides for five offices throughout Northern Victoria Region. Currently the office in Bendigo is closed because there is no member occupying that office, and it cannot be opened until this nominated member is sworn in. This is denying the people of Northern Victoria Region their democratic right to have access to members of Parliament. I think it is deplorable, and it should be actually noted that the two members for Northern Victoria Region on the Labor Party benches, Jaclyn Symes and Steve Herbert, are opposing the motion to have a member nominated for Northern Victoria Region being sworn into this chamber.

Ms Pulford — Further on the point of order and in response to Ms Lovell, each of the eight regions has five members. The Leader of the Government is indeed also a member representing South Eastern Metropolitan Region. People could perhaps do a quick headcount and see just how well that region is represented in this place on this occasion. As I indicated, the Leader of the Government upon his return will move the motion that members opposite seek.

Ms Bath — On the point of order, President, it is not faux outrage; it is actually real outrage that we have not got our representative sitting in here in the next few days, and the other point being that it is so critical that we have a full contingent. The bottom line is that due process needs to be followed. In the other consideration due process was followed, whereas this is replacing it with what I feel is some very, very childish operation.

Mr Davis — On the subsidiary point of order, President, I think the acting Leader of the Government may have misled the house inadvertently. There is not a full contingent. In fact a member for Northern Victoria Region has not been sworn as a member of this chamber, so there is in fact not a full contingent.

The PRESIDENT — Order! I note the various points of order, which were also extended to some matters of debate as distinct from actual points of order. I make the point that it would be my expectation as Presiding Officer, recognising the entitlements of members and the entitlements of the voters of Victoria, that a member who was a prospective member and who was selected according to the rules of their party and the provisions of this house and the Parliament in accepting a member's nomination from a political party, that that would be expedited by the house at the earliest opportunity.

I do not believe that it is appropriate that the appointment of a new member to the Parliament ought to become a political football in respect of other matters that might be before the Parliament. There is a very big distinction here, as a couple of members have made in their points of order. The distinction is that this is a member prospectively who has been properly chosen to represent both his party and the voters of his electorate in this place in accordance with our standing orders, the constitution and indeed the practice of this house and this Parliament. Can I indicate that there is absolutely

no connection — no connection — with the suspension of the Leader of the Government from this house. The reason is this: I am bound, as I have indicated to the house previously, by the standing orders of this house. In respect of the matter of the satisfaction of this house about the provision of documents, there is a process that is laid down in the standing orders for arbitration on those matters if the government believes that documents should not be released and the house is unsatisfied, and the Leader of the Government has chosen to ignore those provisions of the standing orders.

Whilst I have indicated that I think six months was an outrageous period for suspension — totally over the top and unnecessary — and I can understand the government's concern and outrage at that decision, nonetheless I am bound by those standing orders which actually lay down a process, a proper process, and that process is not being used despite the fact that it is there as a circuit-breaker to the issue that has led to the suspension of the Leader of the Government.

So we have a process, a proper process, to address that issue, and we ought to address that issue rather than to tie it in and make a political football of a prospective member of this house. That is not appropriate. In fact it denies not just the member — and there are ramifications for that prospective member anyway — but obviously denies also the voters of Victoria of his electorate some measure of representation in this place. As Presiding Officer that concerns me, because as I have said previously in this place, I see it as one of one of my fundamental responsibilities to protect and to promote the entitlements of members to take their place in this place and to discharge their duties and responsibilities, as would be expected by the electors of Victoria.

It is not an issue that the nomination of this prospective member relies on a motion initiated by the Leader of the Government. Indeed anyone could put that motion to the house. It does not rely on the Leader of the Government. There is no requirement under standing orders for the Leader of the Government to be the person who nominates that person, therefore the suspension of the Leader of the Government has no contingency in this matter.

Ms Pulford — On a point of order, President, with your indulgence, if I could briefly respond to a number of other matters you raised in your comments just now and just for the benefit of the house indicate that the government's every attempt to have a constructive dialogue with the opposition over the winter break on these matters has been frustrated. Every attempt has been rebuffed, and the government is willing to engage in meaningful dialogue with the opposition as soon as they are ready to come to the table and participate in constructive discussions.

Ms Wooldridge — On the point of order from the deputy leader, President, I am sorry but that does require a response because of the fact that it is blatantly untrue. The facts of the matter are that after a very constructive meeting at which the Leader of the Government indicated a lot of concern from his own party about reaching some resolution on this matter, the subsequent meeting was cancelled at short notice by the Leader of the Government. I have subsequently written laying out in great detail in response how this matter can be resolved and a pathway to do that, to which I have had no response from the Leader of the Government.

You may have been unfortunately briefed in relation to the facts of the matter, but the facts are there has been every engagement from the coalition in relation to the positive resolution of this matter, because as we have always said, in the face of the government denying the established process in the standing orders in order to determine a process that is acceptable to the government, we are seeking to engage at every turn. It is the government that has cancelled the meetings and the government that is not responding to correspondence.

Mr Leane — On the point of order, President, I am not too sure what part of the formal proceedings this whole debate was triggered by. A member has a right to move a motion by leave. One member of this chamber has a right to deny that leave. That triggers that the member has a right to put that particular motion on the notice paper tomorrow if they choose to. I think it is actually quite bizarre that in the last half-hour we have been using government business time around this issue about where someone sought to move a motion by leave and leave was not granted. They should follow the process that affords them the right to move their motion tomorrow, and we should move on with business.

The PRESIDENT — Order! On the points of order raised by the Deputy Leader of the Government and the Leader of the Opposition, I have absolutely no intention of ruling on either of those. That is a matter obviously of contention between the two parties. But I accept what Mr Leane has put in terms of the process going forward, and I simply indicate in respect of the Deputy Leader of the Government's and the Leader of the Opposition's comments by way of their points of order that they have nothing to do in my view, as I have tried

to delineate in these matters, with the fundamental matter that is before the house and that was given rise to by the correspondence and a motion that was put by a member with leave denied that in fact sought a joint sitting. That is the issue that is effectively before the Chair, not the other extraneous matters.

QUESTIONS WITHOUT NOTICE

Corrections system

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, the corrections system under your watch is in chaos and dysfunction, with prisoners growing and using illegal drugs and multiple recent escapes. This chaos and dysfunction is further reflected in the number of prisoners held in police cells being consistently well above the target of no more than 100. Minister, with advice that 275 prisoners were in custody in police cells last night, now after more than a year, when will this unacceptable situation be brought under control and the target of less than 100 consistently be met?

Mr HERBERT (Minister for Corrections) — I thank Mr O'Donohue for his question. He knows it is a very complex issue that he is talking about, and I will take that on notice and get back to him.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — It is most disappointing that the minister continues to take questions on notice, despite having been the minister now for several months. By way of a supplementary I ask: Minister, as you are aware, overcrowded police cells mean that prisoners are not being presented to court. Minister, as you are also aware, overcrowded police cells and prisoners not being presented to court have caused enormous frustration for the judiciary, including those comments reported of magistrate Timothy Walsh. So, Minister, I ask: since 1 July 2016 how many prisoners have not been presented to court because of the overcrowding in police cells?

Mr HERBERT (Minister for Corrections) — I thank the member for his supplementary question. Of course the member knows that there were about 370 — over 370 — prisoners in police cells during his time in office. But I will take that on notice and get back to him.

Local government code of conduct

Mr DAVIS (Southern Metropolitan) — My question is to the Deputy Leader of the Government representing the Special Minister of State, who has responsibility for the inspectorate functions under the Local Government Act 1989. Minister, I refer to the botched implementation of new local council code of conduct laws that will see 13 Victorian councils and more than 100 councillors disqualified from 1 September, and I ask: does the government have legal advice concerning the impact of this government blunder on decisions made by local government, and if so, will you release that legal advice?

Ms PULFORD (Minister for Agriculture) — As I have indicated on previous occasions, I am not representing the Special Minister of State. The Special Minister of State is in the building. He is available to come in and answer questions or matters relating to his own portfolios and those of our ministerial colleagues in the lower house whom he represents.

The PRESIDENT — Order! Are we getting no written response to that?

Ms PULFORD — I can seek a written response.

Supplementary question

Mr DAVIS (Southern Metropolitan) — President, that is hopeless. Nonetheless, in relation to the debacle described by the chief executive of the Municipal Association of Victoria as 'absolute bullshit' and 'bureaucracy gone mad', does the government have specific legal advice concerning whether affected councillors are able to stand for re-election? If so, will you release that advice, and if not, why not?

Ms PULFORD (Minister for Agriculture) — I will pass Mr Davis's question for the Special Minister of State in his absence onto him and seek a response.

Right to farm

Ms BATH (Eastern Victoria) — My question is to the Minister for Agriculture. Minister, why is the right-to-farm review now nine months delayed and behind schedule?

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her interest in the right-to-farm review. The government has received this review, is considering it and will be making public statements on this in the not-too-distant future. I will provide a detailed response to Ms Bath in writing.

Supplementary question

Ms BATH (Eastern Victoria) — I look forward to that response. I refer the minister to her own comments printed in the *Weekly Times* that she is committed to,

and I quote, 'working through the issues quickly', end quote, when it comes to right-to-farm disputes. With Victorian farmers like beef cattle farmer David Blackmore being forced to abandon business plans and move properties due to right-to-farm disputes, why have you reneged on your commitment to work quickly and left farmers exposed to business shutdowns and costly relocation bills?

Ms PULFORD (Minister for Agriculture) — Ms Bath makes a number of assertions that are untrue, and I will provide her with a further written response.

Right to farm

Mr RAMSAY (Western Victoria) — My question is to the Minister for Agriculture. Minister, what action have you taken to support Mount Duneed grazier Stan Larcombe, whose historic farmland is the subject of a compulsory acquisition by Public Transport Victoria (PTV), which wants the land to set up new train stabling yards?

Ms PULFORD (Minister for Agriculture) — I thank Mr Ramsay for his question. I will provide him with a response in writing.

Supplementary question

Mr RAMSAY (Western Victoria) — Minister, you have form of previously personally intervening in right-to-farm planning disputes, such as that of cattle farmer David Blackmore. Mr Larcombe and his family — and I have visited them — have farmed this land for 112 years, and the dispute with PTV has dragged on for months, with no communication from the government. Why is the protection of Mr Larcombe's right to farm not important enough for you to personally intervene?

Ms PULFORD (Minister for Agriculture) — I thank Mr Ramsay for his further question and again will provide Mr Ramsay with a detailed response. But again, as was the case with Ms Bath's questions, Mr Ramsay is asserting things to be fact that are simply not true.

Back to Work scheme

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is for the Deputy Leader of the Government representing the Treasurer in the absence of the Special Minister of State. Without the need to disclose personal information of employees, exactly how many payments as part of the Back to Work scheme did each company — Flight Centre Limited and AFL SportsReady Limited — receive during the January–March 2016 quarter and separately the April–June 2016 quarter, and what was the total value of taxpayer-funded payments made to each company during each of those reporting periods?

Ms PULFORD (Minister for Agriculture) — I thank Ms Wooldridge for her question. I think the opposition are a bit rusty after the break. I am not representing the Treasurer in this chamber. The Special Minister of State represents the Treasurer in this chamber. But I will seek a written response for Ms Wooldridge.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — Obviously the absence of the government answering questions leads them to try and make cute points of order, or cute responses, but we all know that the deputy leader is passing these through, as I clearly said in my substantive question. My supplementary is: of the hundreds of payments received by Flight Centre Limited and AFL SportsReady Limited, how many have been audited by the Department of Treasury and Finance or the State Revenue Office, and what is the process of that audit?

Ms PULFORD (Minister for Agriculture) — As I indicated in response to Ms Wooldridge's substantive question, I will take that on notice.

Operation Cosmas

Mr FINN (Western Metropolitan) — My question is to the Minister for Training and Skills representing the Attorney-General. This question, I should point out, does not seek any information which would identify individuals involved, and as the previous acting minister has already disclosed information to the Parliament, this question seeks an update to former Acting Minister Scott's detailed information on the outcomes of Operation Cosmas, which is targeting Victoria's gang-related crimes. So I ask the minister: as of today, of those who have been arrested as part of Operation Cosmas, how many have been given a custodial sentence and how many have been convicted and sentenced to a non-custodial order?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Finn for his question. As my colleague reminds me, some may be still going through the courts, but I will take that on notice and get back to you.

Supplementary question

Mr FINN (Western Metropolitan) — I look forward to the minister getting back to me with a response. For my supplementary question, Minister, as of today, of those who have been arrested as part of Operation Cosmas how many have been released on bail and how many people have been released without charge?

Mr HERBERT (Minister for Training and Skills) — I shall take that on notice and get back to Mr Finn with some details of those matters.

Firearms licences

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Police, represented in this house by the Minister for Training and Skills, Mr Herbert. How many shooters licences are current in Victoria?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Bourman for the brevity of his question and his long interest in these matters. I can provide a little bit of assistance to start off with. The Victoria Police annual report indicates that as of early July there were 219 005 licensed firearms in Victoria. But if I have more detail, I will come back to the member with that.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for his answer. Can I have a split of these licences as issued, by their genuine reasons?

Mr HERBERT (Minister for Training and Skills) — In regard to how many licences have been issued under a statutory genuine reason — and Mr Bourman is clearly aware of the legislation or the rules on this — I am not sure that the data is readily available, and it may take some time to generate. But I shall seek to get an answer and get back to him. I will take that on notice and get back to him.

International drivers

Mr PURCELL (Western Victoria) — My question today is for the Minister for Regional Development representing the Minister for Roads and Road Safety. In February I spoke about the licensing of international drivers on our roads after a series of accidents along the Great Ocean Road and a long history of accidents and deaths reported in my electorate. But again, this month a young Australian, Elyse Miller-Kennedy, a Miss World Australia finalist with an amazing future ahead, was killed in a head-on collision. The occupants of the other vehicle were French tourists, and it has been reported that the drivers were on the wrong side of the road. I therefore ask the minister: will she take the lead and save lives by changing our current international licensing system by ensuring that international visitors to Victoria are better educated on our road rules?

Ms PULFORD (Minister for Agriculture) — I thank Mr Purcell for his question. Any loss of life on our roads is indeed a tragedy, and the accident that Mr Purcell referred to is certainly a very, very sad experience indeed for Miss Miller-Kennedy's family and friends. Whilst the incident that Mr Purcell refers to occurred in Queensland, I am also aware of a number of accidents over the years in the region that Mr Purcell and I both represent in western Victoria where there are great numbers of tourists that are on our roads. Indeed we are working very hard to ensure greater numbers of our international visitors experience more of the delights of regional Victoria.

What I can indicate to Mr Purcell — and I will seek a further response from Minister Donnellan on this question — is that all overseas drivers are required to comply with Victorian road rules. The usual penalties apply, including demerit points, fines and disqualifications. Our laws have absolutely the same expectation of overseas drivers as they do of local drivers involved in any incident. VicRoads and other government bodies provide specific advice to overseas drivers about the common road rules, the risks particularly that apply to overseas drivers and the safe driving practices we have in Australia. Visitors not needing a visa or who hold a temporary visa can drive using a current overseas drivers licence. The drivers licence must be in English or accompanied by a translation or an international driving permit.

Permanent visa holders have some different arrangements and can drive on an overseas drivers licence for either six months from the date the person entered Australia or six months from the date when the permanent visa was issued, after which point that person needs to apply for a Victorian drivers licence — again, with the same arrangements for translation — and an overseas learners permit cannot be used.

I thank Mr Purcell for his interest in this issue and his commitment to road safety. Again I extend my condolences to the family of Elyse Miller-Kennedy on this most tragic loss for them and undertake to seek a further response from Minister Donnellan, who is the minister responsible for this matter.

Greyhound racing

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Training and Skills representing the Minister for Racing. Legislation is proceeding through the Parliament of New South Wales to put an end to greyhound racing in that state by 1 July 2017 due to the comprehensive and disturbing findings of the special commission of inquiry conducted by Michael McHugh, AC, QC. Among many other serious problems in the greyhound industry, his report found that up to 68 000 healthy greyhounds had been killed in New South Wales in the last 12 years and that the problems in the industry are 'insuperable'.

The 2015 report by the Victorian racing integrity commissioner (RIC) estimated that as many as 4000 greyhounds are killed in Victoria every year — that is 48 000 over 12 years. He said this warranted a thorough review. My question is: is the government undertaking any review into the extent of the deliberate culling or so-called 'wastage' of greyhounds that have been either injured or deemed unsuitable for racing in Victoria?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her detailed question. Of course we take animal safety and breaches of it and animal cruelty very seriously.

Ms Pulford interjected.

Mr HERBERT — And my colleague the deputy leader here in particular has introduced many measures to enhance animal welfare in this state. Can I just say that when it comes to greyhound racing we of course have taken decisive action — long before the issue arose in New South Wales — to strengthen offences for live baiting and other matters, to bolster the powers of Greyhound Racing Victoria and to really put a regime of oversight and compliance in place, and we will continue to do that. We will continue to review the effectiveness of those measures, including in relation to whelping and a whole range of things. I will, however, on the specifics get back to the member with a detailed answer.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Minister, Victoria is not on top of the situation with respect to the culture and practices in the greyhound industry, and despite your answer and the interjection from the Minister for Agriculture, Victoria has had two very superficial inquiries — the Perna own-motion inquiry, which went for four months, was about 114 pages and focused only on live baiting; and the Milne report, which went for two and a half months, was 62 pages long and did not look at the issue of wastage and culling at all — as compared to the special commission, which ran for 18 months, goes to 747 pages, with 222 pages of appendices, and is very, very comprehensive and, as I said, disturbing. So my question is: will the government commission a similar comprehensive independent inquiry into greyhound racing in Victoria?

The PRESIDENT — Order! The minister might actually have picked up on what Ms Pennicuik was saying, but I had difficulty because of all the interjections, so I would invite Ms Pennicuik to take it from the top with the supplementary question.

Ms PENNICUIK — Minister, Victoria is not on top of the situation in respect of the culture and practices of greyhound racing in Victoria, and the two reports that have been done in Victoria are very superficial. Sal Perna's own-motion inquiry went for four months, was 114 pages and focused basically on live baiting. The report of the chief veterinary officer (CVO), Charles Milne, went for two and a half months, was only 62 pages and did not look at culling or so-called wastage at all, as compared to the special commission in New South Wales, which is 747 pages long and very comprehensive in terms of the methodology used and the depth of inquiry. It has 222 pages of appendices and went for 18 months. That is why, when faced with that, the New South Wales government had no choice but to take the action it has.

My question is: will the government commission a similar independent commission of inquiry in Victoria?

Mr HERBERT (Minister for Training and Skills) — I thank Ms Pennicuik twice for her supplementary question. We have had some significant inquiries and reports in Victoria, and I dispute the issue about the quality of those inquiries. We had the RIC and the CVO reports, and when we look at the New South Wales report with 79 recommendations, we see some 30 of them were covered by the Victorian reports and inquiries and are being acted upon right now. The vast majority of the others were to do with the New South Wales regulatory regime.

Not only are we implementing those reports but we have significantly increased funding for greyhound welfare and administrative measures. Gap funding has increased by 290 per cent this financial year, funding for animal welfare has increased by 600 per cent and we are spending more on integrity and stewards — that has increased by 200 per cent this financial year. We

are putting a lot of money in. The reports were quite comprehensive. But in regard to the final decision, I shall take that on notice and seek advice and get back to Ms Pennicuik.

QUESTIONS ON NOTICE

Answers

Ms PULFORD (Minister for Agriculture) — I have answers to the following questions on notice: 4590–645, 4888, 4935, 4993, 5001, 5006–21, 5155, 5157, 5185, 5281–3, 5304, 5310–12, 5319, 5340, 5354, 5358, 5446–74, 5476–82, 5484–552, 5554–730, 5732–835, 5837–9, 5843, 5845, 5851, 5858, 5860–3, 5865, 5873, 5878, 6288, 6292, 6297.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In relation to today's questions I would indicate that in respect of Mr O'Donohue's questions to Mr Herbert, both substantive and supplementary, the minister has indicated that he will provide a written answer; that is for one day.

Regarding Mr Davis's questions, both substantive and supplementary, to Ms Pulford, which go to the jurisdiction of Mr Jennings, it has also been indicated that there will be a written response to those questions, and given it is Minister Jennings, that is one day.

Ms Bath's questions to Ms Pulford in respect of her own portfolio responsibilities, both substantive and supplementary, will have a written response; Mr Ramsay's question to Ms Pulford, again the substantive and supplementary questions, will have a written response. In the case of both Ms Bath's and Mr Ramsay's questions that is one day.

With respect to Ms Wooldridge's questions to Ms Pulford, substantive and supplementary, which were for the Treasurer, the minister advised that written responses will be forthcoming. That would be two days.

Regarding Mr Finn's questions to Mr Herbert in respect of questions to be directed to the Attorney-General, both substantive and supplementary, Mr Herbert has indicated that written responses will be forthcoming, and that is two days.

Regarding Mr Bourman's questions to Mr Herbert, both substantive and supplementary, Mr Herbert has undertaken to provide a written response. That is one day.

In the case of Mr Purcell's question to Ms Pulford, the minister gave a fulsome response to the particular issue that was raised but nonetheless also indicated that she would raise the matter with Minister Donellan, who might well wish to provide some further information. If that is the case, then that would be two days.

Regarding Ms Pennicuik's questions, both substantive and supplementary, to Mr Herbert, which are a matter for Mr Pakula in another place as the Minister for Racing, Mr Herbert has indicated that written responses to those two questions will be forthcoming. That would be a two-day position.

Mr Herbert — On a point of order, President, just to clarify, regarding the question Mr Bourman asked me about the split in genuine reasons, of course I should have said that you have to have genuine reasons to be issued with a firearms licence, and I have taken his question to mean: is there a breakdown between the statutory genuine reasons and how much was in the breakdown of each genuine reason?

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Public Transport, and it is regarding the lack of facilities and rail services at the Murchison train station. The lengthy list of concerns includes the lack of toilets and drinking water, particularly as this is the closest station to the Dhurringile Prison. The prison runs a pick-up and drop-off service, but family groups often face a significant wait for a train service. The lack of water is particularly concerning during the long hot summer.

The list also includes inadequate lighting, especially in the car park; the need for surveillance cameras both for safety and for damage prevention, as the fire brigade have been called to a number of fires in the shelter; the lack of an emergency phone; the limited number of services, particularly for residents needing to access Shepparton for medical appointments, work, shopping, employment and so on; and the lack of wi-fi on trains. There is also the isolation of the station, which is 2 kilometres out of Murchison, yet there is no connecting transport service from the station to the town and no taxi service exists in the township.

What steps will the minister take to address the concerns of the Murchison community regarding the lack of facilities and services at the Murchison train station?

Eastern Victoria Region

Ms SHING (Eastern Victoria) — My question is to the Minister for Mental Health in the other place, Mr Foley, and it relates to suicide prevention in Gippsland and to the various initiatives which have been tailored to draw attention to the importance of making sure that young vulnerable people and people without the necessary support structures around them to get help do not fall through the cracks.

It has been a welcome relief to hear that the Latrobe Valley will be included as a trial site for the purposes of a suicide prevention framework to halve the suicide rate by 2020. Two hundred and forty-six people lost their lives last year, and that is devastating for the families, the friends, the communities and the workmates who are left behind. I ask the minister how we can make sure that these services are provided in a way that maximises the work already being done on the ground throughout the Latrobe Valley and how we can make sure that people in and around Gippsland also receive the benefit of ongoing mental health services and access to remedial assistance when and as required under the Labor government's commitments.

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. On previous occasions I have highlighted the need for 24-hour truck curfews through the City of Maribyrnong if and when the western distributor is built in order to ensure container trucks take the new freeway and do not continue to use local and residential streets to evade tolls. This equally applies to areas of Hobsons Bay City Council, where similar toll-evading truck routes may be created. These include Blackshaws Road, Hudsons Road, High Street, Mason Street, The Avenue and parts of Kororoit Creek Road, and I am sure there will be other roads that will be identified. My question for the minister is: will the government also introduce 24-hour truck curfews on these streets to ensure trucks stick to the new tunnel or the new truck off-ramps?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My constituent matter is in regard to Terumo syringes of low quality that are being used in the Northern Metropolitan Region. The syringes are used in a range of needle and syringe programs in my area, and it appears the company has made changes to its manufacturing processes which have impacted on the quality of the needles. I have been told that problems include: needles breaking off in people's arms, being blunt to the point of inefficacy and even foreign matter being found in barrels.

An *Age* article published in July quotes the CEO of the Penington Institute, John Ryan, as saying that he was working with the Victorian Department of Health and Human Services on a survey of about 400 injecting drug users to see which syringes they prefer. Given the serious and potentially deadly threat posed by the syringes, when will the Victorian department of health be releasing the results of the survey, and what action will it be taking to ensure that people who use drugs are provided with the safe equipment they need?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is to the Minister for Police. I am pleased that the new Liberal-funded Ballarat west police station was finally opened on 5 August. At the time we were told this station would be open to the public from 9.00 a.m. until 9.00 p.m., seven days a week; however, I fear the Ballarat community has been lied to.

Upon driving past the new Ballarat station, I noted an old mattress had been dumped just outside Ballarat's newest station. I thought this rather strange, so I attempted to go inside our newest seven-day-a-week station only to find that it was closed. So our brand new seven-day-a-week police station was closed, and we now have criminals in Ballarat so brazen that they are prepared to dump rubbish outside the police station. This is simply not good enough, and Ballarat residents deserve better. My question is: will the Ballarat west police station be open to the public 12 hours a day, 7 days a week, as promised, or will Ballarat residents simply be left to fend for themselves?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My question is to the Minister for Industry and Employment, who is also the Minister for Resources, the Honourable Wade Noonan. I understand that the 2016–17 Victorian budget allocated $53 million to expand employment assistance to disadvantaged jobseekers. Can the minister explain to me exactly how the Jobs Victoria Employment Network program, as Jobs Victoria's main program, will assist disadvantaged Victorian jobseekers to gain employment in my electorate of Western Metropolitan Region?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is to the Minister for Public Transport, Jacinta Allan, in relation to the northern regional trails strategy, which proposes a shared-use trail along sections of the Hurstbridge line between Rosanna and Heidelberg and again between Greensborough and Eltham, linking them to already existing trails along the corridor. The major construction works currently proposed along the Hurstbridge line, including the track duplication between Heidelberg and Rosanna and investigation of duplication between Greensborough and Eltham, provide the perfect opportunity for the inclusion of the shared trail. My question is: will the minister ensure provisions to include shared trails in both sections of the track duplication on the Hurstbridge line?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My question is to the Minister for Emergency Services, James Merlino, and I am speaking on behalf of the residents of Bannockburn in my electorate of Western Victoria Region. The Golden Plains Shire Council is seeking a decision from the minister in regard to the proposed relocation of the council's Country Fire Authority-State Emergency Service (CFA-SES) shed to a newer site, which links onto the Midland Highway. This is to be an emergency service hub, and the council has taken a two-year lease from VicTrack to provide the accommodation for this proposed hub. The problem, of course, is that the minister is yet to make a decision as to whether the CFA-SES can move and relocate to the new site. Meanwhile, the lease that the council has taken out is being paid for by the ratepayers. I seek an urgent decision by the minister in relation to the relocation of the CFA-SES shed to the new emergency hub so that the volunteers can relocate.

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is to the Minister for Education. It relates to the Doctors in Secondary Schools program, which is an initiative that will fund GPs to attend 100 of Victoria's schools to provide medical advice and health care. A number of schools on the Mornington Peninsula in my electorate have put in expressions of interest under this process. Two of the expressions of interest criteria include the student family occupation and education measure and also access to health services, both of which are relevant measures to a number of schools in my area. I ask the minister if he could provide an update on the progress of these applications.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the Minister for Multicultural Affairs. I was most disturbed to receive a number of calls from members of my community of Cambodian background after it was pronounced by the Cambodian government that Mr Hong Lim, the member for Clarinda in the lower house representing the Clarinda area within my electorate, had been banned from entry into Cambodia.

They were concerned, one, because he was their local member; two, that it would cause significant angst and tension within the Cambodian community; and three, that a person with special responsibilities as Parliamentary Secretary for Multicultural Affairs and Asia Engagement would now find himself in a very tenuous position. So they are asking me to ask the minister to investigate the circumstances, as well as some others concerns in relation to Mr Hong Lim's conduct, and decide whether indeed he is fit to continue in that position.

The PRESIDENT — Order! I would rule that constituency question out of order on the basis that the only way that those sorts of matters could be raised is by way of substantive motion, because in effect the remarks that were made towards the end of that constituency question reflect on the member and unspecified conduct, and even drawing on the decisions of a foreign government and applying them to a member in this context I think is rather unfair. In fact I am aware of an article that might well appear in the papers in the next few days that I have been contacted about, which has a foreign government making comments out of place as well, and I would hate to see a precedent develop in this area. I really think that this is a matter that ought to be pursued by way of substantive motion rather than a constituency question.

Mrs Peulich — On a point of order, President, I was not calling for his removal from Parliament, but I was asking whether he is fit for the role, given that he has special responsibilities for Asian affairs. That was my question.

The PRESIDENT — Order! But the closing remarks went a bit further than that, and that was the problem. I will have a look at the matter in *Hansard* and perhaps look to truncate the question that has been put.

PETITIONS

Following petitions presented to house:

Ormond railway station

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the foundation deck for the development of an up to 13-storey residential tower above the Frankston railway line on North Road above Ormond station has been constructed without informing or consulting the local community;

established low-rise suburbs should not be destroyed and permanently scarred by the construction of inappropriate, high-rise overdevelopments on railway land, particularly in the absence of community consultation; and

the local community does not support or consent to the construction of a residential tower of up to 13 storeys above Ormond station.

We therefore demand the Andrews Labor government abandon its plans for the inappropriate overdevelopment of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

By Mr DAVIS (Southern Metropolitan) (36 signatures).

Laid on table.

Elevated rail proposal

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the Victorian government has announced plans to construct concrete pylon sky rails on long sections of the Dandenong–Pakenham lines as a cheaper alternative to traditional methods of delivering its level crossing removal election commitments;

that affected local communities were not properly consulted in the development of these plans, with reports that those residents most affected by the imposition of sky rail were purposefully excluded from what limited consultation actually occurred; and

that affected residents are completely opposed to the construction of sky rails along the Dandenong–Pakenham lines, with their inherent greatly increased visual impact and noise pollution and greatly reduced residential amenity and privacy.

We therefore demand the Andrews Labor government abandon its cheap and nasty sky rail plans and instead proceed with a rail-under-road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

By Mr DAVIS (Southern Metropolitan) (1123 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 10 of 2016, including appendices.

Laid on table.

Ordered to be published.

PORT OF MELBOURNE SELECT COMMITTEE

Port of Melbourne lease

Ms PULFORD (Minister for Agriculture), pursuant to standing order 23.30, presented government response.

Laid on table.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals in relation to North Park Reserve granting a —

Lease, dated 29 April 2016.

Lease, dated 12 May 2016.

Duties Act 2000 — Treasurer's report on Foreign Purchaser Additional Duty exemptions for the period 1 December 2015 to 31 May 2016.

Environment Protection Act 1970 —

Notice pursuant to section 18D in relation to Variation to the State Environment Protection Policy (Ambient Air Quality).

Sustainability Fund Guidelines 2016.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32 in relation to —

Code of Practice for Onsite Wastewater Management.

Statutory Rule No. 87.

Land Tax Act 2005 — Treasurer's report on land tax absentee owner surcharge exemptions for the period 1 December 2015 to 31 May 2016.

Melbourne City Link Act 1995 — SLU Company Lease and SLU Trust Concurrent Lease pursuant to section 60(9) of the Act.

Melbourne Cricket Ground Trust — Report, 2015–16.

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

Ararat, Benalla, Buloke, Gannawarra, Glenelg, Hepburn, Hindmarsh, Horsham, Loddon, Mildura, Murrindindi, Northern Grampians, Queenscliffe, Southern Grampians, Strathbogie, Towong, West Wimmera, Yarra Ranges and Yarriambiack Planning Schemes — Amendment GC39.

Banyule Planning Scheme — Amendment C112.

Bass Coast Planning Scheme — Amendment C143.

Boroondara Planning Scheme — Amendment C222 (Part 1).

Boroondara, Cardinia, Casey, Greater Dandenong, Monash and Stonnington Planning Schemes — Amendment GC47.

Boroondara, Darebin and Yarra Planning Schemes — Amendment GC43.

Buloke Planning Scheme — Amendment C30.

Campaspe Planning Scheme — Amendment C101.

Casey Planning Scheme — Amendment C208.

Colac Otway Planning Scheme — Amendment C78.

Glen Eira Planning Scheme — Amendment C121.

Golden Plains Planning Scheme — Amendment C072.

Greater Bendigo Planning Scheme — Amendments C213 and C215.

Greater Dandenong Planning Scheme — Amendments C177 and C190.

Greater Geelong Planning Scheme — Amendments C317 and C329.

Hobsons Bay Planning Scheme — Amendment C110.

Horsham Planning Scheme — Amendment C78.

Knox Planning Scheme — Amendment C146.

Latrobe Planning Scheme — Amendment C99.

Maribyrnong Planning Scheme — Amendment C137.

Melbourne Planning Scheme — Amendments C207, C257, C289, C291 and C293.

Melton Planning Scheme — Amendment C175.

Moonee Valley Planning Scheme — Amendment C151.

Moorabool Planning Scheme — Amendments C51 and C70.

Mount Alexander Planning Scheme — Amendment C76.

Moyne Planning Scheme — Amendment C62.

Murrindindi Planning Scheme — Amendment C55.

Port Phillip Planning Scheme — Amendment C103.

Stonnington Planning Scheme — Amendments C183 (Part 2), C212, C217, C219, C230, C232 and C239.

Strathbogie Planning Scheme — Amendment C74.

Swan Hill Planning Scheme — Amendment C67.

Towong Planning Scheme — Amendment C34.

Victoria Planning Provisions — Amendment VC130.

Wangaratta Planning Scheme — Amendments C59 and C70.

West Wimmera Planning Scheme — Amendment C34.

Whitehorse Planning Scheme — Amendments C157 (Part 1), C177 and C211.

Yarra Planning Scheme — Amendment C211.

Public Interest Monitor — Report, 2015–16.

Racing Victoria Limited — Modification of Racing Victoria Limited Constitution under section 3B(2) of the Racing Act 1958.

Statutory Rules under the following Acts of Parliament —

Aboriginal Heritage Act 2006 — No. 94.

Adoption Act 1984 — No. 85.

Administration and Probate Act 1985 — No. 83.

Building Act 1993 — No. 63.

Births, Deaths and Marriages Registration Act 1996 — No. 59.

Children, Youth and Families Act 2005 — No. 72.

City of Melbourne Act 2001 — Nos. 91 and 97.

Conveyancers Act 2006 — No. 87.

Corrections Act 1986 — No. 79.

Court Security Act 1980 — No. 74.

Crimes (Assumed Identities) Act 2004 — No. 60.

Dangerous Goods Act 1985 — No. 90.

Estate Agents Act 1980 — No. 86.

Fisheries Act 1995 — Nos. 71 and 95.

Guardianship and Administration Act 1986 — No. 76.

Independent Broad-based Anti-corruption Commission Act 2011 — No. 70.

Liquor Control Reform Act 1998 — No. 77.

Local Government Act 1989 — Nos. 91 and 97.

Magistrates' Court Act 1989 — Nos. 73 and 82.

Private Security Act 2004 — No. 64.

Residential Tenancies Act 1997 — No. 96.

Retirement Villages Act 1986 — No. 78.

Road Safety Act 1986 — Nos. 92 and 93.

Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 84.

Subordinate Legislation Act 1994 — Nos. 66, 88 and 89.

Surveillance Devices Act 1999 — No. 61.

Tobacco Act 1987 — No. 62.

Transport (Compliance and Miscellaneous) Act 1983 — Nos. 67, 68 and 69.

Terrorism (Community Protection) Act 2003 — No. 65.

Victorian Civil and Administrative Tribunal Act 1998 — Nos. 75, 80 and 81.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 58 to 93, 95, 96, 98 and 99.

Guidelines for the preparation of statutory rules and legislative instruments under section 26(3) of the Act.

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

Cemeteries and Crematoria Act 2003 — Class A Cemetery Trust Fee Setting effective as of 23 June 2016.

Corporations (Commonwealth Powers) Act 2001 — Proclamation of extension of Victoria's Corporation Law, 21 June 2016.

Environment and Planning Act 1970 — Variation to the Code of Practice for Onsite Wastewater Management, 7 July 2016.

Road Safety Act 1986 — Order in Council declaring certain motor vehicles not to be motor vehicles — Electric Personal Transporters Trial, 9 August 2016.

Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles) Regulations 2016 — Specifications for Wheelchair Accessible Taxi-Cabs, 30 June 2016.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2015–16.

Workplace Injury Rehabilitation and Compensation Act 2013 — Ministerial direction of 9 June 2016 pursuant to section 610(1) of the Act.

Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, 24 June 2016.

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

Consumer Acts and Other Acts Amendment Act 2016 — Sections 30(1) and 31 — 1 July 2016 (*Gazette No. S204, 28 June 2016*).

Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016 — Whole Act (except Part 3) — 5 August 2016 (*Gazette No. S239, 2 August 2016*).

Emergency Management (Control of Response Activities and Other Matters) Act 2015 — Sections 6, 10, 11 and 15 of the Act — 1 August 2016 (*Gazette No. S233, 26 July 2016*).

Justice Legislation Further Amendment Act 2016 — remaining provisions — 1 July 2016 (*Gazette No. S204, 28 June 2016*).

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

Strengthening Victoria's key anti-corruption agencies?

The Clerk, pursuant to section 36(1A) of the Parliamentary Committees Act 2003, presented government response.

Laid on table.

BUSINESS OF THE HOUSE

Standing and sessional orders

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — By leave, I move:

That the standing and sessional orders be suspended to the extent necessary to enable the sitting of the Council on Thursday, 18 August 2016, to commence at 2.00 p.m. and the order of business to be —

(1) messages;

(2) questions (up to 9 non-government members);

(3) answers to questions on notice;

(4) constituency questions (up to 10 members);

(5) formal business;

(6) ministers statements (up to 5 ministers);

(7) members statements (up to 15 members);

(8) government business;

(9) at 10.00 p.m. adjournment (up to 20 members).

Motion agreed to.

General business

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

That precedence be given to the following general business on Wednesday, 17 August 2016:

(1) notice of motion given this day by Ms Wooldridge relating to a joint sitting to fill the vacancy in the Legislative Council;

(2) order of the day 1, second reading of the Crimes Amendment (Carjacking) Bill 2016;

(3) order of the day 5, resumption of debate on the Corrections Amendment (No body, no parole) Bill 2016;

(4) notice of motion 289 standing in the name of Mr Bourman referring a matter to the economy and infrastructure committee;

(5) notice of motion given this day by Ms Wooldridge relating to amendments to sessional orders; and

(6) notice of motion given this day by Mr Ramsay relating to the Country Fire Authority and Metropolitan Fire Brigade enterprise bargaining agreement disputes.

Motion agreed to.

MINISTERS STATEMENTS

Educator to child ratios

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house of the number of new jobs created across Victoria thanks to improved educator to child ratios introduced on 1 January 2016. New data has revealed that 890 new positions across Victorian early childhood education and care services have been created this year, with a key driver being the introduction of the new ratios from 1 January 2016. The new ratio of 1 educator for every 11 children, down from 1 per 15, means improved levels of attention and care, helping Victorian kids to get more out of their early years education.

Research shows that improved ratios are associated with important social and learning outcomes, including increased literacy skills and general knowledge. Our government has provided a range of supports to Victorian kindergartens to transition to the improved ratios. We have provided access to expert financial advice. We have also provided workforce incentives and scholarships and created a new category of minor capital grants to increase room sizes and accommodate additional kindergarten places.

The Andrews Labor government is delivering up to $83.7 million over four years to support the implementation of improved educator to child ratios. The previous government failed to plan or budget for this, despite knowing for four years that this was coming. Boosting the quality of early years education and care is a key part of transforming Victoria into the education state.

Youth engagement

Ms MIKAKOS (Minister for Youth Affairs) — I rise to update the house on the release of the Andrews Labor government's new youth policy, *Building Stronger Youth Engagement in Victoria*. When we came to government it was clear that more needed to be done to engage with all young people. As part of our own extensive consultations with thousands of young Victorians, we established a youth reference group to guide this youth policy and its direction. They are an impressive group of young people, and I thank them again for their involvement.

Mr Finn interjected.

Ms MIKAKOS — Young people from around the state outlined their priorities and ideas to improve youth engagement with government. Issues that were important to them included education, employment and mental health, as well as many more. Through this consultation, the most significant finding for me was that over 90 per cent of participants indicated they wanted to work with government to address these issues. So I was proud to be joined by young Victorians, sector representatives and a number of colleagues to launch our new youth policy framework here in Parliament House recently.

Our policy includes three main action areas to amplify the voices of young people in government; increase youth participation in policy, program and service design; and empower individual young people in their own care. To do this we are establishing a youth engagement charter; we are bringing together over 100 young Victorians at a youth summit to continue to identify and discuss issues important to them; and we are establishing a youth congress of young Victorians, elected through the youth summit, to provide advice to government on emerging and priority issues, with a cabinet minister attending key meetings. By contrast, Mr Finn might be interested to know, the previous coalition minister failed to show up to his own advisory

council and in fact ignored the views of that council about his then government's cuts to education and TAFE. We are also going to conduct an annual youth survey to develop a robust evidence base to understand and address the issues important to young people.

We have also put more than $8 million into new youth participation and engagement programs. These programs are designed to support and empower young people, particularly those who are experiencing social and economic disadvantage, those who live in rural and regional areas and those who are from other disadvantaged backgrounds. We are getting on with engaging all young Victorians across the state, not just those already well served by government. I hope that all members of Parliament would get behind this policy.

MEMBERS STATEMENTS

Ambulance services

Ms WOOLDRIDGE (Eastern Metropolitan) — I rise to highlight the absolute failure of Daniel Andrews once again to deliver on his rhetoric before the election and the reality that is now our ambulance service in Victoria. Daniel Andrews repeatedly said that seconds save lives — and they absolutely do, Premier. So the question the government very clearly has not answered is: why, over the last 12 months, have response times from Ambulance Victoria gone up?

In fact code 1 response times, when compared to 12 months ago, have gone up by 18 seconds across the state. For code 2 response times — do not forget these are still urgent, involving time-critical patients — have gone up by 1 minute and 5 seconds, according to the government's own numbers. These are particularly stark in some areas. Code 1 response times in the Hindmarsh shire have gone up by 4 minutes and 58 seconds; in the Alpine shire, over 3 minutes — 3 minutes and 1 second; and in the Buloke shire, 3 minutes and 44 seconds. These are the code 1, absolutely critical and urgent cases. In the city we have had the same experience. In Nillumbik, code 1 response times have gone up 18 seconds. In the area of Hume, affecting Sunbury residents, code 1 response times are 16 seconds longer. In terms of residents in Albert Park and Port Phillip, there has been a 23-second increase in response times.

Premier, seconds do save lives. The Premier is not delivering on his commitment in relation to ambulance services, and it is not good enough in terms of support for Victorians who need urgent ambulance care.

Frances Sutherland

Ms SPRINGLE (South Eastern Metropolitan) — It is with the deepest sadness that today I rise to speak of the passing of Frances Maureen Sutherland, a stalwart Greens member of the inner east and someone I have known most of my life as one of my family's closest friends. Over the years, Fran left her special imprint on my development as a person. With her warmth, feminism, whip-smart intellect, unique world view and larger-than-life energy she will always remain one of my most cherished and loved matriarchs. With striking auburn hair and amazonian stature, Frances was an accomplished psychologist in the disability sector but was also one of Melbourne's great creatives — a gifted raconteur, performer, scriptwriter, poet, director and photographer.

No-one really knows if Fran was a founding member of the Boroondara branch of the Greens, but equally no-one can remember a time she was not around, so in all likelihood she was there from the beginning. She was a committed social and environmental activist. Her belief in the Greens movement was enduring — so much so that when she was recently hospitalised one of her main concerns was whether she would be able to vote. Her vision for a better world was inspirational. Rest in peace, dear Fran. You will be missed.

Daffodil Day

Mr EIDEH (Western Metropolitan) — Friday, 26 August, is the Cancer Council's annual Daffodil Day. This is an important day for all of us, as almost all of us know someone living with cancer. Every day about 84 Victorians are diagnosed with cancer, and sadly a significant number of these people will lose their battle with cancer. I have previously spoken at various special fundraising events for cancer research, especially those held in my electorate. Daffodil Day is one of the most well-known cancer fundraising events, and I am proud to see many volunteers running special events to raise funds towards cancer research. In particular I wish to acknowledge the hard work of my constituents Ms Lorri Ingram and her sister Ms Margaret James, who have overseen fundraising events throughout my electorate over the past six years. Their drive and passion is truly amazing, and I commend the outstanding effort they go to each year to raise money on Daffodil Day.

We are also fortunate enough to have the new state-of-the-art $1 billion Victorian Comprehensive Cancer Centre, which is now fully operational and providing outstanding care and treatment to patients and extensive research in its new facilities. Although

the survival rate for many cancers has increased by 30 per cent over the past 20 years, more research needs to be done in the fight against this illness.

I encourage all Victorians to wear their yellow daffodil pin in support of this important cause — to help bring Australia closer to a breakthrough in the research, prevention, detection and treatment of cancer in Australia.

Shepparton youth foyer

Ms LOVELL (Northern Victoria) — The Victorian Education First Youth Foyer program changes the lives of vulnerable young people, and I am proud to say that the Shepparton youth foyer is finally complete and the first group of tenants are now moving in. We know that the sad reality is that some young people have hard starts to their lives, and those who are homeless are in situations that do not allow them to focus on education or work options and outcomes. Unfortunately this is especially true in Greater Shepparton, so in July 2013, as Minister for Housing in the former Liberal government, I was pleased to announce Shepparton as the location of the third Victorian Education First Youth Foyer.

The foyers are a passion of mine. As shadow minister I researched and wrote the policy and championed it as an election commitment, and as minister I funded the three foyers. Under the former Liberal government the Shepparton foyer progressed smoothly. In March 2014 council granted planning approval, in September 2014 the tender was awarded and works began in October 2014. Unfortunately the change of government in 2014 created a 12-month delay in the completion of construction, but in July this year the foyer was finally completed and tenants are now finally moving in.

I want to thank my former cabinet colleagues, who supported my vision to support young Victorians to build better lives for themselves and who worked with me to make the foyers a reality. I also want to thank the Greater Shepparton City Council and the strategic partners, GOTAFE, the Rural Housing Network and Berry Street, for supporting this project in Shepparton. My special thanks go to Tony Nicholson and Tony Keenan and their teams at the Brotherhood of St Laurence and — —

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

Western distributor

Ms HARTLAND (Western Metropolitan) — Last week I attended the blockade of Francis Street along with many other community members. The reason this had to happen yet again is that the government will not say if there will be a truck ban after the western distributor is built. There is no point saying, 'Oh, you'll just have to wait; we'll see what it's like after it's built'. We need to know that there is going to be a truck ban.

Interestingly, the day before, the minister, Minister Donnellan, blasted the local community for daring to blockade the road, for daring to take peaceful civil action. In fact he said — and he is the state minister — that he thought that the residents complaining about trucks on residential streets was quite useless and that the government was getting on with it and doing it, yet the government will not say when a truck ban will come. He also said, interestingly, that one of the reasons he objected to this was that he felt the residents were playing *Kumbaya* with the Greens. Well, I do not know all the words to *Kumbaya*, but I was certainly happy to be there with the residents on that day, standing up for the community, because clearly the Labor government will not do anything about a truck ban.

Sunshine Health, Wellbeing and Education Precinct

Mr MELHEM (Western Metropolitan) — On 2 August I attended the launch of the annual report of the Sunshine Health, Wellbeing and Education Precinct. The precinct is an established and growing critical mass of medical, health, wellbeing, education and research services in Melbourne's west. It is located around Sunshine Hospital and incorporates the largest concentration of these services and facilities in the region. The precinct is 15 kilometres west of central Melbourne, 12 kilometres from the international airport and 3 kilometres from the Sunshine town centre.

The precinct is a major component of the Sunshine national employment cluster (NEC). Sunshine is one of six clusters located across the Melbourne metropolitan area which are identified by the Victorian state government as preferred locations for significant employment provision. There are approximately 15 000 jobs and 15 000 dwellings in the Sunshine NEC. Preliminary planning indicates the potential for this to grow to about 45 000 jobs and 35 000 dwellings in the future.

The Sunshine Health, Wellbeing and Education Precinct is comprised of public and private health, research and education facilities including Sunshine Hospital, Sunshine private hospital and the Western Centre for Health Research and Education, incorporating Melbourne University and Victoria

University. The precinct is adjacent to the Western Ring Road. I just want to take the opportunity to congratulate the board and its chair, Paul Younis, on the great work they are doing. What this precinct will do is put the west on the map. No longer will we be the poor cousins — in fact, we will be a leader in education and health. I commend them for their good work.

Vivienne Edlund

Mr MORRIS (Western Victoria) — I wish to acknowledge Vivienne Edlund, who received an OAM in the recent Queen's Birthday honours for her service to the community of Victoria in the fields of politics, arts and social services. Vivienne has certainly been a stalwart of the Liberal Party in Ballarat; she has supported many a Liberal candidate. This honour is certainly very well deserved. As well as her work with the Liberal Party, Mrs Edlund was a board member of Lisa Lodge, which is now Berry Street, and she has also worked tirelessly for many, many years with the Royal South Street Society. It is therefore a very well deserved honour that Vivienne has received.

Ballarat Hospice Care Inc.

Mr MORRIS — I would also like to make mention of Ballarat Hospice Care Inc., a great organisation. I was fortunate enough to again meet with Geoff Russell, the chair of the board, and Sharon Moss, from Ballarat Hospice, along with Russell Northe, the member for Morwell in the Assembly, who came to Ballarat to discuss the great work that Ballarat Hospice is doing. The meeting certainly reminded me of the importance of governments supporting organisations like Ballarat Hospice. The coalition of course went to the 2014 election with a funding commitment for Ballarat Hospice that has unfortunately not been met by this Labor government. I implore the Labor government to fund Ballarat Hospice.

Employment

Mr MULINO (Eastern Victoria) — I firstly note this raft of good economic news that the state received over the winter recess. The stand-out result of many great results was the labour market figures in June. According to the Australian Bureau of Statistics Victorian unemployment is now at 5.7 per cent, significantly below what we inherited at almost 7 per cent. Twenty-four thousand two hundred people gained employment, of whom 22 500 gained full-time employment. The employment level in Victoria is now over 147 000 higher than in November 2014, with full-time employment up over 111 500 over the same period. That is significantly more than the very ambitious target. Of all the economic statistics, this one stands out as saying something very important about everyday people and what matters in their lives.

Mornington Peninsula marine rescue

Mr MULINO — I also welcome significant funding for new equipment across all emergency services, but I want to focus on the volunteer coastguards and Volunteer Marine Rescue that I had the privilege to visit on the peninsula late last week. Under this program the government commits $2 for every $1 provided by volunteer groups. The peninsula was successful in gaining a number of grants, including the Volunteer Marine Rescue at Hastings receiving $35 019 for engine replacement and the Volunteer Marine Rescue at Mornington with $17 300 for engine replacement. These services are very important on the peninsula. They undertake hundreds of important rescues every year. I thank the volunteers in the volunteer coastguard and marine rescue services for all the work they do.

Gippsland rail services

Ms BATH (Eastern Victoria) — Today in my members statement I wish to highlight some of the hardships that have been inflicted upon Gippsland V/Line passengers since the election of the Andrews government. Recommendations made in the *Infrastructure Victoria Regional Citizen Jury Report* state that Gippsland's V/Line services should terminate at Pakenham, an idea that has been emphatically condemned by councils and residents alike. If implemented, the move would force commuters to switch trains and go onto metropolitan services in order to reach the city. The recommendation of such a change is a blow to commuters who travel to and from Melbourne each day for business or health-related issues. The jury's recommendations show a total lack of understanding of rail infrastructure, time and connection scheduling and the inconvenience, stress and welfare implications for members of my electorate who lack mobility, such as the aged and disabled and parents with pushers.

The $1.6 billion project to remove nine level crossings on the Pakenham line has already caused severe delays and disruptions to commuters, which often translate to a disjointed 5-hour journey. During the last year travelling on V/Line rail has often become a burdensome experience for Gippsland commuters. The jury's recommendations were put forward to alter V/Line services for Gippslanders; however, improvements to rail capacity on the Geelong, Bendigo and Ballarat lines were highlighted. The lack of

attention to the needs of Gippslanders is very disappointing. The government needs to categorically disallow this idea.

Gippsland rail services

Ms SHING (Eastern Victoria) — I rise coincidentally after my colleague Ms Bath, who has asked for the government to categorically rule out any termination of trains on the Gippsland line at Pakenham, which was a recent recommendation made in a report by the citizen jury of the independent Infrastructure Victoria as part of the process for the issuing of a set of draft recommendations. It is with pleasure that I reconfirm to Ms Bath, as I have to many people throughout Gippsland, that in fact trains will not be terminating at Pakenham where they come on from the Gippsland line and are heading into the city. This will not be affected, irrespective of any recommendations that may come in from an Infrastructure Victoria citizen jury.

In fact it is also a great pleasure to confirm to Ms Bath that this year's budget includes $9 million for upgrades, services, maintenance and improvements to services on the Gippsland line. This is the very line that had part of it in fact discontinued by The Nationals and by the Liberals when they were in power. We have not only restored that part of the track to make sure that people in Gippsland have access to heavy rail but also made sure that we have added additional off-peak services to and from Melbourne — a total of two extra services per day. We have increased and improved bus services. We are upgrading car parks and station infrastructure and rerouting buses to make sure that people have better intermodal connectivity. I am doing my fair bit as well to make sure that under our record investment we have as many pieces of rolling stock as possible delivered to this growing part of Victoria. I am proud to be part of the solution. Ms Bath should get on board.

Western suburbs police numbers

Mr FINN (Western Metropolitan) — It was my very great pleasure and very great honour to address a rally in Caroline Springs last Saturday. At this point I should congratulate Maria Kerr and her team of local residents on their initiative and hard work in putting this great gathering together.

Hundreds of local residents joined together on this occasion to send a clear message to the Premier and his dodgy government: 'We want more police, and we want more police now'. One speaker explained the trauma she and her family have suffered as a result of a recent home invasion. Her bravery in standing before the large crowd and telling her story was inspirational. The people of Caroline Springs, indeed the people of Melbourne's west, are scared. The crime wave has them living in fear, and there are nowhere near enough police to protect them. I recently accompanied the shadow police minister, Edward O'Donohue, on a visit to Point Cook, Werribee and Caroline Springs, and this, let me tell you, is a very genuine fear for those right across the west.

Any government's first responsibility is to protect its citizens. When Daniel Andrews finishes kicking around volunteer firefighters and wrongfully sacking councillors, he might care to direct his attention to doing his job: ensuring that we are all safe in our own homes.

Kataklysmos/Penticosti

Mr ELASMAR (Northern Metropolitan) — On Sunday, 26 June, it was my pleasure and honour to attend on behalf of the Minister for Multicultural Affairs, the Honourable Robin Scott, a special event organised by the Greek and Cypriot Social/Welfare Centre executive committee. The president, Ms Helen Emmanuel, who hosted the Kataklysmos/Penticosti event, warmly welcomed all the invited guests. The celebration commemorated 50 days after Easter's Good Friday. I wish to thank the committee for organising this very special occasion.

Future Movement Australia

Mr ELASMAR — On Sunday, 3 July, I was very pleased to attend the Ramadan iftar celebration organised by Future Movement Australia. This organisation has been around for several years now and is an association of Middle Eastern Australians whose aim is to foster the continuing cohesion of a multicultural society into the future. Religious and business people, together with politicians from all sides, are actively encouraged to participate in the association's aims and objectives. As always there was a good turnout, and as usual we were treated to tasty Arabic cuisine. It was great to see the Future Movement in action on the day, and I congratulate all the organisers for a wonderful experience.

Government performance

Ms CROZIER (Southern Metropolitan) — At the start of this session we saw how the government operated in relation to the swearing in of the new member for Northern Victoria Region and their total contempt and disregard for the process.

Mr Finn — For the people.

Ms CROZIER — For the people — quite right, Mr Finn. What we have seen from this government in under two years is a theme of this coming through, including in regard to the decisions they are making in a whole range of projects and undertakings across the state.

In my own area of Southern Metropolitan Region, as members would be well aware, over the winter break a number of decisions were made in relation to sky rail, the chopping down of trees, and the disregard for the local communities around North Road in Ormond, with the level crossing there and plans for 13 storeys. The local council had no knowledge of this decision up until a day before. These decisions are very symptomatic of this government, and of course we have seen so many other decisions, whether it is ripping up the east–west link contract and the wastage of $1.1 billion, the Metro Rail debacle or the local council debacle that we are facing today and the extraordinary botched process that is occurring. With those issues alone, and of course the symbolic nature of the Country Fire Authority dispute, which is so shameful at every level, Victorians should all be very concerned.

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

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016

Second reading

Debate resumed from 14 April; motion of Mr HERBERT (Minister for Training and Skills).

Mrs PEULICH (South Eastern Metropolitan) — I am very pleased to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. It has been a while since this bill passed the lower house, and indeed now we finally get to it, although there are very serious matters contained in this bill. The bill does a number of things. It empowers the Secretary of the Department of Education and Training to summarily dismiss a member of the government teaching service for serious misconduct. I will come back to that, but I imagine that was largely as a result of the IBAC recommendations where there was an investigation into the conduct of officers of the Department of Education and Training in connection with the use of banker schools and related activities as well as, I would imagine, a number of other matters concerning sexual misconduct.

Secondly, the bill puts in place a statutory debt recovery arrangement for financial assistance that is provided by the commonwealth to Victoria for schools. I assume that this is in response to the challenges to the commonwealth's funding of the chaplaincy programs; I am sure they have driven that.

The bill ensures that new sexual offences under the Criminal Code of the commonwealth can be taken into account when assessing the registration and performance of Victorian schools or teachers. Clearly having a degree of consistency is important to ensure that those who do not deserve to be in our classrooms or in contact with our students indeed can be weeded out. The bill also simplifies and clarifies procedures relating to the Victorian Institute of Teaching (VIT) and makes minor and technical amendments.

I am aware that the government has also brought in an amendment in relation to the exercise of the summary dismissal powers, making it crystal clear that the intention is to specifically limit that to the secretary of the department, who would need to personally dismiss an employee in such circumstances. I think that is probably due to some union consultation where the union has flexed its muscle to beat the minister back into some sort of submission.

An honourable member — Bingo.

Mrs PEULICH — Bingo; yes, I agree. It also makes clear — and I will come back to that in a moment — that the level of evidence does need to be fairly explicit for these summary dismissal powers to be triggered. For example, the employee may have admitted serious misconduct during a corruption inquiry, as of course one would expect following the tabling of the report of such an inquiry as Operation Ord in Parliament, where people have been named and recommendations have been made that the department has to be seen to be acting on. Specifically in relation to that, there are a number of recommendations that were made by IBAC. Of course IBAC exists because the former coalition government instigated the reform, and indeed the Labor Party in this chamber voted against it, so we certainly would not have had this report if we had not had the coalition introducing IBAC to Victoria.

There are a number of obligations not too far down the track requiring the Secretary of the Department of Premier and Cabinet to report to IBAC by 30 December of 2016, for example, on the implementation of the Victorian Secretaries Board corruption prevention and integrity action plans and that this report be published on its website.

There are a number of other requirements, including that the department take appropriate steps to exclude people and entities whose behaviour has been found to be improper or corrupt from obtaining work with the department or schools in the future and that the secretary of the department provide IBAC with a detailed progress report by 30 December 2016 on the implementation of its reform program to address the issues identified during Operation Ord and in the final report demonstrating the effectiveness of these reforms by 30 September 2017. These reports will be published on the IBAC website.

The level of investigation creating the scene for a summary dismissal is very strong. Can I say how disappointed I was to learn of the entrenched corruption that was exposed by that IBAC report. Certainly I think we saw evidence of it, but no-one in a pink fit would assume that it was something that was so well organised and so deliberate. My view is that every dollar wasted through waste, mismanagement or corruption is a dollar that is not spent on the outcomes for our young people. So I do not have any qualms with the powers of summary dismissal of people who have been exposed by a thorough investigation of the nature of IBAC being immediate. There are procedures for grievances to be lodged or action to be taken if the person believes it is unfair.

The government in the amendment it is bringing forward says that the type of evidence that would be required would be at least video footage, a public admission and the like. That may well be watering down what was my understanding of what would trigger a summary dismissal event. But to actually then require this summary dismissal to be exercised by the secretary of the department is extraordinary. Why would the secretary of the department need to personally phone up every turkey who has been exposed for being corrupt in an IBAC report? It is extraordinary. Clearly the minister has been beaten into submission by his union henchmen, who would see the exercise of summary dismissal in a very narrow set of circumstances as somehow moving towards, probably, autonomous schools or something like that. I think that is the paranoia that we are dealing with here. Why would any department head need to be phoning up the characters who have been listed here, who have been exposed to and have admitted to having acted corruptly as the result of a thorough investigation by IBAC? I cannot fathom that; I cannot understand it.

Clearly we do need the powers. The bill enables the secretary to terminate the employment of an employee of the government teaching service without inquiry if the secretary reasonably believes that serious misconduct has occurred. This is an inquiry, but the amendment makes it clear that other forms of evidence may also trigger a summary dismissal. The Public Administration Act 2004 authorises the termination of employment on the grounds of serious misconduct. The common law and the commonwealth Fair Work Act 2009 — and this is in the preamble of the bill — recognise an employer's right to dismiss an employee without notice for serious misconduct where it is justified and where it is reasonable. To justify a summary dismissal, an employer needs to be satisfied that an employee's conduct is grave, serious or a significant departure from the standard of care which should have been exercised.

Of course people can get it wrong, and natural justice must be built into the system, so the bill does provide the right of an employee to appeal a decision of the secretary to terminate their employment without notice to the Disciplinary Appeals Board. In addition, an employee's rights under the Fair Work Act 2009 for unfair dismissal will not be affected by the proposed amendment to the act. Clearly this reform is needed. The fact that the secretary needs to be the person who actually delivers the dismissal is clearly evidence of browbeating by the union movement.

The second important reform that is introduced in this bill is to put in place a statutory debt recovery arrangement for financial assistance provided by the commonwealth to Victoria for schools. Obviously the commonwealth provides financial assistance to the state for distribution to various authorities and bodies that represent or fund schools. These authorities and bodies in turn distribute the funding to individual schools, acting as a conduit for commonwealth funding.

I understand that as a result of some legal action involving the *Williams (No. 1)* case and the *Williams (No. 2)* case in the High Court, which were proceedings in the High Court challenging the validity of some of the provisions that were inserted into the Financial Management and Accountability Act 1997 and the Financial Management and Accountability Regulations 1997, that would limit the commonwealth's powers to fund certain programs, as, for example, in this instance, the operation of the federally funded chaplaincy program in 2012. Mr Williams successfully challenged the program in 2012 and the High Court concluded that payments made under the chaplaincy program were not supported by the executive powers of the commonwealth. This became known as the *Williams (No. 1)* case. Specifically the court found that the power to spend appropriated money must be found elsewhere in the constitution or in the statutes made under it.

In response to the decision of the *Williams (No. 1)* case, the commonwealth government enacted the Financial Framework Legislation Amendment Act (No. 3) 2012. This was done in an attempt to provide that sort of legislative support for the making of arrangements, agreements and payments of the kind in the issue of the *Williams (No. 1)* case but also for the making of many other arrangements and grants. I understand that new proceedings were then undertaken, now known as the *Williams (No. 2)* case. In the new proceedings the High Court unanimously held that aspects of the amendments were invalid and that they extended beyond the scope of the federal Parliament's constitutional power to authorise making, bearing and administering arrangements or grants.

The High Court specifically dealt with the issue by looking at section 51(xxiiiA) of the constitution. It was held that the commonwealth can make laws to provide benefits to students under that section of the constitution, and obviously that would need to be proved to be advantageous to the student. As a consequence of that it was deemed that programs such as the chaplaincy program and other similar programs exceeded the commonwealth's legislative power and key areas were to be examined where the commonwealth expressly does not have legislative power, starting with the legislative powers that have been retained by the states — being broadly all the matters that occur within state borders, including police, hospitals, education and public transport. Any gaps in the commonwealth legislative power would be covered by referral of state powers to the commonwealth.

What that leads us to is the situation that we have here, where the federal government has provided funding to state government schools, primary and secondary, and that funding is provided through the state education department, which passes that money on to the relevant school. If the federal government wants to retrieve or recover funds that are owed to the commonwealth by way of debt, there is no power for the federal government to recoup these funds, say, from a government school. As a consequence of that, to ensure that the federal government has the power to receive federal funds and also to recoup funds, the state is required to make consequential changes to the Education and Training Reform Act 2006 as a means of facilitating these new provisions. So that is the genesis of this particular amendment in terms of debt recovery arrangements. That basically means that the commonwealth would be legally able to take action to recover funds from school authorities and bodies via the state.

The third part of the reform is to ensure that new sexual offences under the Criminal Code of the commonwealth can be taken into account when assessing the registration and performance of Victorian schools or teachers. The definition of sexual offence under the principal act is used in the context of school registration and teacher employment and registration. The bill will expand the definition of sexual offence to include references to additional offences recently inserted into the Criminal Code of the commonwealth. These relate to forced marriage involving a person under 18 years of age.

Now these are very difficult issues. We all know as a modern, democratic, robust society we do not condone forced marriage at any age, let alone of minors. We certainly do not condone using carriage services for sexual activity with a person under 18 years of age, and we certainly do not condone using a carriage service to transmit indecent communication to a person under 16 years of age. So this amendment is to make it possible for these types of sexual offences to be considered by the institute when dealing with registration and teacher employment.

I know the Scrutiny of Acts and Regulations Committee had some issues in relation to forced marriage. It was concerned that marriage often amongst 15-year-olds was commonplace in many cultures and simply by virtue of particular cultural practices they would find themselves engaging in this particular provision. Can I say that this is probably a problem that is more common than we would know or perhaps be able to fully investigate, because it is often done with the involvement of families.

The minister's response, by means of a letter signed by Mr Merlino on 2 May 2016, was that if a person migrated to Australia and had been involved in a forced marriage, obviously while under 18, at the time, they would not have been citizens of Australia, so the advice provided to the Scrutiny of Acts and Regulations Committee is, and I quote:

> It does not, however, criminalise the conduct of a citizen of one of the countries mentioned in the committee's report —

and I do not have the full list; there was a sort of illustrative list of countries where early marriage is permitted under law —

> (or any other country) that occurred in the person's home country prior to the person immigrating to Australia and becoming a resident or citizen. Accordingly, an immigrant who may have participated in a forced marriage before migrating to Australia would in general terms not have committed a forced marriage offence under the Criminal Code and would not be automatically disqualified under the

> act from teaching in Victoria on the basis of having committed an offence prior to becoming an Australian citizen or resident.

He went on to say:

> … the defence in section 15.2(2) of the Criminal Code effectively means that persons who are not Australian citizens (including permanent residents and other visa-holders) will not have committed a forced marriage offence if they engage in conduct that causes another person to enter into a forced marriage or is a non-victim party to a forced marriage in a foreign country and that conduct is not unlawful in that country. Accordingly, for persons who are not Australian citizens, the committee's assertion that the offences 'criminalise acts which will often have occurred in countries where they are lawful' does not accurately reflect the Criminal Code.

These are vexed issues. I am certainly aware that in certain cultures, including Christian ones, polygamy is legal and it is commonplace for a man to have, say, four wives — all living in separate households — and many, many children. When they migrate to Australia they typically bring all the children along, but they can only bring one wife. But I am advised by people within some of these communities that it is not unusual for the man then to separate from the wife that he has brought and to go back to their country of birth and bring another wife and thereby, in a sense, circumvent some of these laws.

The only way — and this is outside the remit of this bill — of taking a stand against polygamy is indeed, if there is a review of the Marriage Act 1958, by making it crystal clear that an Australian citizen or resident should not engage in or commit polygamy even offshore. I think that is the only way of sending a really strong message on those very vexed and difficult issues.

Nonetheless, the expanded definition of 'sexual offences' will ensure that the commission of the offences can be taken into account when assessing the registration and performance of Victorian schools and teachers. The bill also makes amendments to simplify procedures relating to the setting of fees by the minister on application for temporary work approval of early childhood teachers. From last year, 30 September 2015, all qualified early childhood teachers working in Victorian education or care services or children's services have had to be registered with the VIT, and to be eligible for registration early childhood teachers need to hold an approved early childhood teaching qualification.

In response to concerns that some remote early childhood services would be unable to find staff with an approved early childhood teaching qualification, section 2.6.60B of the act would allow a teacher who does not hold an approved early childhood teaching qualification to make an application to the secretary for a temporary work approval. That to me sounds like a reasonable compromise. Temporary approval applications are made to and granted by the secretary without VIT involvement. The current act, however, still compels the minister to call for and consider recommendations from the VIT before fixing temporary approval application fees. Given that the VIT is not involved in temporary approval processes, new section 2.6.77(1A) of the act will allow the minister to fix a fee for temporary approval applications without prior consultation with the VIT. It will not affect the requirement of the minister to call for and consider recommendations from the VIT regarding other registration fees.

Then we get to the last bit — that is, changes in relation to the Victorian Institute of Teaching council. Currently under the act if a member of the VIT council ceases serving on the council prior to the conclusion of their term, a replacement is selected by the existing members of the VIT council. This amendment will empower the minister to determine who is appointed as the replacement member of the board. In accordance with the recent changes implemented by the Education and Training Reform Amendment (Victorian Institute of Teaching) Act 2016, new section 2.6.64(2) will require the minister to consult with either the Australian Education Union (AEU) or the Independent Education Union (IEU) if the replacement member is recognised as a representative of either union. We do not believe that this is appropriate. The need for consulting with unions is unnecessary and gives an unnecessary weighting to union representatives. We oppose the reinstatement of union representation on the VIT council. We believe that is not appropriate and have found a lot of sector support for that. The opposition will be, in committee, moving an amendment to remove from the clause new section 2.6.64(2), which relates to the requirement to consult with the AEU or the IEU on replacing a relevant vacancy on the VIT board.

With those few words, I say that education is a very important matter for all of us. Having a robust system which features improved learning and teaching is critical to the success of the government sector but also the mixed economy of education. A vibrant, independent non-government sector means that those who want to pay more and are able to pay more can pay more, and it keeps the government sector on its toes, forcing it to lift its game, to lift its standards and to deliver outcomes. Ultimately if it does not, parents walk with their feet.

We have a mixed economy of private and independent — some are religious based, some are not — schools and the government sector. I taught in the government sector and I attended a government school as a student, and my son attended a government school for most of his time and then scored himself a scholarship. For people who cannot afford private school fees, their children deserve the very best opportunities and the highest quality of education. Unfortunately there are practices that are longstanding and that do need to change, and the union movement has been a staunch opponent of that.

I remember when I was the English faculty head at Cleeland, one of the government schools which subsequently a Labor government closed, or merged. In actual fact I think they have done that with every school at which I have taught. Labor has closed or merged or amalgamated those schools. I do not know what that says. Then the unionised teaching force was deadset opposed to any sort of testing. Look at how long it took us to get the national assessment program — literacy and numeracy or to get testing in schools as an indicator. It is certainly not the sole arbiter or determinant of a child's potential or whatever, but to hold a school accountable, student outcomes are a very important indicator.

Education is not there for the union movement; it is there for the kids, it is there for our students. Parents have just as much right — and more so — to be integrally involved in absolutely every element of a child's education, with few exceptions, where there are issues. There is a role then for other agencies to step in. But overreaching and succumbing the rights of the child to the altar of the state is not something that I favour. Having been born under communism, I understand the power of propaganda and the importance of freedom of religion and freedom of choice as the foundation of our democratic values and beliefs — so 'no' to unions having the weight of opinion on the VIT. I will, on behalf of the opposition, not be supporting that particular clause. With those few words, I look forward to the rest of the debate.

Ms PENNICUIK (Southern Metropolitan) — I am very pleased to make some remarks today on the Education and Training Reform Amendment (Miscellaneous) Bill 2016, which indeed makes a range of miscellaneous amendments to the Education and Training Reform Act 2006. They are quite different sets of amendments that this bill includes.

Firstly, under clause 4 the bill expands the definition of 'sexual offence' in section 1.1.3(1) of the act to include references to additional offences that have been recently inserted into the Criminal Code of the commonwealth of Australia to ensure that those offences are taken into account when assessing the registration and performance of Victorian schools and Victorian teachers. These definitions would include: forced marriage involving a person under 18 years of age; using a carriage service for sexual activity with a person under 16 years of age; and using a carriage service to transmit indecent communication to a person under 16 years of age. The Greens are very supportive of this amendment under clause 4 of the bill to add those definitions under that section of the act.

Clauses 6 to 13 make a number of other miscellaneous amendments to the act, such as inserting fees for temporary approvals of early childhood teachers. This amendment would simplify the fee-setting process for temporary approvals of early childhood teachers by removing the requirement for the minister to call for and consider a recommendation of the Victorian Institute of Teaching (VIT) when fixing that application fee. But this would not affect the requirement for the minister to continue to call for and consider VIT recommendations in relation to other fees relating to teacher and early childhood teacher registration.

The bill also amends the act to clarify the process for the appointment of acting members to the VIT. Currently the minister has the power to make those appointments to the governing boards of statutory authorities under the act, but historically this has not applied to the VIT council because of the process of electing members to the council prior to 2014 when the previous government changed it. But that has now been changed back. Instead, the chairperson of the VIT is empowered to appoint acting members on the recommendation of the council.

We are supportive of that amendment and also the amendment that goes to the debt recovery arrangements, which is to ensure that Victoria complies with its obligations under the Australian Education Act 2013 at a commonwealth level to have adequate debt recovery arrangements in place in respect of school funding by the commonwealth. These are all sensible amendments.

The other amendment that is made by the bill, particularly by clause 5, which is the major clause dealing with this amendment, will enable the secretary to dismiss an employee without a formal inquiry if the secretary reasonably believes that serious misconduct has occurred. The minister in his second-reading speech states that this dismissal power:

> … seeks to close a gap in existing legislation to effectively manage serious staff misconduct without unnecessary

> procedural delays and to increase the integrity and accountability of the government teaching service.

The Greens have serious concerns with the amendments in the bill which go to sections 2.4.61, 2.4.62, 2.4.63, 2.4.64, 2.4.65, 2.4.66 and 2.4.67 of the act. These lay out very detailed procedures for the dismissal of or disciplinary action taken against teachers or education staff under the act. Sections 2.4.62 and 2.4.63 also outline the procedures, and section 2.4.60 sets out the grounds for action taken against employees in terms of disciplinary actions. The Greens are of the view that this particular section of the act is very comprehensive in terms of the sorts of procedures and natural justice processes involved in disciplinary action, whether or not they eventually lead to the dismissal of an employee, and that there is no need for the summary dismissal power that is being inserted by this bill.

I should say that the Greens have prepared an amendment to remove clause 5 from the bill, and I am happy to have that amendment circulated.

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

Ms PENNICUIK — Members will have the amendments in their hands, and as I was just outlining, there are very comprehensive processes and procedures under section 2.4.61 and other following sections of the act. Just recently there were changes made to the Victorian Institute of Teaching such that if there were any allegations of sexual misconduct by teaching staff they could be immediately suspended. In my view, because an allegation is an allegation and not necessarily a fact, a suspension allows the teacher to be removed from the classroom. An immediate suspension allows the teacher to be removed from the classroom while an investigation is carried out, and we supported that amendment with some comments that I made at the time.

But what we have here now is the power for the secretary of the department to summarily dismiss an employee. If you read the second-reading speech and the statement of compatibility, both of those go to the issue of allegations of sexual misconduct by a member of staff, but if you go back in time the real reason appears to be the findings of the IBAC inquiry and its report known as *Operation Ord*.

We know of course that certain employees of the Department of Education and Training were involved in fraud against the taxpayer, basically. At least one of those was an executive employee and was, in fact, dismissed under the Public Administration Act 2004. But in terms of many of the other staff members who may have been named in this report, the grounds that need to be satisfied at the present time for dismissal of staff are clear. Currently, as expressed in the second-reading speech:

> … the procedure for managing serious misconduct is subject to complex and time-consuming procedures.

Well, it should be subject to procedures, whether they be complex and time consuming or not, and bearing in mind that a person can always be suspended. The second-reading speech continues:

> There is no explicit legal power for the secretary to terminate the employment of a member of the government teaching service for serious misconduct without first conducting an inquiry.

I would have thought that if you were going to dismiss someone you would need to conduct an inquiry and know you are on solid ground to justify such drastic action. At the moment:

> To justify summary dismissal, the secretary needs to be satisfied that an employee's conduct is grave, serious or a significant departure from the standard of care which should have been exercised.

I do have some issues with the minister saying that one of the reasons for not conducting an inquiry is that the process is complex and time consuming and the other is the introduction of the concept of 'reasonable belief' rather than some evidence that something has occurred. Also, if we go to the statement of compatibility, the secretary will be able to summarily terminate an employee if he or she reasonably believes the employee has engaged in serious misconduct.

Under the heading 'Fair Hearing' in the statement of compatibility, the minister says that, yes, this limits the rights under section 24 of the charter, but this power will:

> Expedite the dismissal process when it is clear that the employee has engaged in serious misconduct and inquiry is not required.

The proposal that something must be clear and that the only test is that the secretary has a reasonable belief is antithetical, because a reasonable belief is not clarity. So we have a problem there. The statement of compatibility continues:

> Circumstances in which the secretary may decide to terminate an employee without first holding an investigation include where the employee has admitted the serious misconduct in a court or another forum.

I would say that that still requires investigation because the person may be a witness and could come under significant duress during questioning by a barrister or someone assisting the IBAC commissioner, and may admit to something that has not in fact been proven, so I think this is a behaviour that, under the existing processes under section 2.4.61 and following sections of the act, would require an investigation by the secretary to investigate that admission and the circumstances by which it has come about and undertake disciplinary action. As section 2.4.61 says, this could be a reprimand, a fine not exceeding 50 penalty units, a reduction in classification or a termination of employment, but it does require some investigation.

As I have said, senior public servants in the executive service are not covered by this provision. It refers to departmental employees and/or teachers. As I also said, if there is any allegation of sexual misconduct, they can already be immediately suspended, so that is — —

Mrs Peulich — On full pay.

Ms PENNICUIK — Mrs Peulich says 'On full pay', but I am talking about allegations, which are not proven facts — and people can make allegations that are not true.

The statement of compatibility also goes on to say:

> An expedited process for the termination of employment as opposed to the power to suspend a person, in circumstances where there is strong, reliable evidence that serious misconduct has occurred, especially in cases where this may involve a child, is appropriate in that it removes ongoing uncertainty for those involved.

I do not understand how that strong, reliable evidence correlates with a reasonable belief, and further, it would mean:

> … that the secretary may choose not to comply with the processes in the act mandating investigations …

But the statement of compatibility says that while this amendment would not mean that the secretary would need to carry out an investigation, 'it is envisaged that these processes will be adhered to in the majority of cases'.

I am glad to read that, but that is not what the actual bill says and it is not a compelling case given that it is just mentioned in the statement of compatibility. As I said, there is already the ability to suspend an employee. I would say, too, that the existing processes and procedures in the act, in addition to the ones that were recently added to the Victorian Institute of Teaching legislation, have worked well over many years. They have been worked out through successive governments and the staff of the education department, including departmental staff and teachers. There has been no evidence put to me — except the behaviour outlined in *Operation Ord*, which I will talk about in a moment — to show that there is any need for this, and I would still say that, apart from the executive service personnel, the processes already outlined in the act would suffice.

The next page of the statement of compatibility states that:

> DET's managing complaints, misconduct and unsatisfactory performance guidelines will also be amended to include a section on summary dismissal to set out the general requirements for the decision-maker to ensure that a fair and reasonable process is followed.

Ipso facto, summary dismissal is not a fair and reasonable process. What is a fair and reasonable process is what already exists in the act, and there is no need to change the act. For example, this provision sets what we could call a condition precedent, and a condition precedent to the exercise of the power to summarily dismiss — that is, the secretary holding a reasonable belief — is too low a bar for dismissal. The condition precedent should be the conduct itself — that is, the grounds of the serious misconduct. Simply referring to 'serious misconduct' is vague. It should be referring to an actual action such as theft, fraud, assault and so on.

I agree also that if, for argument's sake, we accept the need for a summary dismissal, this needs to be limited to a power being exercised only by the secretary and not by delegation. I know the government has an amendment to that effect, which we would support. I notice that Mrs Peulich is not going to support the amendment on the delegation; is that right?

Mrs Peulich — We won't oppose.

Ms PENNICUIK — You will not oppose? Well, you spoke against it.

Mrs Peulich — I expressed some concerns about how it will operate.

Ms PENNICUIK — In summary on the problems with this amendment, it does abrogate the right to procedural fairness. There is no appeal on the substantive ground of whether in fact the conduct occurred. The explanatory memorandum says that an employee has a right to appeal and that under appeal it would be considered and it would be assessed on whether there is a reasonable belief but not the substantive ground on whether in fact the conduct had occurred. This leads to a wide variety of circumstances

where an employee has not in fact engaged in conduct, even though the secretary has a reasonable belief that the conduct has been engaged in. If the employee has been found guilty and then that is set aside, the employee would not be able to challenge the substantive ground of the alleged misconduct.

It has also been brought to my attention that the practical exercise of the powers proposed would lead to a conflict with unfair dismissal laws in respect of non-executive employees. This is because unfair dismissal laws require an employer to have a valid reason for dismissal, not simply a reasonable belief. So that is the problem with this provision that is being inserted into the act by this bill, which the Greens are saying is not required because the procedures under the act suffice already.

In terms of the report of IBAC — called *Operation Ord*, which I have already made a statement about in statements on reports — it is worth saying that the secretary of the department saying, 'Well, I'm going to fix this problem by getting the act changed so that I can summarily dismiss employees' is not going to get to the nub of the problem. If people were to read the report, they would deduce and infer from it that the problems have to do with the culture, the structures and the behaviours that have gone on in the department of education over a long time. For example, on page 8 the report says:

> This report outlines the conduct of Operation Ord, which has been complex and protracted due to the considerable subterfuge involved, as well as constraints on the availability of financial data. The report also outlines departmental practices, organisational culture and the failure of systems and controls which contributed to the corrupt conduct going undetected for so long.

As I have said before, this state of affairs was allowed to develop and to continue and to fester under multiple governments — the previous government, the one before that and this one. It is no surprise if you read the report that some people behaved badly, because there was not anything to prevent them from doing that. For example, the report also says:

> Operation Ord identified that there was a general failure of controls around procurement that contributed to the corrupt conduct. Deficiencies included business managers failing to check that goods and services were delivered or performed before processing payment, purchase orders either not being raised or being raised after a purchase had been made, invoices with insufficient information being approved for payment, and lack of documentation to support payments.
>
> Similarly, the investigation uncovered a widespread lack of accountability for public money within the department. Banker schools were used to pay for goods that were contrary to department policy, such as generous hospitality, alcohol and gifts. Invoices were paid without question at the direction of senior officers, although the payments were totally unrelated to the business of the school or established clusters of schools.
>
> There was a significant lack of transparency in relation to funds transferred into and out of schools for these purposes. The lack of accountability and transparency clearly suited the purposes of certain senior officers, who were using banker schools either corruptly or inappropriately.

There is even more that needs to be put on the record as well, with regard to what was going on in these schools. Paragraph 3.5 of the report goes to the department's 2010 audit into the program coordinator schools. In 2010 two senior internal departmental auditors completed an audit program of the coordinator schools. This audit was placed on the plan as a result of pressure brought to bear by a number of people who expressed concerns over a number of years about the use of program coordinator schools to circumvent systems and controls and who were also concerned about the apparent use of program coordinator schools to pay invoices et cetera. The audit identified that at October 2010 approximately $30 million was held by the schools, and the audit looked at whether the coordinator schools were properly administering the funds on behalf of regions, if departmental policies and procedures were being followed and whether controls were in place to ensure appropriate authorisation, recording and reporting of expenditure.

The audit concluded that program coordinator school arrangements were in breach of the act as well as departmental policies, procedures and guidelines. Three audit findings were defined as critical, indicating potential severe adverse effects on the department and requiring immediate attention of the deputy secretary. It recommended that arrangements involving expenditure on behalf of regions and central office cease immediately, and a lot of detail follows.

Further on the report says:

> Despite the gravity of the findings and recommendations, the audit report languished. In fact, it was not signed off by management until August 2011, approximately eight months after its completion.

If you go to paragraph 3.5.4, it reads:

> Following a period of obstruction, management acknowledged the concerns raised in the 2010 audit and accepted most of the recommendations.

What I am trying to get to there is that there is a lot more in this report that could illuminate what has been going on in the department of education. There are serious structural problems within the department. During the Public Accounts and Estimates Committee

hearings and in fact in financial outcomes hearings earlier this year I pursued this issue with the new secretary, Ms Gill Callister. I am confident that she wants to fix these problems, but I think she has a very difficult task in terms of the longstanding, entrenched practices and the ignoring of warnings, not only those given by their own internal auditors but several given by the Victorian Auditor-General's Office regarding the lack of proper procedures and processes within the department with regard to its oversight of public money. As I say, structures were not in place, and when that happens, some people, sadly, will take advantage of that, and some of those people have already gone.

But going back to the nub of the issue, my concern really is with natural justice and procedural fairness and that a reasonable belief being held by the secretary of the department without having undertaken any sort of investigation or inquiry and without proper procedures in place for response by an employee before they are summarily dismissed is not good industrial relations practice. It is not fair, it does not follow natural justice and it may lead to very unjust outcomes, whereas the procedures that already exist under the act are there to prevent unfair outcomes. They are also sufficient to protect children, particularly with the changes that were made earlier this year with regard to the Victorian Institute of Teaching.

We already have the processes and procedures in place that can deal with any of the issues that the government cares to raise in defence of its summary dismissal powers. That is why the Greens will not be supporting that particular provision of the bill even though we are supportive of the other aspects of the bill.

Mr ELASMAR (Northern Metropolitan) — I rise to make my contribution to the Education and Training Reform Amendment (Miscellaneous) Bill 2016. The bill proposes several amendments that seek to protect children who are in the care of teachers in the government teaching service. The amendment provides a proper instrument for the summary removal of individuals who are prima facie guilty of gross misconduct. The amendments in no way deny these individuals natural justice, as the mechanisms for an appeal are still enshrined in the current legislation.

The bill empowers the secretary of the department to summarily dismiss a member of the government teaching service for serious misconduct. At present the framework for dismissal is cumbersome and time consuming. It is critical in these circumstances that immediate action is taken. As the safety of the child is paramount, this action — and by that I mean summary dismissal — is considered warranted by the secretary.

The bill also expands the definition of 'sexual offence' to include references to additional offences under the Criminal Code of the commonwealth.

The bill goes on to establish a statutory debt recovery arrangement in respect of commonwealth financial assistance provided to Victorian schools. The future debt recovery arrangement in the bill will effectively establish a legal relationship between the commonwealth and Victoria. It enables the commonwealth to recover any funds due to non-compliance with conditions regarding the financial assistance that the commonwealth provides to Victoria for schools. If the commonwealth education minister determines that funds allocated to a school are in breach of the conditions for funding, then those funds are able to be recovered.

The bill also contains a provision for the temporary appointment of members to the governing board of the Victorian Institute of Teaching (VIT). Prior to 2014 there were options to have elected members of the VIT board. During 2014 these options were removed. The entire board now consists of totally ministerial-appointed members. The proposed amendment will empower the minister to make acting appointments to the VIT council. Currently the minister has a general power to make acting appointments to the governing boards of statutory authorities under the act. However, due to the elected component of the Victorian Institute of Teaching board, it was not possible to appoint a replacement member who had been elected. Under these provisions the minister may appoint a temporary replacement on the recommendation of the council.

The proposed amendments also recognise the recent changes to the composition of the council affected by the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. Notwithstanding the ministerial prerogative to appoint board members, the minister will still be required to consult with the relevant union before appointing a person to act in the place of a member of the VIT council who was originally nominated by the union.

I would like to speak further on this bill. It is a good bill. I know that an amendment will be circulated by the government and debated in the committee stage, so I commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to be able to rise this afternoon and make a contribution to the Education and Training Reform Amendment (Miscellaneous) Bill 2016. As has been said by other members, this bill will empower the

Secretary of the Department of Education and Training to summarily dismiss a member of the government teaching service for serious misconduct, put in place a statutory debt recovery arrangement for financial assistance that is provided by the commonwealth to Victoria for schools, ensure that new sexual offences under the Criminal Code of the commonwealth can be taken into account when assessing the registration and performance of Victorian schools or teachers, simplify and clarify procedures relating to the Victorian Institute of Teaching (VIT), and make minor and technical amendments.

I note that Mr Wakeling, the member for Ferntree Gully in the other place, made a number of comments in his contribution on the bill in relation to the findings of IBAC following its investigation into the rorting of education. Mrs Peulich has similarly commented on this. I think these are indeed very important because IBAC found that serious misconduct had occurred in the education department. There was a lot of media attention paid recently to this issue, and article after article demonstrated that there were serious concerns in relation to a number of individuals who, quite frankly, did defraud the state and gained from the misappropriation of public funds.

At the time the former coalition government was setting up IBAC the now government criticised its formation, saying that it would be a toothless tiger. The findings from this particular inquiry were certainly alarming and I think demonstrated the powers of IBAC. We have of course seen in the IBAC inquiry that another project set up by the former Labor was mismanaged — that is, the ultranet project. It was certainly extraordinary to see what IBAC uncovered in the course of its inquiry. I do not want to go on about that too much because it has been canvassed in other contributions, other than to say that there was an enormous amount of public money misspent. I am quoting now from an article in the *Age* of July last year, which states:

> The $2.5 million in public funds involved in potentially corrupt transactions would go a long way in state schools. It remains unclear whether schools will recoup any of the money that was misspent or whether assets will be seized from officials who were found to be corrupt.

The article also goes on to talk about the ultranet project and states:

> The rorted $2.5 million identified by IBAC is minuscule compared with the cost of the botched $180 million ultranet computer system, which was supposed to revolutionise school life.

There were serious concerns about that process.

This bill looks at a number of areas. It wants to not only minimise the disruption caused when teachers engage in the types of serious misconduct that I have alluded to but also, more importantly, deal with any teacher who might pose an unacceptable risk of harm to children. In that case of course they would need to be suspended. I know that when I was involved in the Victorian parliamentary child abuse inquiry we certainly looked at this issue in relation to teachers and the early education sector and at the time noted that the Victorian Institute of Teaching (VIT) did have specific standards that needed to be adhered to.

Teachers have a unique role in terms of creating a safe educational environment. At no time should a teacher who has a professional relationship with a student enter into a sexual relationship with them, use any sexual innuendo or engage in any of the types of issues that this bill seeks to address which require suspension of their registration. I know that the suspension of a teacher's registration is not undertaken lightly. It is something that needs to be considered seriously, but it also needs to be in the best interests of the children that that teachers is protecting. Of course the education facilities will want to have some oversight of this if they can and have some say in relation to what they can and cannot do.

This bill also looks at various elements of the make-up of the board. I note that this was something the former government looked at closely. The coalition wanted to have input from people who are directly involved in the education of young people and students. It was very clear at the time that the coalition did not want the unions to be overly represented on the board or for them to overly influence the board, but this bill looks to ensure that that will occur.

The coalition will not be supporting clause 8, which inserts new section 2.6.64(2), which requires the minister to consult with either the Australian Education Union or the Independent Education Union on filling a relevant vacancy on the VIT board. This is something that the coalition does have concerns about in relation to the power and influence of the unions. I note that the government is bringing in a house amendment to ensure that the secretary has ultimate power, which suggests that that could be more open to influence from the unions. I hope that would not be the case, but nevertheless if we do not have a range of people on those boards, then that is open to occur.

I just want to move quickly to the area that I have responsibility for, and that is in relation to the early education sector. When I consulted with the sector on the provision to enable early childhood educators in

regional and rural Victoria who require registration to not be bound by the requirement to hold an approved qualification and for the secretary to grant temporary approvals to work, it was clear that it is a very reasonable provision of this bill. Often it is difficult to get educators in those areas — there may be a shortage or there may be a time factor in play — so I think it is a common-sense measure. As I said, at the time of looking at this bill there were no real concerns in relation to this sensible provision in the bill.

In the final few moments of my contribution, I return to Mr Wakeling and his contribution on the bill. He referred to the commonwealth's inability to recoup funds from school authorities and school bodies and the fact that that needed to come through the states. The new provision that provides for debt recovery arrangements is I think another area of the bill that is welcome and where a common-sense measure applies that will enable those moneys to be recouped if necessary.

I do not think there is too much more that I need to say that others have not covered in their contributions. Suffice to say that the coalition welcomes any legislation that gives assurance to Victorian communities that there are provisions in place to protect students from those that might be wanting to sexually exploit or seeking to have an unprofessional relationship with them, as clearly they need to be protected. In saying that, I do note that this also goes to our looking at the area of forced marriage. Speaking just briefly to that, I note that of course that is not a common occurrence in this country, but it could occur, so this bill also highlights that provision. Should that occur in our community, this bill addresses that issue, saying that it is completely unacceptable.

There are a number of very good parts to this bill in relation to protecting children and providing safe learning environments for them to enable them to gain the necessary education to further their future opportunities.

Mr RAMSAY (Western Victoria) — I am pleased to be able to make a contribution to the Education and Training Reform Amendment (Miscellaneous) Bill 2016. I note that the coalition is not opposing the bill. As previous speakers have indicated, this bill is designed to make some amendments or minor changes to the act. It will empower the Secretary of the Department of Education and Training to summarily dismiss a member of the government teaching service for serious misconduct, put in place a statutory debt recovery arrangement for financial assistance that is provided by the commonwealth to Victoria for schools, ensure that new sexual offences under the Criminal Code of the commonwealth can be taken into account when assessing the registration and performance of Victorian schools or teachers, simplify and clarify procedures relating to the Victorian Institute of Teaching and make minor and technical amendments — and I am not going to go into detail on those.

I did want to mention that that the Independent Broad-based Anti-corruption Commission has in only recent months made considerable inroads into investigating some serious misconduct through the Department of Education and Training. I raise this matter because it was the coalition government that introduced in this chamber legislation — a number of tranches of legislation — for the anti-corruption body or IBAC, as we know it here in Victoria. I sit on a parliamentary committee which is charged with oversighting a number of government agencies, which include IBAC, the Victorian Inspectorate, the Auditor-General and others. Certainly the thresholds within which IBAC was working previously have now been lowered to encompass not only serious criminal corrupt behaviour but also serious misbehaviour. While this bill strengthens the powers of the Secretary of the Department of Education and Training to dismiss a member of the teaching service who has engaged in serious misconduct, IBAC also now has the powers to investigate breaches within the teaching profession in relation to serious misconduct. We have seen the results of a current inquiry whereby those who engaged in that behaviour have been dealt with harshly.

As I said, the bill is supported by the coalition. It is a sensible amendment. Unfortunately it adds no dollars to schools. In my Western Victoria Region I have a number of schools that are desperate for upgrade and renewal. Ms Pennicuik is looking at me thinking, 'Now Simon is so totally going off the bill into areas that are not associated with the detail of the bill', but it did give me an opportunity to talk about the lack of investment by the Andrews government into education and specifically into the schools in my Western Victoria Region, some of which have been waiting decades for upgrades and investment. I refer to the poor old Birregurra Primary School, which has for years and years been on the top priority list but is still unable to attract the eye of the education department for a total refit and renewal. It was a temporary building when I was there, back — well, I will not say what year — many years ago. Unfortunately it has only been the work of the students and parents that has created a pleasant environment in that school. It should have been bulldozed 20 years ago and refitted, but sadly it is still waiting for the funding allocation for an upgrade of

the school. That is typical of many, many schools around Western Victoria Region that are still awaiting upgrades and replacements.

I support the government's endeavour to make some amendments through this bill to enable the secretary to terminate the employment of employees if the secretary reasonably believes the employee has engaged in serious misconduct. The bill has provisions in relation to recovering debt and expanding the definition of sexual offence to include further offences in the Criminal Code of the commonwealth and to make other miscellaneous amendments. Unfortunately, as I said, the bill does nothing to encourage the government to invest and invest as a priority in our education facilities across Western Victoria Region.

Ms BATH (Eastern Victoria) — I am pleased to rise today to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. On the whole these are reasonable changes to the Education and Training Reform Act 2006, so as a Nationals member I will not be opposing the majority of the bill, although there is one part and one clause I am not happy with at all.

There are sensible and reasonable changes in this bill to strengthen and protect our children in state schools. One of the purposes of the bill will be to grant the departmental secretary summary dismissal powers over members of the government teaching profession for serious misconduct, which is in terms of the common law definition. Serious misconduct is defined in regulation 1.07 under the Fair Work Regulations 2009 and includes conduct that causes serious and imminent risk to the health and safety of a person or the reputation, viability or profitability of the employer's business; theft, fraud, and assault or the employee being intoxicated with drugs or alcohol whilst at work; or the employee refusing to carry out a lawful and reasonable instruction which is consistent with their employment.

The bill streamlines the process for the dismissal of a teacher by the department secretary when it is clear that the person has engaged in serious misconduct and an inquiry is unnecessary. I give the example, in particular, of where a person has already admitted to their misconduct. The current practices are, as defined, lengthy. The person in question is suspended on full pay. The processes can be time consuming and also wasteful of time when it is deemed unnecessary. With this bill and this clause the staff of the education department will come in line with the Public Administration Act 2004 and other employees under that act.

There are many investigative bodies, and one that Ms Pennicuik and others have spoken about is IBAC — the Independent Broad-based Anti-corruption Commission — which was established under the Baillieu-Ryan government. It has investigated multiple things. At the moment it is investigating within the education sector inappropriate behaviour and in particular the gross misuse of government funds. One case in point that I would like to raise is the education department's now infamous ultranet. The ultranet was going to revolutionise online learning in state schools. It was going to be a platform for curriculum development and for interaction and communication between teachers, schools, students and parents. It was going to record student progress and revolutionise the system in general. This unfortunately disastrous venture, we will say, ended up costing $240 million. It was a blowout. It was supposed to cost $160 million; it ended up costing $240 million. What a waste.

Even the initial promotion of the ultranet ended up being like a floor show at a very bad casino. It cost $1.4 million. It was held at the Melbourne Convention and Exhibition Centre. To the tune of Madonna's *Material Girl* the participants sang, 'We are living in a virtual world and I am an ultranet girl'. This is a bit of a sad reflection, in my opinion. I was teaching in a country school at the time. On rollout day the drums were rolling, and it ended up being a great big fiasco. Students were told to stay home; it was supposed to be a professional development day. In the end, at about 10.30 a.m. when the system crashed, at least we had some quality time. We went and prepared lessons and did research on our own. What happened to the ultranet? It vanished into thin air. The platform was built by the Australian IT firm CSG, and post audit IBAC is making investigations. Many rural schools across my electorate could have done with a slice of that $240 million. Wonthaggi Secondary College, Korumburra Secondary College and Mr Ian Hall at Bairnsdale Secondary College would have loved a slice of that pie.

The second area in the bill that I will talk about is the putting in place of a statutory debt recovery arrangement for financial assistance provided by the commonwealth to schools in Victoria. Under the Australian Education Act 2013 the commonwealth provides funds to the state for distribution to various authorities to in turn distribute to individual schools. However, at present the commonwealth cannot recover debt easily from an individual school but rather through the state by way of debt owed by the state to the commonwealth. This is a convoluted and inefficient procedure. This bill will implement effective debt recovery arrangements so that the commonwealth

government is legally able to recover funds from school authorities via the state.

The bill will also ensure that new sexual offences under the Criminal Code of the commonwealth can be taken into account when assessing the registration and performance of Victorian schoolteachers or schools — for example, if a teacher has been associated with any of the three new sexual offence grounds for registration termination and disqualification from teaching. The three sexual offence grounds include a teacher being found guilty of being involved in a forced marriage involving a person under the age of 18. In Australia it is not possible for a person under the age of 18 to get married without court approval, and an Australian court would not authorise a forced marriage, so as a matter of practice the offence of forced marriage involving a person under 18 will only ever have occurred overseas. The Scrutiny of Acts and Regulations Committee *Alert Digest* No. 5 also identifies that the marriages in consideration would be forced marriages that teachers have participated in overseas.

I would like to note and put on the record that while here in Australia we would feel disappointed or shocked about and would not condone the unlawful marriage of a girl under the age of 15, it does occur in some countries. There are frightening statistics. According to a UNICEF report of 2015, in some countries between 15 per cent and 30 per cent of girls are married by the age of 15. There are many more countries in which a large percentage of girls under the age of 15 are married despite the legal age being 18. We have seen photos and images of girls as young as 10 sitting on beds and being forced into terrible slave-like conditions. The forced marriage offences in Australia reflect our norms and our standards, which focus on protecting children from sexual exploitation and according to which marriages of 15-year-olds are viewed, as we know, as highly inappropriate, abnormal and an abuse of children. These children should be running around, playing and enjoying life rather than being forced into marriages.

There is a grey area of the bill, which Mrs Peulich raised before in her contribution, and that relates to teachers who have come from those countries where younger marriages are permitted and may have been involved in customs that seem appropriate there. After coming to our country they may apply to be a teacher and then expect that they can conduct their duties. It will have to be teased out how this law will capture them and how those clauses in the bill will relate to them.

Other sexual offences outlined by the bill include using a carriage service such as a mobile phone for sexual activity with a person under the age of 16, a teacher using their position to groom a child under 16 for sexual exploitation, and also using a carriage service such as an iPad or a phone to transmit indecent communication to a person under 16. Unfortunately this happens. I have grave concerns about anyone in our community who attempts these criminal actions, including teachers who plot and become involved in this profession for these hideous reasons. Having said that, it is my understanding and experience that most of our teachers in this country are wonderfully dedicated to their positions and to their students. Teachers who groom students for sexual reasons are pariahs and not the norm.

The bill also gives the power to determine fees for temporary work approval applications from early childhood educators who do not meet normal qualification criteria for the Victorian Institute of Teaching (VIT). From September 2015 all qualified early childhood teachers working in the Victorian education system, care services or children's services must be registered with the Victorian Institute of Teaching. To be eligible for this registration, teachers must hold an approved early childhood teaching qualification. But it is important to understand that in rural and remote areas in Victoria some kindergartens are unable to fulfil their staffing requirements to have a staff member who holds an approved teaching qualification. In my electorate in East Gippsland there are small communities, such as Omeo, Cann River and Swifts Creek and others, which can often struggle to attract kinder and preschool teachers with these qualifications.

Victoria needs a system that can be flexible and that can accommodate capable and experienced early childhood teachers who may not hold VIT registration. I was speaking only today with a friend from Omeo. She was relating that there are a number of kinder teachers who cannot access professional development because they are single-teacher schools, and therefore they are having to go online. Their feeling is that it is a subclass; it is not as useful doing professional development online as it is doing genuine upskilling off campus. Governments need to provide a mechanism to support the needs of the teachers in rural communities. This bill enables those teachers who do not hold this qualification to apply to the secretary of the department for a temporary work approval.

Lastly, the major concern I have in relation to this bill is that it gives the Minister for Education the power to make acting appointments to the council of the

Victorian Institute of Teaching. Clause 8 of the bill inserts new section 2.6.64(2) into the principal act, which relates to the requirement of the minister to consult with either the Australian Education Union (AEU) or the Independent Education Union (IEU) on replacing a relevant vacancy on the VIT. In effect it gives veto rights to the AEU or IEU. It does not include a requirement to seek advice from the Victorian Principals Association; there are 1000 principals in this representative body. The bill does not acknowledge that a significant number, approximately 40 per cent, of VIT-qualified teachers are not in either union. It fails to recognise a very significant body of these professionals in teaching. I understand that we will be presenting in the committee stage an amendment to remove the clause that I have just mentioned.

In conclusion, education is very important to The Nationals. It is very important to us that we identify the need to close the gap between the educational outcomes for our country schools and our country students as opposed to their city counterparts. Anything that can help facilitate better educational outcomes is important. At this point I will not be opposing the bill and will listen with interest at the committee stage.

Mr MORRIS (Western Victoria) — I too rise to make my contribution to the Education and Training Reform Amendment (Miscellaneous) Bill 2016. I echo the sentiments of what has been expressed by my counterparts on this side of the house. I also concur with Ms Bath's summary of what happened on the farcical ultranet day. I also was teaching — at Darley Primary School — and the 650 children at the school were not there for the day because the teachers were going to be learning all about this newfangled ultranet. Of course it did fail and, unlike Ms Bath's staff who remained at school, we were sent home for the rest of the day, so not a lot was achieved on that particular day with regard to the ultranet.

This particular bill is of course going to make some important changes to ensure that children are protected in our schools, because it is a fundamental right of our children to be protected in schools and to have teachers who are of the appropriate character to be within that educational setting.

I think it is important at this juncture to make some comments about what is happening in our schools across the state. Indeed in Western Victoria Region there are some schools that are in desperate need of funding that we have not thus far seen come to fruition. We have got Mount Clear College, a school that is in desperate need of $13 million worth of funding. The member for Buninyong in the Legislative Assembly recently announced that there was going to be a mere $2.1 million, which of course is going to go nowhere near doing what needs to be done to ensure that Mount Clear College is the school that it would be with the appropriate funds that were committed by the former Liberal government at the 2014 election but that have not come to fruition.

Ballarat High School is another wonderful school that has a long and grand tradition in Ballarat. It is in desperate need of funding and has been forgotten by this Andrews Labor government.

There is a suburb of Ballarat called Lucas; it is in the Ballarat growth area. There is a huge need for a primary school in Lucas. I must commend the Ballarat City Council for its forward thinking and planning of the Ballarat growth zone in Lucas. I was not the mayor at the time, but we had a fabulous mayor in Judy Verlin, who did a great job in leading the City of Ballarat and indeed planning for the growth zone in Ballarat's west. However, one of our newest suburbs — Lucas — in Ballarat is in desperate need of a primary school. Again, the Liberal Party prior to the 2014 election did commit to providing a primary school in Lucas, and thus far we have heard absolutely nothing from the Labor government with regard to its view on the need for a primary school in Lucas.

I certainly was very heartened to hear the principal of Alfredton Primary School speak to the *Courier* not so long ago, saying that her school is bursting at the seams; she cannot take any more students. It is absolutely bursting at the seams.

An honourable member interjected.

Mr MORRIS — No. No new schools in Ballarat, but there is a desperate need for a new school in Lucas. Alfredton is bursting at the seams and is one of the fastest growing suburbs in Victoria, and there is a desperate need for a school there.

This bill also makes reference to the Victorian Institute of Teaching (VIT) and indeed its council. I am very pleased that some changes are proposed to ensure that there is proper representation on the board, changes coming from this side of the chamber. But I was actually contacted recently by a constituent with regard to the Victorian Institute of Teaching and the methodology by which teachers become reregistered with the Victorian Institute of Teaching. It is incredibly important that teachers do have the right qualifications and are registered appropriately; however, the methodology about going through that process was questioned.

This constituent of mine told me that she received an email that said, 'Look in the post, because you are going to get a letter. The letter is going to tell you how you are going to reregister with the Victorian Institute of Teaching'. The letter arrived in the mail, and that letter said, 'Go to the VIT's website and reregister'. I do wonder what the cost of sending that letter out to every VIT-registered teacher in the state of Victoria might be when an email had previously been sent. I thought maybe you might be able to cut out the middleman there and, rather than send that letter, just have the email that says, 'Go to the website and reregister'. With the cost of post as it is at the moment, I can imagine that it would cost several hundreds of thousands of dollars, if not millions of dollars, to send that one letter out to every VIT-registered teacher. That is just one area where I think we could look at some cost-saving measures with the Victorian Institute of Teaching.

I am pleased that the opposition will not oppose this particular bill, and I look forward to seeing the amendments that may be proposed in the not-too-distant future.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Just before I ask Minister Herbert to sum up, there is quite a lot of noise in the chamber. I do not know if because it is Tuesday I am a bit more averse to hearing the chatter, but I have to say that I think Ms Bath and Mr Morris had to speak a little bit louder than they would normally because there is a lot of background chatter. Perhaps members could show a little bit of respect for the contributions.

Mr HERBERT (Minister for Training and Skills) — Can I just say firstly that if I was the cause of that noise, I do apologise. I did not mean to be, and I apologise to Mr Ramsay if in any way I detracted from his contribution today on the first day back in Parliament.

In summing up, the bill, as has been pointed out, has a number of aspects to it. I will go to just some of the minor ones. It has new debt recovery arrangements involving commonwealth funding that is given to schools through the Victorian government. Sometimes these schools or institutions may go under, and there is a debt recovery process there. Currently the state holds that. These changes are put in line so that the commonwealth is a creditor or can instigate its own debt recovery procedures.

There are issues in terms of new definitions of sexual offences to bring the legislation in line with the new commonwealth Criminal Code, which basically brings it into line with a whole heap of uses of technology, particularly phones, in terms of disseminating images or seeking to get sexual favours from people under the age of 16. There is a range of other methods that have been brought in, and this brings it in line with a commonwealth requirement.

The last bill we brought in in terms of the Victorian Institute of Teaching (VIT) brought early childhood into the VIT scheme, and because of the transitional arrangements the secretary had the power to provide temporary registration. There was an issue there in terms of still having to go back to the VIT for setting the fees for temporary registration for early childhood teachers. This simply revokes that and it means that the minister can make those approvals. It also changes the way acting members of the VIT council are appointed, moving appointment away from the council to the minister responsible. This is in line with the changes to the way the VIT was restructured from a representative body to a ministerial-appointed body.

Have the opposition circulated their amendment?

Mrs Peulich — No.

Mr HERBERT — You are not circulating one?

Mrs Peulich — We are voting against clause 8.

Mr HERBERT — Okay. I note comments by the opposition about consultation in terms of those appointments and the minister consulting with the Australian Education Union and Independent Education Union on casual vacancies on the VIT council. We have differences of opinion. We believe that when you are putting in temporary members in the organisations that are represented there you should consult with them, whether they are principals or teachers or whoever they are. We have a basic position on that one.

Much of the debate has been around the summary dismissal powers. These summary dismissal powers came in really in response to the IBAC inquiry. We know now that it can take considerable time to summarily dismiss a member of the teaching service even though there may be absolutely no doubt that they are guilty of fraud or a range of other things. We saw the people in the IBAC hearings admit to fraud, but the secretary did not have the power to summarily dismiss them. They had to go through a lengthy process. What this bill does is bring that power in line with public service powers. It brings members of the teaching force in line with the public service in terms of the capacity of the secretary to summarily dismiss a member of the teaching service who has clearly breached obligations, codes and expectations.

In regard to the Greens amendment on that, can I just say that we will be opposing the Greens amendment. We really think that it is a core part of this legislation that the secretary has those powers. These dismissal powers were outlined in what we would implement in response to IBAC's report, *Operation Ord*. As I said, there are a number of barriers in the current act in terms of a lengthy and complex dismissal process, including the absence of an explicit legal power for the secretary to summarily terminate the employment of members of the government teaching service. We believe these are fair and reasonable. We also believe that in enacting that power of summary dismissal there are enough safeguards in it. We do not agree with the Greens position that this could be abused in terms of members of the teaching force.

The process the secretary follows before deciding to terminate employment will continue to be fair and reasonable. The employee will be entitled to natural justice prior to the secretary deciding on termination. This natural justice includes giving the employee sufficient detail of the alleged serious misconduct and the employee having a reasonable opportunity to respond to the allegation and a decision-maker who approaches the decision with an open mind. Employees are still covered, of course, by other appeal mechanisms. They can in fact appeal to the Disciplinary Appeals Board within the department, and indeed they are covered by the Fair Work Act 2009 in terms of unfair dismissal. So we think this is reasonable.

For teachers and others in the Department of Education and Training it is a huge honour and a responsibility. We are dealing with children, we are dealing with their opportunities and we are dealing with a very complex organisation that is essential to this state's ongoing prosperity. We expect people to behave in an appropriate manner, and when they do not, we need to have the capacity to terminate them.

Government amendment circulated by Mr HERBERT (Minister for Training and Skills) pursuant to standing orders.

Mr HERBERT — The amendment which has just been circulated is a technical amendment in many ways, but it follows feedback in terms of the capacity of the secretary to delegate summary dismissal powers. We have looked at that feedback and received the feedback, and we think given the limited number of times we would expect this to be used and given the severity of the issue that those powers should not be delegated down. They should be held with the secretary. There is a degree of high-level decision-making that occurs, and it also recognises that it is a serious matter and will only be used under a number of limited circumstances. I hope the amendment is satisfactory to the house. It is a minor amendment but I think an important one. With that, I look forward to the committee stage of the debate.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order! Mr Herbert and Ms Pennicuik have separate sets of amendments to the bill, which have been circulated. I call on Pennicuik to move her amendment 1 to the purposes clause, which seeks to omit the authority of the secretary to terminate an employee for serious misconduct. I consider this amendment a consecutive test for all of Ms Pennicuik's remaining amendments.

Ms PENNICUIK (Southern Metropolitan) — Thank you, Deputy President, and welcome to your post as chair of committees. I move:

1. Clause 1, lines 5 to 8, omit all words and expressions on these lines.

Amendment 1 is in fact an amendment to clause 1 of the bill, which would remove paragraph (a) of the purposes clause, which is the clause that enables the secretary to terminate the employment of an employee if the secretary reasonably believes that the employee has engaged in serious misconduct. As the Deputy President pointed out, this amendment is a test for the following amendments, in particular the major amendment, which is the omission of clause 5 and the subsequent clauses 6, 7 and 11, which are basically technical amendments following the omission of clause 5.

Clause 5 is the clause that introduces the new power of the secretary to terminate an employee for serious misconduct and sees a new section 2.4.61A inserted into the act. That would be inserted under the existing section 2.4.61, which is headed 'Action against employee', and it is worth just reading out what that says. It reads:

(1) If the Secretary is satisfied on an inquiry under this Part that there are one or more grounds under this Division for taking action against an employee, the Secretary may take one or more of the following actions against the employee—

(a) a reprimand;

(b) a fine not exceeding 50 penalty units;

(c) a reduction in classification;

(d) termination of employment.

So the argument we have here is not that the secretary cannot terminate the employee; the argument is as to how that is done — whether that is done in a summary way or whether it is done after an inquiry or an investigation. So under section 2.4.62, 'Procedures for investigation and determination of allegations', it states:

> The Secretary must establish procedures for the investigation and determination of an inquiry under this Division.

Now, there are many more provisions, but the other thing to say about the new provision is that it precludes the other subsections under section 2.4, so 2.4.60 will not apply, neither will 2.4.61, which I just read out and is the major 'Action against employee' section. Section 2.4.60 is a rather long section of the act, which I will not read out in full, but basically it goes to the 'Grounds for action'. It begins with:

> (1) The Secretary, after investigation, may take action under this Part against an employee who …

Then there is a list: conducts himself or herself in a disgraceful or improper manner, commits an act of misconduct, is convicted or found guilty, is negligent or incompetent, contravenes a provision of the act or a requirement, without reasonable excuse fails to comply, without permission is absent or is unfit on account of character et cetera — but that also requires investigation.

Also section 2.4.66 will not apply. That provides that the employee may make submissions. It says:

> (1) The Secretary must give to an employee against whom it is alleged there are grounds for action notice in writing that the employee may make a submission in writing …

on the alleged grounds or any action that may be taken. It gives a 14-day time period and requires the secretary to consider any submissions made in accordance with the section.

As I mentioned in the second-reading debate, and I will not go into detail, there have also been changes to the Victorian Institute of Teaching (VIT) regarding the registration of a teacher such that if an allegation is made that involves serious misconduct involving children, that teacher can immediately be suspended and removed from the school. That covers off any safety aspect with regard to a teacher who comes under such a cloud, and hopefully that is a very rare occurrence. So the safety of children is not at stake in terms of not allowing for a summary dismissal.

I am saying that under the conditions of the safety of children but also the misconduct that I think is really behind this, which has got to do with the misconduct of certain teaching staff and other education department staff — mainly education department staff, with regard to the findings of Operation Ord — even in those examples the current procedures under part 2.4 of the act are sufficient and do allow for the termination of the employment of a staff member if, after investigation, that is found to be warranted.

So the nub of the issue is whether there should be a summary dismissal with no process and no procedure. As I have pointed out, those processes and procedures have worked well for many years under many governments, and whether the idea of the secretary himself or herself having a reasonable belief that something has occurred — that misconduct has occurred, misconduct — —

Mr Herbert — Serious misconduct.

Ms PENNICUIK — Yes, I take the minister's qualification there, serious misconduct. That is not necessary, given the comprehensive procedures that are already existing under the act and that maintain procedural fairness and natural justice. I do not accept the minister's assertion that summarily dismissing a person and then allowing an appeal is natural justice. I think natural justice is already incorporated in the section of the act as it already exists.

Successive governments have seen fit to leave it all there in place. I have not heard any evidence as to why it needs to be altered. There is nothing in being able to summarily dismiss someone that is required by anything that the government has mentioned in its second-reading speech. Its statement of compatibility makes assertions about procedural fairness and natural justice, which I do not think exist in the provision. That is why the Greens have moved the amendment.

Mrs PEULICH (South Eastern Metropolitan) — The opposition will not be supporting Ms Pennicuik's amendments. We believe that there is a place for summary dismissals, especially where there is strong evidence of serious misconduct of the nature that is contained in, say, the IBAC report that we have all been bandying about. I think it would make a mockery of the system, once you actually have such strong evidence as exposed in Operation Ord — an inquiry undertaken by IBAC — to then have a system where that resulted in a suspension with a further investigation pending. It just

does not stand up to scrutiny. I do not envisage that these provisions would be used frequently, but in the most serious cases where there is strong evidence of misconduct I think they are appropriate. As Ms Pennicuik has mentioned and as the government has also stated, if there is a miscarriage of justice, if there are strong grounds to the contrary, there is an appeal mechanism.

These amendments go in the opposite direction to where we would like to see the amendments go, and that is possibly even a little further than the capitulation that has been forced upon the minister by his left-wing and union mates where you cannot delegate the process of issuing a summary dismissal to anyone; it has got to actually be undertaken by the head of the department. If you have got a class of people who may be involved — just, say, 30 people — he is going to be a very busy boy making lots of phone calls. That is clearly the minister, Mr James Merlino, being brought to heel by his union henchmen. So it is in the wrong direction. The reforms are necessary, and for those reasons we will not be supporting the Greens amendment.

Mr HERBERT (Minister for Training and Skills) — As I said earlier, the government will not be supporting this amendment. It is diametrically opposed to the intent of this. In regard to the VIT's powers, of course the VIT does have summary suspension power, but it is only in relationship to where a teacher poses an unacceptable risk of harm to children. Serious misconduct such as fraud and theft would not result in the VIT suspending a teacher's registration under the power. We are of the view that the secretary should be able to take summary action against the teaching staff where there is clear and compelling evidence of serious misconduct.

I think this needs to be made clear. Only the most serious and gravest types of conduct and circumstances are expected to result in an employee being summarily dismissed under the new statutory provision, should it pass this Parliament. It is expected the provision will be used infrequently and only where there is compelling and reliable evidence — such as reliable eye witness accounts, clear video footage or a public admission by the person — that the employee engaged in serious misconduct. We have just seen IBAC's report on Operation — —

Mrs Peulich — Or a conviction.

Mr HERBERT — Yes, absolutely. We have just seen the report of the IBAC hearings where people admitted to serious misconduct but are on the books — have been on the books for months and months and months, for long periods of time — when the evidence is compelling and the secretary does not have the powers to dismiss them. I do not think that meets community expectations. I think this piece of legislation that we have brought in — which we flagged at the time of the *Operation Ord* report as needed — meets that requirement, and I think it makes both common sense and is in the public interest to give the secretary those powers in this circumstance. I know the Greens' Ms Pennicuik has a different viewpoint, but that is the government's viewpoint.

Ms PENNICUIK (Southern Metropolitan) — Just in response to a couple of issues raised by Mrs Peulich and by the minister, Mrs Peulich said that the summary dismissal power should be allowed where there is strong evidence. I probably could agree with that, but that is not what the bill says. It says 'reasonable belief', and that is a different thing; that is a much different test to 'strong evidence'. I would say with regard to miscarriage of justice that it is always better to prevent a miscarriage of justice than to act afterwards. What I am saying is that the comprehensive procedures are already in the act to deal with these issues, including immediately, under section 2.4.61, on the termination of employment. They already exist in the act.

The minister also said 'where there is strong and compelling evidence'. That is not what the provision says. This actual amendment knocks out the provisions that talk about evidence and inquiry et cetera and just talks about a reasonable belief. That is what we are going to be left with in the act, so all of the issues about strong evidence which both Mrs Peulich and the minister are relying on actually will not exist in the bill because sections 2.4.60, 2.4.61 and 2.4.66 will not apply under new section 2.4.61A. In fact I do not take that as an assurance, and I go back to my original argument that we have the procedures already in place to deal with these issues and that a 'reasonable belief' is not strong and compelling evidence.

Committee divided on amendment:

Ayes, 5

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

Noes, 33

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	Patten, Ms
Dalidakis, Mr	Peulich, Mrs
Dalla-Riva, Mr	Pulford, Ms
Davis, Mr	Purcell, Mr

Eideh, Mr	Ramsay, Mr
Elasmar, Mr (*Teller*)	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr (*Teller*)
Herbert, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Amendment negatived.

Clause agreed to; clauses 2 to 7 agreed to.

Clause 8

Mrs PEULICH (South Eastern Metropolitan) — We will be voting against this particular clause. Previously we have voted against stacking the Victorian Institute of Teaching council with union representatives, and this is consistent with that particular position. We believe the minister should not have to consult with the relevant nominating organisations before appointing a person to act in the place of a member nominated under section 2.6.6AB, and those nominating organisations would be the Australian Education Union and the Independent Education Union.

This is equivalent to giving the United Firefighters Union veto powers over the Country Fire Authority. It is about building in union muscle wherever you can, because they are the ones who blow the whistle. We saw that happen with the government bringing in its amendment obviously in response to some pressure that has been brought to bear on the minister, Mr James Merlino, to make sure that the summary dismissal powers were not able to be delegated to anyone other than the head of the department. I have never heard anything so ridiculous in all my life. That is clearly a symptom of the union muscle that this government is susceptible to.

We do not believe in the union having veto rights to a process of consultation, and this government has gone to great lengths to build it in wherever it can. We believe that good decisions should be made fairly, objectively and with the interests and views of all stakeholders, so for those reasons we will be voting against clause 8.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not support the Liberal-Nationals voting against clause 8. The act is clear on the organisations from which persons elected to the VIT would originate, and I think in terms of appointing others that those organisations should be duly consulted. Again that is just procedural fairness and proper process. Therefore the Greens will support the clause as it stands.

Mr HERBERT (Minister for Training and Skills) — I think on this position we will agree to disagree with the opposition. We are not anti-union or anti-employer or anything like that; we just think that in the case of a casual vacancy it is fair enough to consult with the relevant organisations. We think it is good practice and we will continue to do it.

Committee divided on clause:

Ayes, 20

Barber, Mr	Mulino, Mr
Dalidakis, Mr (*Teller*)	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Hartland, Ms	Shing, Ms
Herbert, Mr	Somyurek, Mr
Leane, Mr (*Teller*)	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Noes, 18

Atkinson, Mr	Lovell, Ms
Bath, Ms	Morris, Mr (*Teller*)
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	Peulich, Mrs
Dalla-Riva, Mr	Ramsay, Mr
Davis, Mr	Rich-Phillips, Mr
Finn, Mr	Wooldridge, Ms
Fitzherbert, Ms	Young, Mr (*Teller*)

Clause agreed to.

Clauses 9 and 10 agreed to.

New clause

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

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

'AA Delegation of Secretary's powers

In section 5.3.3(1) of the Principal Act, for "section 2.4.3(l)(c) and (d)" **substitute** "sections 2.4.3(1)(c) and (d) and 2.4.61A(1)".'.

I apologise for a bit of confusion before when I thought it came up at clause 10; in fact it comes up after that. As I said in my contribution, this is a very small technical amendment and it relates to further consultation we have had in terms of the secretary's powers to delegate.

As I said earlier, it is not expected there will be a lot of people, a lot of members of the teaching service, that will be subject to this statutory summary dismissal

clause and it is expected only under the gravest circumstances. We think that it is appropriate that the secretary should have those powers alone. It is not as if there are going to be hundreds of these coming through where you need to delegate responsibility, and so the amendment simply changes delegated authority to ensure that the secretary only has the capacity to summarily dismiss a member of the teaching service.

Mrs PEULICH (South Eastern Metropolitan) — As I have said and placed on the record, I think it is an unworkable house amendment, clearly evidence of the fact that the minister was brought to heel by his union masters. To propose that the head of the department has got to deliver the summary dismissal in person in the face of strong evidence, such as an IBAC report, is beyond the comprehension of modern management. Clearly there should be provisions for delegation, and in some instances it might be appropriate for the departmental secretary to do that out of some courtesy or if there is some significant community sensitivity, but in instances where there may actually be a number of people involved, to expect the departmental secretary to do his own person-to-person summary dismissal is just a ridiculous proposition, and I think it reflects poorly on the power that the union clearly has over the minister and the government.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the amendment put forward by the government. Whilst we have strong concerns about the whole issue of summary dismissal of staff rather than following procedures as already set out in the act, if such a drastic step as to summarily dismiss someone is to occur — and the provision actually refers to the secretary having a reasonable belief and not anybody else having a reasonable belief — then that particular power, which I think is a serious power, should reside in the secretary, where it is fully accountable and transparent.

New clause agreed to; clauses 11 to 14 agreed to.

Reported to house with amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

NATIONAL PARKS AND VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACTS AMENDMENT BILL 2016

Second reading

Debate resumed from 23 June; motion of Mr HERBERT (Minister for Training and Skills).

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016 and in doing so indicate that the opposition is not opposing this bill. This is a bill that has some merit. It is a bill that does essentially two things, and it is not my proposal to make a long contribution tonight; I really want to put on the record our points. What is clear, as I say, is that the bill does effectively two things. It amends the National Parks Act 1975 in relation to the Greater Bendigo National Park — and I will say something about that in a moment — and it also amends the Victorian Environmental Assessment Council Act 2001 to do three things: to broaden the advisory role of the Victorian Environmental Assessment Council (VEAC); to enable government responses to recommendations to VEAC and the former Environment Conservation Council to be amended; and to make a few other minor technical amendments.

In relation to the National Parks Act 1975, the Greater Bendigo National Park is an important national park surrounding one of our very significant regional cities. It is, as I say, something that is not opposed, and I put on the record my points about Villawood Investments, which has struck a set of arrangements with the government here. It is donating 245 hectares as native vegetation clearance offsets for elsewhere. The land is one-third cleared and two-thirds native vegetation; therefore the bill makes amendments to the Greater Bendigo National Park by adding around 245 hectares, increasing the park in size from 17 340 hectares to 17 585 hectares. It additionally does some line work on the park boundary, which will rectify some previous errors. The amendments also simplify the description of areas of the park which extend to 100 metres below the surface.

The amendments will enable the government to achieve a commitment to grant Aboriginal title over the park under the Traditional Owner Settlement Act 2010. That is in line with the 2013 recognition and settlement agreement with — and I struggle to say these words correctly, so please forgive me — the Dja Dja Wurrung Clans Aboriginal Corporation. This is the work of the previous government, and I remember well this being

debated under the Baillieu and Napthine governments. This is an important recognition of the Indigenous communities and an important step under the Traditional Owner Settlement Act 2010. This is a recognition that has been a long time coming, and I am glad that we were able to achieve that in government. I am also particularly glad to see these further steps occurring which provide appropriate recognition.

The bill, as I have said, with regard to VEAC makes amendments to establish an alternative to carry out assessments or to provide advice on matters that because of their small scale and technical nature may not warrant an investigation. This offers a more flexible process that can be tailored to a particular request. The bill also allows for government responses to recommendations of VEAC or the former Environment Conservation Council to be amended. The amendments must be tabled in Parliament and published. The tabling and publication requirements are extended to amendments or revocations of recommendations of the former land conservation councils.

The amendments have the capacity to improve VEAC's usefulness and enable amendments to government responses to better reflect circumstances. The bill provides that new and alternative assessments and advice produced by VEAC are subject to the same response, tabling and publication requirements as VEAC investigations.

There is a different definition or an update of the definition of 'public lands' to remove redundant expressions about land under the control of Melbourne Parks and Waterways, which was abolished sometime in the early 2000s, and land vested in an authority under the Water Act 1989.

The bill also clarifies a requirement to advertise a vacancy on VEAC. This applies to the five substantive members positions, not additional members appointed for a particular investigation, assessment or advice — and I caution on this matter. Because it is not the full process, it may allow a stacking, a doctoring or a massaging of an investigation in a way that in the long term may not work to the advantage of VEAC and the independent role it is meant to perform. It does have a high degree of bipartisan support, being founded by my friend Rupert Hamer and others in the 1970s in its earlier iterations. The recognition of the importance of an independent process is important. I see this as an area where I would certainly appreciate government members making some contribution about the way the government intends to behave with respect to that position.

As I have said, the Greater Bendigo National Park is a useful addition, with the Kamarooka section of the Greater Bendigo National Park collecting an extra approximately 245 hectares. I pay tribute to the work of Villawood Investments — not just their focus on important housing projects and new developments but their commitment to see proper environmental values reflected.

I should say that this act does bring the work of the Victorian Environmental Assessment Council to the fore again. It is, as I say, a very important council, something that is strongly supported by the coalition. Land management more generally in our state is a significant challenge, whether it be those parks that VEAC deals with or the parks in the urban areas that increasingly, I think, are important to a more densely settled city. But it is also about the quality of life and the livability of our city, and I am very focused on ensuring that we keep that livability at a high level. That means having a focus on adding to parklands. It means having a focus, not in an unsophisticated way, on densifying the city.

I have had examples of this recently. The example at 43 Zetland Road in Mont Albert is one where an error was made by the planning department. The City of Whitehorse, where it is, was a municipality that advised the Minister for Planning. That has not been dealt with, and I note that this week, indeed yesterday, there was a hearing in VCAT on Zetland Road. It is a mistake of the government not to deal with these sorts of errors. The quality of our lives and the quality of our urbanscapes are very important parts of the future of our city and our state. We have significant population growth, in the order of 90 000 to 100 000 a year. It is a huge increase in our population. That means, I think, we need more focus on our livability. It means we need more protection of our heritage. It means we need more protection of vegetation. It means we need more protection against unsophisticated densification.

In Bendigo, with this bill, we are seeing an addition of parkland to an area where that is appropriate. We want to see Bendigo growing as a city, but we want to see it growing with the appropriate balance of recreation facilities, of parkland and of nature in close proximity to where people live. What we do not want to see is the unsophisticated removal of protections, such as in the example of 43 Zetland Road, Mont Albert, where an error has been made and the minister and the government have refused to correct it. What is a neighbourhood residential zone is an important area that deserves protection, but in — —

Mr Barber interjected.

Mr DAVIS — No, no. That little pocket is not declared a neighbourhood residential zone. All the area around it is, but this little pocket is not, due to an error — a mapping error. So the mapping and the geospatial skills are actually a huge part of what has got to be done to protect the city.

Mr Barber — So is rate capping.

Mr DAVIS — I do not know about rate capping, but that is another point. They have got to have sufficient — —

Ms Shing interjected.

Mr DAVIS — I do not think that rate capping, in the mode it has been implemented, is the right way to go, I have got to say. What is absolutely clear is the government promised to cap rates at the CPI and it has not done that, as Ms Shing well knows. In the first iteration the government has botched the implementation of rate capping. Acting President, I am responding to provocations.

The ACTING PRESIDENT (**Mr Finn**) — Order! I understand Mr Davis is responding to interjections and to provocations. Those provocations would be best left out of the chamber. That would prevent Mr Davis from responding to them, and we might be able to speak to the bill that is currently before the house.

Mr DAVIS — The form of our regional cities, which is sparked by the proximity of the Bendigo park with the City of Greater Bendigo, and the need to — —

Ms Shing interjected.

Mr DAVIS — Not to my knowledge. If you are giving me a tip, Ms Shing, I am deeply worried to hear that you may be advocating for sky rail in Bendigo. I know that there is already a focus on putting a sky rail in Geelong, and I do not think anyone in that area, in Mr Katos's lower house electorate, is advocating for it. In fact I know for a fact that there are a number of people who are very concerned to see that there is a sky rail appearing in Geelong.

Ms Shing interjected.

Mr DAVIS — You started it. If you stick your head up, I will go for it. The point I am making here is a more general one. The point I am making here is that the quality of our city into the future — the livability — is going to be dependent on additional parklands and protection of existing open spaces. I know in my own electorate, in areas like Stonnington and Glen Eira, there is insufficient open space and the lowest levels of open space of any municipalities in the metropolitan area. The point I would make about that is that with the increased density that is coming, and the government has clear policies to densify at an extraordinary rate, there is a risk that we are not going to see the outcomes that we want.

In the context of Aboriginal communities I do want to note the importance of the regime that is in place under the Traditional Owner Settlement Act and the need to recognise our Indigenous community and make sure that their interests are protected. Ms Shing mentioned sky rail before, and I know for a fact — —

Ms Shing interjected.

Mr DAVIS — No, no. You made the comment initially, and I took up that interjection. But I am going to make the point that there are genuine issues that have been put to me concerning some of the older and established trees in and around the Murrumbeena and Carnegie corridor and the need to ensure that the Boon Wurrung are actually properly represented here. There is no recognised Aboriginal party arrangement in the city, which has left a number of these matters very much in the hands of Aboriginal Victoria. I do not think it has acquitted itself well in this matter. I have written to the minister seeking details of the cultural heritage management plan with respect to sky rail, and she has not provided that cultural heritage management plan. In fact I got a pathetic letter from her chief of staff that indicated he would look into it.

Even the unsatisfactory planning scheme amendment that was provided by Mr Wynne on these matters recognised that the Aboriginal Heritage Act 2006 would apply to these matters, and that requires the creation of a cultural heritage management plan. So the minister's chief of staff writes back and blithely says he will look into it when I have asked a very simple series of questions, as have others. Is there a cultural heritage management plan or is there not? If there is, can we look at it? Can it be put in the public domain to the extent possible? If there is not, can the minister please produce one? Because it is pretty clear that there are some very old, established red gums, some of them more than 200 years old, in that corridor, including — according to some local people — likely scar trees. I think it would be a travesty if the destruction of those trees was added to the now well over 1000 trees in the corridor destroyed. The corridor in the area around Noble Park on the weekend was the subject of an attack by the government, affecting dozens and dozens of large established trees, the plan being to remove 100 trees, including 66 ancient river red gums, in that sweep.

I would advise people to look closely on the map, perhaps the Google map, around the Noble Park railway station. They will see there are only two strips of dense, old, established vegetation — that is, along the rail corridor and along a neighbouring creek. The government has set about destroying those large, established and ancient trees, and I think it is a travesty. This goes to the heart of my point with respect to this bill. We have a city becoming more dense. We have an increasing population. It makes those parklands and our vegetation more important, not less important.

It is with a measure of disappointment that I note that it was Liberals alone who were out there with the community in Carnegie, Murrumbeena and Noble Park, fighting to see the protection of these important assets for the future. They are not replaceable. If you chop these down, they are not replaceable. They will take 200 years to grow. As somebody said to me in Noble Park on Sunday, 'You can't buy 200-year-old seedlings at Bunnings' — and you cannot. That is the huge tragedy of what we are talking about.

Mr Barber — Try in the Central Highlands, friend.

Mr DAVIS — I agree with that. I am not opposed to proper protections of many of our areas, as I think you well know, Mr Barber. I have a strong view on this, but I also think there is a legitimate point in relation to our densely settled areas. We do not want to see the destruction of important heritage and important vegetation, particularly ancient vegetation, exactly like these trees I am talking about. With that small number of comments, I will direct the bill to the house's attention.

The ACTING PRESIDENT (**Mr Finn**) — Order! I think it might be an appropriate time to — —

Ms Shing interjected.

The ACTING PRESIDENT (**Mr Finn**) — Order! Okay. I call Ms Shing.

Ms SHING (Eastern Victoria) — Thank you, Acting President, and I note your indulgence of me. At this point I look forward to making a contribution on the National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016, but at the outset I would just like to acknowledge a very special guest in the gallery this evening, Mr David Shing, who is celebrating his birthday here tonight. If everyone would like to give him a round of applause, that might be a lovely way to celebrate! Thank you very much. If you were thinking now might be an opportune moment, Acting President — —

The ACTING PRESIDENT (**Mr Finn**) — Order! I was going to suggest that that would be an opportune moment — just after I was going to tell the member that what she just did was entirely out of order! I will now vacate the chair while we make a wild run for the dining room. The chair will be resumed at 8 o'clock.

Sitting suspended 6.28 p.m. until 8.08 p.m.

Mr Davis — On a point of order, Acting President, I just want to draw the chamber's attention to the presence of sandbags in the chamber. I have been in this chamber for a number of decades, in fact, and I have never seen these sandbags. These are a new addition. I am not sure what their role is, but I think they have actually created an occupational health and safety issue. These are now dangerous. The lecterns have been here, to my knowledge, for a number of decades at least and probably far longer. I am just not sure why we have now moved to the presence of sandbags. I appreciate that as an Acting President you may not be able to respond to this, but you may well want to register this with the President.

The ACTING PRESIDENT (**Ms Patten**) — Order! Thank you, Mr Davis. I appreciate your concern for all of our health and safety in here. I understand that these sandbags are here for our health and safety. With the height of the lecterns having been lifted, apparently there was concern that they might topple over and hit Hansard, so for the protection of Hansard the sandbags have been introduced.

Mr Davis — On a further point of order, Acting President, I think they are actually a problem in and of themselves. I have nearly tripped over these a number of times earlier in the day. The point I make is that there is a ledge that sticks out here that could easily catch people coming through.

The ACTING PRESIDENT (**Ms Patten**) — Order! Thank you, Mr Davis. I will report that to the President.

Ms SHING (Eastern Victoria) — It is a pleasure to rise this evening to talk about something other than sandbags and ledges, other than windbags and cutting edges as far as contributions are concerned. In this regard, I would like to go directly to the bill before the house this evening, the National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016.

I follow on from the contribution of my colleague from the other side of the chamber, Mr Davis. I would like to draw a number of points of distinction between what I intend to talk about this evening and what Mr Davis has

traversed in some excruciating detail to date, namely the sky rail development and proposal, namely the way in which traditional owner and Aboriginal cultural issues have been addressed in and around the Glen Eira and Stonnington area, and namely the way in which the coalition takes various positions around metropolitan issues and does not consider, as this bill does, the significant environmental, cultural and heritage-related matters which are designed to be remedied through the bill itself coming into effect.

Moving to the bill itself — and I do not intend to go on, unlike perhaps others who have spoken on this bill already for too long — I would like to note that the provision of 245 hectares as part of a new boundary will be donated as part of a contribution from Villawood Investments, and to correct the line work which depicts the park boundary on the planes of the park.

It is always good to see a gallery full of attentive people here to observe the very machinations of democracy, and it is always good in the face of such public scrutiny, which is a necessary ingredient of the democratic process in this lively chamber this evening, to be able to confirm that Labor has made a series of commitments to our parks and to maintaining opportunities for public land and public land use to grow and to flourish. This is indeed something which we take great pride in and something which we have worked incredibly hard to safeguard over many decades and have worked assiduously to strike the right balance in relation to public land use, including recreational use. That is a point which our colleagues from the Shooters and Fishers Party, who are no doubt listening attentively in their parliamentary offices, will also agree to.

We have in fact protected our natural environment and national parks. Key achievements in relation to parks include a major expansion of the parks system in the 1980s and 1990s, including in east Gippsland the alps and the Mallee, as well as taking care of them through a legislative prohibition in 1989 on mineral exploration and licensing, except for pre-existing rights in national, state and wilderness parks, and a significant expansion of protected wilderness areas in 1992. It is lovely to see Mr Bourman joining us here tonight as we talk about public land use. Welcome to the fray, Mr Bourman. It is a pleasure to contribute on the way in which we are enhancing use of our public land through a greater boundary for the Greater Bendigo National Park as a consequence of this bill.

We have new and expanded box ironbark parks and from 2002 a world-class representative system of marine national parks and marine sanctuaries. The Great Otway National Park and the new Point Nepean National Park in 2005 are further examples of Labor governments striking that appropriate balance.

To go to a point which Mr Ramsay raised earlier, in relation to the role of farmers in the use of public land, cattle grazing in the Alpine National Park was ceased in 2005 and 2006. There was the creation of the Otway Forest Park and several regional parks in 2006, and the creation of the Cobboboonee National Park and the Cobboboonee Forest Park in 2008, the addition of the quarantine station to the Point Nepean National Park in 2009, and the new and expanded river red gum parks and expanded park areas in east Gippsland in 2010.

Once again, Acting President Ramsay — I will throw directly to you on this one again, given the reference you made earlier to farmers — there was the banning of cattle grazing in the alpine and river red gum national parks in 2015. And there was the removal of the power to grant 99-year leases over national and other parks under the National Parks Act 1975.

What this list comprehensively demonstrates is an ongoing and active commitment to creating, protecting and investing in a world-class system of national and other parks and reserves. What we have also done in the consultation on this bill has been to engage significantly, proactively and in a meaningful and enduring way with the Dja Dja Wurrung Clans Aboriginal Corporation, Native Title Services Victoria, Environmental Justice Australia, Environment Victoria, the Minerals Council of Australia's Victorian division, the Prospectors and Miners Association of Victoria and the Victorian National Parks Association.

As a consequence of this extensive period of consultation, the Dja Dja Wurrung Clans Aboriginal Corporation supports the amendments regarding the Greater Bendigo National Park, and we understand that environmental groups have also welcomed the changes foreshadowed by this bill.

In terms of correcting the line work and providing for an additional area of 245 hectares donated by Villawood Investments, referred to by Mr Davis in his contribution, we are also adding some very small areas of redundant unmade government roads and simplifying the description of those areas of the park which extend only 100 metres below the land surface. This park is an important part of the country of the Dja Dja Wurrung traditional owner group, and the 2013 recognition and settlement agreement between the Dja Dja Wurrung Clans Aboriginal Corporation and the state recognised this when it committed the state to granting Aboriginal title over the park along with

several other parks and reserves in Dja Dja Wurrung country.

Before Aboriginal title can be granted over the park, however, some legislative amendments are required. In particular, corrections are required to be made to some of the line work which depicts part of the park boundary on one of the park planes. This will in fact remove any ambiguity and any potential uncertainty as to the location of the park boundary before Aboriginal title is granted. The bill makes these amendments and takes the opportunity to provide for the addition of two areas that have been donated for inclusion in the park. Aboriginal title is in fact itself canvassed in the Traditional Owners Settlement Act 2010. Essentially it is freehold land with certain restrictions placed upon it.

Aboriginal title formally recognises traditional owners as the traditional owners of the land over which it is granted and facilitates joint management between traditional owners and the state. To this end, I note that this is consistent with evidence in a submission and a presentation given just today by the Department of Environment, Land, Water and Planning (DELWP) as part of the hearing being conducted by the parliamentary inquiry into bushfire preparedness. There is cooperation and a collaborative framework between the department, Parks Victoria and Aboriginal traditional owners and clan groups to make sure that public land assets are managed proactively, sensitively and for the best maintenance of landscape biodiversity and community use, not just now but for generations to come. This is in fact part and parcel of the work that DELWP is undertaking as part of the *Safer together* framework, as part of emergency services management and as part of understanding the way in which our climate is changing and responding to changes in water levels and storages and the way in which it is changing as a consequence of rising temperatures and as a consequence of a fire season which begins earlier, goes for longer and finishes later. What we are seeing is a demonstrated commitment to a greater and more collaborative effort as far as public land management is concerned.

Recreational prospecting is in fact one of the areas where future decisions would be made in the context — at least in the Greater Bendigo National Park — of a new joint management plan, which is the Dhelkunya Dja Land Management Board. That is developing this process for the park along with the secretary of DELWP. Yet again this is a partnership-based approach. It is an approach which is designed to be preventative, proactive and facilitative rather than reactive.

Corrections to the plans which help to define the park are necessary because the office of the surveyor-general identified that some of the line work depicting the park boundary on one of the current plans is not correctly plotted. As a consequence these corrections are required so there is no possible ambiguity, as I mentioned. Removing small areas of redundant, unmade government road that are not required for road purposes, which have been included in the park, is also part of this bill.

The other amendments include minor amendments to the National Parks Act 1975 by substituting a new definition of central plan office, removing several spent transitional provisions and removing some redundant wording. We are also making sure that provisions that relate to the Mineral Resources (Sustainable Development) Act 1990 providing for mineral exploration and minor mining infrastructure in the area are in fact taken account of and that the areas where exploration and minor mining infrastructure is permitted that had previously been shown on park lands by hatching and crosshatching are in fact addressed and are more consistent with the way in which the framework operates in other jurisdictions.

There is a small area which was added to the park in 2004 and which extends to 100 metres below the land surface, and there had been ongoing exploration and minor mining infrastructure that was not permitted. This land was in fact donated by the Trust for Nature with funding from a range of sources, including donations to a public appeal. It was previously referred to in the description of the park in words, but to simplify the description vertical hatching will now be used to illustrate where that is located.

In essence this is a considered bill, a bill which provides for an alternative, more flexible process to enable the Victorian Environmental Assessment Council (VEAC) to carry out assessments and enable government responses to recommendations of VEAC or the former Environment Conservation Council (ECC) to be amended. The amendments will enhance the usefulness of VEAC and enable government responses to VEAC and the ECC recommendations to be updated as a result of changes to circumstances or government policy. On that basis, I do not intend to go on in any greater detail.

The bill itself is self-explanatory, but it comes as the consequence of a really significant process of consultation, of engagement and of discussion with communities as to how we can take the best possible decisions now to manage public land and its use, to define it more clearly, to limit uses where appropriate and indeed to recognise its fundamental role in the

heritage, in the history, in the Dreaming, in the story time and in the culture of the traditional owners of the land. On that basis, it is with great pleasure that I commend the bill to the house this evening.

Mr BARBER (Northern Metropolitan) — This is a small bill taking up a number of important issues. I do not plan to give the entire history of nature conservation in Victoria as part of my contribution. The previous speakers, particularly Mr Davis, have given us a very wide and broad exposition about almost everything to do with not just national parks but parks in general. The bill is clearing up some boundary issues around the Greater Bendigo National Park. It also facilitates the granting of Aboriginal title. This is after in 2013 a recognition and settlement agreement was signed between the Dja Dja Wurrung Clans Aboriginal Corporation and the state, which committed the state to granting Aboriginal title over the park. The bill facilitates that.

There are also some amendments to the parcels which will add approximately 245 hectares to the Kamarooka section of the park. Kamarooka is a unique landscape from the point of view of both the remaining native vegetation and also the agricultural industries that are up there. Many moons ago I went and visited the Kamarooka Landcare Group, which had some really innovative treatments for salinity that they had been working on for a number of years.

In a separate section, the bill broadens the advisory role of the Victorian Environmental Assessment Council (VEAC), previously known many years ago as the Land Conservation Council (LCC). Mr Davis gave us quite a big exposition on that. He often likes to remind us of how long he has been in this place and generally speaking about his broader perspective on the world. He often tells us about the part he played in the golden era of the Liberal Party — that was the Hamer era. That was when the Liberal Premier of Victoria effectively borrowed the agenda of the Whitlam government and implemented it at the state level, so from that point of view I suppose it would be a golden era.

Around about that time a number of land use conflicts that had been working for a while were coming to be resolved, and setting up and normalising the practice of using the Land Conservation Council, now VEAC, in this bill resolves those disputes. If Mr Davis had chosen to go down that way, he would have reminded us that the Hamer government was very active in that area. But over time unfortunately things have become a lot more contested and a lot less evidence based. In particular since his party joined up with the National Party, they have more or less had to adopt the National Party policy, which is no more national parks ever anywhere under any circumstances.

That compares to the position that the Liberal Party would have taken in the past, which is that they would have used the Land Conservation Council and VEAC to get some of the evidence out on the table and sort through the conflicting claims over land. In fact so successful was this mechanism that when the Land Conservation Council recommended a number of protected areas in East Gippsland, which became the East Gippsland forest parks system, the Labor government actually brought in a piece of legislation that protected less than what the LCC had proposed, and the Liberals in this chamber — in fact the Liberal member Jan Wade — actually moved amendments to the national parks bill to put even more areas in East Gippsland into national parks and quoted extensively from the research that had been done by the LCC and other bodies.

These days they all fall over themselves to say how much they hate national parks and that national parks catch fire virtually the moment that the sign goes up declaring them national parks, along with all sorts of other unbecoming, very out-of-touch notions that they have these days.

Mr Ramsay interjected.

Mr BARBER — Well, if we are talking about it, let us talk about it. I am aware there is an inquiry by the joint committee that is occurring at the moment into pests on public land, but frankly it was the Baillieu and Napthine governments who slashed the budgets of Parks Victoria. Parks Victoria was already starting to come under fire at that stage by in fact the Auditor-General, who said that it did not really have a handle on the biodiversity works that it was doing. Since then their budgets have been cut even further.

There was round after round after round of redundancies, taking jobs out of regional Victoria in the process and leaving our parks where they are now, such that they do not really have enough staff to support them. That means that pests, plants and animals get out of control. It means that vandals and arsonists get out of control. It means that tourists are out there often by themselves with no-one to help them. We urgently need an injection of funds into Parks Victoria, but you are not going to get that from this sweep of parties over here to my right. They are so busy demonising national parks that they cannot understand the hundreds of thousands of Victorians, city and country, who visit them every year and love them. This noise from the coalition goes right over those people's heads.

The coalition are left floundering around. With two years to go in this parliamentary cycle they are left floundering around trying to come up with anything whatsoever that even resembles the beginnings of the unworked-out notes of an environmental policy. In fact you have transformed yourself into the most radical and anti-environment party that we have seen, which is an amazing turnaround when you consider where the Hamer government got to.

In fact while you are at it have a look at other pieces of environmental legislation like this and have a look at the year in which that particular piece of legislation was brought onto the statute book. As you go through the Flora and Fauna Guarantee Act 1988, the Environment Protection Act 1994 and the Environment Effects Act 1978, look at the person who would have been Premier in the year that those particular bills were brought before the Parliament. You will see actually just how retrograde and how backwards you have really gone on this whole question of the environment, while amongst the public at large the attitudes calling for stronger environmental protection just actually get stronger every year and increasingly form a big part of people's voting choices. So much for the coalition and their brief history with VEAC.

This bill establishes a more flexible process so that VEAC can provide advice or assessment on matters of limited scale or scope or of a technical nature and not just of broad land use inquiries. There is no change to VEAC's process in consulting with stakeholders and establishing community reference groups. It has always been a strong feature of VEAC that every stakeholder knew that they had had their chance to have their say and be heard. It also adds transparency to these functions by requiring the tabling of recommendations in Parliament.

There are also some changes in the bill that allow the government to be able to amend or revoke its response to the Environment Conservation Council and VEAC recommendations as long as they are tabled in Parliament, similar to how it did in relation to Land Conservation Council recommendations. We have no concerns with any of these matters, and therefore we are happy to support the passage of the bill.

Mr RAMSAY (Western Victoria) — I stand to speak on the National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016 and note that the coalition will not be opposing this bill. The bill has been pretty well summarised by previous contributors. As the second-reading speech indicates, it amends the National Parks Act 1975 in relation to the Greater Bendigo National Park, including providing for the addition of two parcels of land of approximately 245 hectares, which are offsets from Villawood Investments. It also amends the Victorian Environmental Assessment Council Act 2001 to broaden the advisory role of the Victorian Environmental Assessment Council (VEAC) and enable the government to amend a response to recommendations from VEAC or the former Environment Conservation Council and makes some other minor amendments.

Also I just want to refer to the fact that in 2013 a recognition and settlement agreement was reached with the Dja Dja Wurrung Clans Aboriginal Corporation. The state recognised this when it committed the state to granting Aboriginal title over the park along with several other parks and reserves in the Wurrung country, and also there is a realignment of some boundaries in respect of that. So the bill is not complicated. I guess the issues that I want to bring to the chamber are with respect to the management of these parks.

My property borders on the Great Otway National Park, and it too was actually enlarged a number of years ago. The concern that I raised then through that piece of legislation was, firstly: was there sufficient funding and resources capacity to manage the extension of that park? I raised the same question about the extension of the Greater Bendigo National Park. Given that, history will tell us that locking up more national parks actually creates problems associated with foxes, wild dogs and deer in relation to pest and animal control. It raises concerns about potential wildfire incursion, either from outside the park or within its boundaries, and also in relation to VEAC, where the bill indicates a widening of its powers. Will that provide a sensible balance between environmental need and productivity need?

I will just refer to one case that I was associated with when I was president of the Victorian Farmers Federation, where VEAC, or the Environment Conservation Council as it was then, was looking to lock up access to some red gum waterways in the north. While the environmental benefit was extolled by VEAC, the reality was that the land that was to be locked up, and where farmers could not have access to water their stock, actually was infiltrated by weeds. To this day it is still being poorly managed in relation to the weed control along the river banks.

In relation to the offsets, it does give me an opportunity to raise concerns around the current native vegetation clearing guidelines. Even now the bureaucrats in the Department of Environment, Land, Water and Planning will tell us that they have a methodology of no net loss

and valuations of high conservation value of vegetation to low, and it is worked on a price and the number of trees that are required for an offset. The reality is that no-one understands it. Farmers in the north tell me that in fact they cannot calculate the methodology the department uses in relation to value offsetting, whether it is for a single tree in a paddock that is creating problems with productivity, or an offset that requires so many other trees of similar conservation value. So until we actually sort out the guidelines, the methodology for the potential offsets that may well benefit farmers or landholders that can provide land to developments like Villawood — not extensions of national parks — and provide economic value to landholders that can house potential offsets needs to be reviewed and corrected and made much more simple and clearer to those that are seeking greater productivity by moving the vegetation to an offset that actually does not impinge on the productivity of the land but provides environmental benefit.

They are the only two simple messages I raise. I have concerns about VEAC. I, as I said, in past roles have had problems representing particularly farmers, where VEAC's recommendations have not led to good environmental benefit but have actually provided a worse environmental benefit. So I believe widening VEAC's powers in the advisory role comes with some danger with respect to some of the problems associated with providing a philosophical or ideological environmental benefit, when reality would tell us that in fact it will create a worse situation.

But at the end of the day this side of the chamber will not oppose this bill. However, I do hope, given my contribution, there will be opportunities to review the offsetting process and the value to the offsetting process. Also, in relation to extending the Greater Bendigo National Park, the government must make sure it does have the capacity to control the pests, weeds and vermin that will no doubt infiltrate the grounds of the park and also in relation to VEAC that it has appropriate controls and provides environmental benefit, but not at the risk of potential economic benefit.

Mr LEANE (Eastern Metropolitan) — I will be very brief because previous members have outlined the nature of this bill and what provisions it introduces. It is a great day in this Parliament when we facilitate 245 extra hectares of parkland being added to the Greater Bendigo National Park. It is a fantastic day for Victoria and a great day for this Parliament to be able to facilitate that. I do not understand the conservative point of view that it is not a fantastic thing to increase the amount of land which we protect for future generations. I find it very hard to understand. But then I found it hard to understand, when those opposite were in government, that one of their major policies — or probably their only policy — around national parks was to introduce cows into certain national parks under the guise of — —

Mr Ramsay — How many cows?

Mr LEANE — It did not actually — —

Mr Ramsay — Less than 100.

Mr LEANE — Well, Mr Ramsay, my memory is that at the time the previous government did not even want to call them cows. It was calling them fuel reduction units.

Honourable members interjecting.

Mr LEANE — I remember asking the question at the time, 'What are fuel reduction units?', and someone said, 'They're cows'. So I think they were not even up-front about the main policy which the previous government had. I do not understand the conservative point of view that it is all doom and gloom to protect parklands and forests for future generations.

Mr Ramsay interjected.

Mr LEANE — Mr Ramsay is trying to help me, but he is not helping me, because he does not help me understand that when they were in government last time — —

Mr Dalidakis — They also struggle with keeping election commitments.

Mr LEANE — Well, that might have been — —

Honourable members interjecting.

Mr LEANE — I think the cows might have been — —

Honourable members interjecting.

Mr LEANE — They were very, very strong on that. Mr Dalidakis is right; it is an election commitment that this government took to the election, and the government is keeping it. I think that Mr Dalidakis is correct. Something else that the conservatives do not understand is keeping election commitments.

I remember under the previous government that one of its policies — I do not know if it took that to the election — was that it was pretty keen to get more developers into national parks and cash in on that. But it was not just national parks. Those opposite were

pretty keen to flog off a lot of open space. I know that in Vermont with the Healesville Freeway Reserve they were pretty keen to throw a heap of houses into that, despite that particular part of Melbourne having a real lack of open space. This government went to the election with the commitment to maintain it as open space and actually transfer that land over to Crown land, which it is in the process of doing, and I am very pleased that that is actually happening.

With that short contribution, I think it is a great day for the state. I think it is a great for this chamber to be able to deliver this for future governments. I still do not understand the conservative point of view that it is not a good thing.

Mr Ramsay interjected.

Mr LEANE — I do not understand the conservatives' point of view that windmills are bad, national parks are bad and a lot of things that the majority of the people those opposite represent would think are very good things. So I am proud to be a part of a government that is delivering on this particular election commitment and protecting this piece of land for future generations.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I appreciate this opportunity to sum up, having heard from a number of my colleagues. Let me touch on some of the issues that Mr Leane raised most recently, because one of the reasons that the Victorian people took the opportunity of electing the Andrews Labor government was that they were heartily sick of the previous government saying one thing in public before the previous election and doing completely the contrary when it was elected. Let me point out that this was an election commitment — one that we are very proud of and very proud to be implementing.

The issues that Mr Ramsay raised in relation to fuel reduction and management are certainly not lost on me with my background in the timber industry, and I certainly appreciate some of those issues. But the fact of the matter remains that creating national parks is a wonderful opportunity to provide, as Ms Shing and Mr Leane before me have said, future generations with an opportunity to enjoy nature and to enjoy the environment as it was intended. So there are abilities, unlike some of the extremism we have heard from the Greens, and there are opportunities to be able to walk and chew gum at the same time. Active management in the timber industry in non-national park areas can mean that there are productive values.

Mr Barber would rather that we undertook the management of our forests by utilising timber products from overseas. He would much rather use the rationale that what does not happen in his backyard is okay, as long as it happens in somebody else's. If he wants to attack the timber industry, bring it on. All day, all night, every day, every night there is a place for the timber industry, just as indeed there is a place for creating national parks and expanding the national parks. If Mr Barber thinks that he should sing 'Kumbaya, my Lord', eat tofu and hug a tree, he is entitled to do that.

Where there is an opportunity to create jobs, to defend industries and to create new ones, including ecotourism — and I must admit that this is an opportunity to do so — I hope that green groups like Mr Barber and his friends take that opportunity. They are not very good at creating jobs; they are very good at attacking them. But hopefully here is an opportunity for Mr Barber to stand up and say that there is a good chance to create new tourism jobs within the expansion of the national park. It is a good policy, it is an appropriate policy and it is an election commitment, and we are doing exactly what we said we would do by creating this.

I am very proud to be a member of this government that continues to be able to tick off its election commitments one by one to make sure that the Victorian community, the Victorian public, and the Victorian voters understand that when the Andrews government says it will do something, that is in fact exactly what it will do. It is a very important policy for this government that we continue to do that. I remain committed and very proud.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

GENE TECHNOLOGY AMENDMENT BILL 2015

Second reading

Debate resumed from 14 April; motion of Mr HERBERT (Minister for Training and Skills).

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased to be able to speak on the Gene Technology Amendment Bill 2015 this evening. This is actually a

2015 bill, and we are now, as I see it, up to 16 August, so it has been a long time in the making — a long time coming — and I am pleased that the government has now decided to bring this bill on, ideally with the will of the house, for completion today.

The bill is making amendments to the Gene Technology Act 2001 that are really required as a result of agreement between the commonwealth and the states and of commonwealth legislation. These changes will bring Victoria into line with commonwealth legislation that passed both houses of the federal Parliament back in August 2015. These amendments not only reinforce the harmonisation of Victorian legislation with commonwealth legislation but also ensure some consistency in terms of other states as well.

What is clear is that these amendments will allow for some efficiency gains in an area that has been developing strongly over recent years while allowing a risk management framework and a risk management approach over what is a very diverse area in terms of gene technology, which includes health, food, agriculture and the environment. These amendments do not change policy. They are not changing a fundamental part of how it is approached. They really are minor and technical changes that will improve the efficiency of the act and how it works. On that basis we are supporting this bill and, as I said, will be pleased to have it dealt with by the house.

There are a number of key changes that this bill reflects, and I just want to take a couple of minutes to go through them, but before that I want to give some context and some history. It was actually back in 2011 that I think the commonwealth and the states agreed in terms of the review and that the Australian Department of Health engaged the Allen Consulting Group to review the commonwealth Gene Technology Act 2000. That review was really to identify any issues relating to the efficacy and efficiency of the act.

What the review did find is that there is room for further harmonisation and to improve how Australia regulates gene technology. It found that there would be economic benefits as well as an improvement in the operation of the act, with further harmonisation through the process. This then went to commonwealth and state ministers, who have adopted many of the recommendations of that review, including confirming ongoing support for the national regulatory scheme, highlighting the fact that the Gene Technology Act was the right way to go and that there were improvements that could be made. What we are seeing here is the Victorian government's proposed changes to the Victorian act to ensure we reflect the changes that the commonwealth has made in terms of harmonisation and improvement. Other recommendations were not legislatively based, and I think they have been dealt with in other forums and through other approaches.

In terms of key elements of the bill, section 136 of the principal act requires that regulators report annually to the minister on specific matters as opposed to quarterly. Once again these are minor amendments that improve the operation of the act, in this case freeing that up to happen on an annual basis. Sections 46A(a) and 49(a) provide a list of authorised activities to licence-holders, but the list is not exhaustive and not intended to capture inadvertent dealings. So for those who are licence-holders, there is some clarity in terms of what activities they can undertake, but it is recognising that from time to time others may interact with different genes and different technology that is in place, and they are not constrained because of an occasional one-off or inadvertent exposure to these areas.

Section 117 of the principal act provides that the regulators are no longer required to record genetically modified product approval of other agencies but continue to maintain a master list of their own approvals. Once again that is simplifying the process in terms of what they are required to maintain relative to their own activities. Section 71(2B) provides that rather than completing a lengthy application for a licence variation the applicant can make use of other successful applications, citing approved risk management strategies within them. So rather than a whole new licence application that would be required if there is a slight variation, they can draw on others' experiences that are relevant to the variation that they have got in place.

Under section 74(3) the regulator must be satisfied that the risk is being managed before declaring a dealing with a genetically modified organism a notifiable low-risk dealing. So essentially some of the superfluous criteria have been removed, simplifying the process. Section 52(1)(b) provides that advertising risk assessment and risk management plans only need to take place within the relevant geographical area rather than that being perhaps on a national basis. It means it need only be advertised relative to the area on which it is going to have an impact.

So as you can see, these are not major changes, but they will simplify processes, clarify responsibilities, remove some of the red tape and make it more straightforward for those dealing with various genetically modified organisms. That is why we believe this is worth taking forward. It is something that has been dealt with extensively across our federation and something that

warrants further harmonisation and support in terms of progressing through this legislation.

While these changes are minor, they are of importance to Victoria and our position as an international leader in health and medical research. Genetic research plays a significant role as part of Victoria's leadership, and I take the opportunity through the bill to talk a little more broadly about health and medical research and Victoria's role in it. One of the things that all sides of Parliament agree on is that we are very proud that Victoria is such a leader in this area.

One example of that is that in 2015 the Australian Genomics Health Alliance was a major winner of National Health and Medical Research Council (NHMRC) funding. This alliance is led by professors Kathryn North and Andrew Sinclair of the Murdoch Childrens Research Institute, a very fine research institute that is making such a difference both in Australia and internationally. The project was awarded $25 million, the second largest amount ever funded by the NHMRC, and includes a vast range of national collaborators. This alliance shows the ability of Victorian researchers to lead these really significant large-scale national projects, as I said, for the benefit of Victorians, Australians and international users.

It is not surprising that Victorian researchers and our research institutes can be successful in this context, and the results from the NHMRC funding rounds show that. In fact in 2015 Victorian researchers received approximately 45 per cent of the NHMRC competitive grants funding, which included 429 grants across a wide range of health and medical research, including from 19 administering institutions. That is a really significant result for Victorian research and a great reflection of the work and the respect with which it is viewed.

Victorian researchers also have a higher chance of achieving grant success, with 19.6 per cent of Victorian NHMRC applications funded compared to a national average of 17.6 per cent. We know of course that it is a very competitive environment, and Victoria keeps punching above its weight. The future is also looking positive, with Victorian researchers receiving 40 per cent of career development grants, 41 per cent of early career fellowships and 48 per cent of postgraduate scholarships. Obviously the pipeline of researchers that are coming through in Victoria are being recognised for their quality, which is exceptionally high.

The success of Victoria's health and medical researchers can be somewhat attributed to the funding the medical research institutes receive from the Victorian government's operational infrastructure support program (OISP). This program had its origins back in the late 1980s. It has been supported by governments consistently since that time and has contributed to a significant increase over the years of Victoria's share of the NHMRC funding. I was pleased that under the previous coalition government we supported reducing the administrative burden on the medical research institutes receiving this grant, allowing researchers to spend more time on their outstanding research and not be caught up in some of the red tape that surrounds it.

Interestingly other states and the NHMRC itself have followed Victoria's lead with this OISP funding model. The NHMRC introduced an independent research institute infrastructure support scheme — try saying that fast — about 10 years ago to assist with overhead infrastructure costs of NHMRC-approved administering institutions, which are the independent medical research institutes. So what we are finding is that the model of support that has been provided in Victoria is being replicated and modelled elsewhere as a good way to support the medical research that is happening.

There have been two instances over the last 15 years where research dollars awarded to Victoria under the NHMRC have decreased. One was in 2010 in the last years of the Brumby government, and the other was in 2013 when the federal Labor government reduced NHMRC funding by nearly $52 million, the only time this has occurred in 15 years. Of course we all continue to advocate for the expansion of the NHMRC funding, given how important it is and the work that comes out of it in terms of impact on the health and wellbeing of Victorians and Australians.

Victorians are really also showing their diversity in the way they approach research, with 51 per cent of NHMRC partnerships awarded to 11 different partnership projects in Victoria. This is where partnerships are formed amongst decision-makers, policymakers, managers, clinicians and researchers, and this funding scheme provides funding and support to create new opportunities for researchers and policymakers to work together to actually work out how to define the research questions, undertake the research, interpret the findings and implement the findings into policy and practice. Once again, with 51 per cent of those grants, Victoria is at the leading edge in relation to its work in this area.

Now I do want to take the opportunity of this bill to also mention the peak body for the health and medical research organisations in Victoria, Biomedical

Research Victoria, and I want to mention it particularly because it has recently developed a researcher-in-residence scheme. I am very pleased as a member of Parliament to be involved in the scheme, which this year gives three early-career researchers an opportunity to spend approximately 27 days in the office of a state or federal MP. What this enables is the researchers to gain insight into Parliament and the parliamentary processes, receiving information about how the policymaking process is undertaken and how decisions are made. The parliamentarian receives information in relation to the researcher's perspective on current issues and policy opportunities.

Dr Kelly-Ann Bowles from Monash University is currently based in my office, and I have to say it has been wonderful to have Kelly in my office. In addition to accompanying me to meetings, assisting with researching bills and thinking about policy, we actually held a very valuable roundtable discussion with health and medical researchers to talk about the future of health and medical research in Victoria, where it is going and where the opportunities are to support it. It was a unique collaboration from the medical research community, and I think we have the potential to really positively affect the future of policymaking so that researchers can understand that process and members of Parliament can understand in much greater depth the challenges and perspectives of the research community.

I do want to take this opportunity to also mention Victoria's health and medical research strategy that was recently released by the government, because of course things like gene technology are very much part of that and will be shaped by the strategy and how we approach it. Now, the strategy does have some very admirable goals, but unfortunately there is very little detail in terms of how these goals will be achieved, and of course it was a rehash, largely, of funding that had been previously announced or promised but not yet delivered, with a very small additional investment for postdoctoral research fellowships, which of course are valuable, but there is very little detail once again on how these will be distributed.

I think it was a missed opportunity to tangibly outline a strategy in one of those areas which are really so fundamental to Victoria, to the Victorian economy, to jobs in Victoria and to what differentiates us and how we lead right across the country. So this is a disappointing missed opportunity, which had some lofty aspirations but absolutely no detail and little funding. It included a number of funding initiatives which are still effectively thought bubbles and areas where the state government has not been able to get further support from either federal Labor through the election process or the federal government to take forward, because the proposals are not yet far enough advanced to be genuinely considered.

It is really important that, as a national leader in health and medical research, we do not just rest on our laurels and say, 'Because we lead, we will continue to lead; because we have a lot of young people coming through, they will carry it forward'. We need to strongly continue to support health and medical research in this state.

We need to be innovative in the way that we approach research, and importantly we need to ensure that the outcome of the research that is undertaken is translated into the community to make sure that those benefits are realised for individuals and for families on a day-to-day basis. We need to encourage the incredibly hardworking health professionals to embrace research in their clinical settings so that our excellent research results, which deliver superior health care, can be accessible to all Victorians.

Passing this bill is a small step towards ensuring that Victoria's leading role in health and medical research is not only maintained but advanced into the future, but there are many more opportunities that we need to embrace so that Victoria can continue to be a leader across the board in health and medical research in the many different areas that our medical research institutes and others lead in across the country and across the globe.

I am pleased that the coalition will be supporting this bill. It will be good to have the benefits from the amendments that are made through this bill, acknowledging that, while small and largely technical, it will streamline processes so that the genetic material can be more effectively utilised and managed and opportunities for the future continue to be realised in the research and the utilisation that is done. With that, I commend the bill to the house.

Mr MULINO (Eastern Victoria) — I rise today to speak in support of the Gene Technology Amendment Bill 2015, and I will at the start of this contribution echo some of the sentiments of the previous speaker in acknowledging the importance of the health and medical sector to our society and to our economy. I would say from the outset that this is an area that this government has outlined as a priority even from its days in opposition. Even before the 2014 election the then Andrews opposition, soon to be government, identified the health and medical sector as being of critical importance to society and indeed to the economy.

It was one of the six priority industries that was outlined as being supported by the Future Industries Fund — a very forward looking approach to industry policy, one that moved away from picking winners at the firm level and one that acknowledged that our society is more likely to organically develop comparative advantage in a few select areas and that it was sensible for the government to identify those areas and single them out for attention, not to the exclusion of other areas of course. Our industry policy has been very comprehensive and broad ranging, but it was worth acknowledging that there are some areas where Victoria has already grown to have a comparative advantage, and of course health and medical research and its applications is one of those areas.

If one looks at that sector, one can see a health sector that already provides an incredible range of services to the Victorian community. First and foremost I want to stress that that is the primary goal of the health sector. As much as it is important to stress the importance of research and the economic side of the sector, first and foremost it is about the health services that it provides to our community. On that score, I would argue that it is right at the edge of best practice in many areas, not just in Australia but in the world. What we want to do of course is to build on that, to maintain our high ranking globally and to maintain the very best standards of care and take advantage of any possibility of improving those standards of care.

There is also a really important role for research in our health and medical research sector. That is an area, again, where Victoria stands out. We are clearly, I think it is beyond dispute, the leading jurisdiction in Australia when it comes to medical research in a whole range of areas. One example of that would be the Parkville precinct, and it is a very good example, I would argue, of the kind of clustering and the layering of synergies that one gets between different kinds of organisations. We have a whole range of different hospitals and medical practitioners. We have medical researchers, many of whom are in practice. We have universities, and we have many entities trying to commercialise different areas of medical research. That Parkville precinct is not the only one, by any means, within Melbourne and certainly within the state, but it is a very good example of one. I do not want to quantify this too precisely, but one could argue, I imagine, in some areas that that would be in the top 10 — or certainly, without wanting to put some precise numbers on it, the top tranche — of medical research precincts globally. It is something that I think we should be very, very proud of and something that we should build on. I just raise all of that context because I think it is particularly important for gene technology and the way it is regulated.

Finally, I point to the strategy that was released not long ago, *Healthy lives, stronger economy*. I think that the name of that strategy mirrors what it is that I have just been pointing to, which is that first and foremost the health and medical research industry is about the health of our community but that there is an economic side to it as well. There is an economic side to all of the benefits that flow not just to our society and economy from basic research but also globally. There is also an economic side to all of the employment that this sector generates — it is one of the biggest areas of employment growth — and there is of course an economic side to the commercialisation opportunities. This is very much the focus that the government is taking.

Gene technology of course is one of those areas where there are already a whole host of applications. In biomedical research, for example, we have the prospect of increasingly precisely identifying and mapping the genetic origins of disease and therefore better understanding disease and better designing interventions. In agriculture it has led to crops that increase productivity and growth, and of course one could argue that in a postwar period this has been one of the major drivers of agricultural productivity and poverty reduction. There are a whole host of applications, but of course if we were to try to list the applications for gene technology today, we would look foolish in 5, 10 or 20 years time, so what we need is a regulatory environment that can accommodate what is a very rapidly changing environment. I think that is one of the reasons why interjurisdictional cooperation is so critical in this area.

In 2001 Victoria and other jurisdictions signed an intergovernmental gene technology agreement that established a unified and cohesive national framework for regulating research using genetically modified organisms in Australia. As I alluded to just a moment ago, this is particularly important in an area where we see rapid change, where regulators are often behind the pace of technological change in the industry, where we deal with a very inherently complicated set of issues and also where one wants to avoid any kind of regulatory arbitrage across jurisdictions. We are here today because as part of that agreement each state and territory has agreed to maintain mirroring legislation.

It is worth noting that this national regulatory framework is underpinned by three core principles, those being the protection of health, safety and the environment, and that this framework is administered by an independent statutory office of the commonwealth called the gene technology regulator. There are a host of other bodies at the state and federal

levels that govern gene technology regulation which I will not go through here. Suffice to say it is a complicated regulatory landscape, but one of the core elements is that we have an agreement across the states and territories to adopt mirror legislation.

As the previous speaker alluded to, the changes that are contained in this bill are important. They are of a fairly technical nature in part, but nonetheless it is critical that we maintain consistency across jurisdictions in this area. I will not go through in detail what all the various elements of the bill are, but I just put on record that it deals with the regulator no longer being obliged to keep a record of genetically modified products that have been approved by other regulatory agencies. Instead the regulator will keep only a record of genetically modified organism dealings approved by the regulator. It also clarifies in clause 5 an ambiguity that the exercise of a regulator's powers and functions under the act are not subject to direction, and deals with a range of other areas like inadvertent dealings, such as the frequency with which certain matters are reported. It deals with the discontinuance of quarterly reports by the regulator to Parliament and replaces these with annual reports.

So there are a range of matters such as these which are important, but as I said, the key and very important issue here is that we maintain absolute consistency across jurisdictions because this is an area that is inherently complicated and it is fast moving. There is a real risk in an area such as this that regulators can fall behind and so it is very important that Victoria maintains its commitment to updating mirror legislation.

In concluding, I reiterate that this is a sector that is of critical importance to our society. It is the single largest spend area in the budget, and that is for a good reason. It is obviously absolutely critical to the welfare of members of our community, but it is also an industry that has a large and increasing economic dimension and this bill is an important strengthening of the regulatory arrangements in relation to one of the fastest changing areas of this industry.

Mr BARBER (Northern Metropolitan) — My Greens colleagues and I do not oppose this bill. The bill enacts minor changes to Victoria's regulatory system for gene technology in keeping with the intergovernmental gene technology agreement of 2001. Under that agreement states and territories must have a consistent regulatory framework for any dealings with genetically modified organisms. This bill makes minor amendments to how we deal with them following a national agreement on what those changes should be. None of these changes in any way affect the right under that agreement for any state or territory to create genetically modified (GM) and genetically-modified-free zones, either in part of their state or in the whole state, which may very well be for reasons of marketing and branding of a Victorian product, a Gippsland product or a Wimmera product as coming from a GM-free zone.

However, currently the Productivity Commission is considering whether those rights should be overturned so the states will be forced to allow GM crops to be grown even if it is against that state's marketing advantage. Tasmania and South Australia have made submissions that they want to remain GM-free, so they want to retain those powers. Victoria should also be pushing to retain the right to go GM-free in the future, even though GM crops are currently grown here, because of the emergence of new problems with GM crops. We should retain the right to protect our farmers' income and the state's reputation.

So far I am unable to find a Victorian submission to that particular Productivity Commission inquiry, which is in fact dealing with the whole of the regulation; it is a wide inquiry looking at the regulation of agriculture. South Australia has made its submission and Western Australia has made its submission. I was looking through the list of submissions before and I could not find a Victorian submission or even whether the Victorian government has a view on any of the matters being covered by the review.

One example of the problems that GM technology can cause is the current temporary ban by Japan and South Korea on wheat imports from the USA because of contamination from field trials of GM wheat. Currently there is no commercial GM wheat grown anywhere in the world that I am aware of, but there are field trials both in Australia and overseas. In field trials in Washington state, USA, Monsanto has confirmed that GM wheat has jumped the fence to an adjacent farm. It has no idea how it got there — no idea.

If you have spent any time in farming communities, one thing you ought to know is the important relationships you have to have with your neighbours by keeping your problems on your side of the fence. In fact I can remember leaving a gate open once when I went to pick up some tools only 100 feet away. I walked through the gate and I thought I would be turning back and coming back anyway a minute later, so it really did not matter — and from the top of the hill up there, half a mile away, I could hear my uncle yell out at me, 'Shut that gate!'. If your cows start wandering into your

next-door neighbour's property, you are going to have a bad reputation pretty fast.

But the way it works with genetically modified crops is that the company owns the gene and through that owns the cell and the organism if it wants to; however, it does not need to take any responsibility for the appearance of that crop in another farmer's paddock. In other words, their ownership propagates but their responsibility diminishes rapidly. Rather than suing farmers and getting themselves into a rather large public relations mess, as they did in Canada, they are now stepping back from the situation, putting the liability onto the individual farmer who buys their seeds and letting farmer sue farmer. But heaven help you if you take some of their seeds and grow them; then immediately they call in their marker.

I do not want our farmers to face import bans simply because Monsanto has a contamination problem on another farm. On the one hand it looks like a temporary problem. US trading partners will be given a new test so they can check for contamination and the trade will resume. It is pretty easy to work out if you have got Roundup Ready canola seeds. You just plant them, then spray them with Roundup and see if they die or not, so the test is a reasonably easy thing to implement. The problem is that whenever those tests find more contamination, trade stops again. Japan and South Korea are among our top 10 export destinations for wheat, and farmers cannot afford the loss of those markets.

Currently South Australia, Tasmania, the ACT and the Northern Territory remain GM-free. They have a marketing and price advantage because of that. Even within Victoria, where GM canola has been grown since 2009, there is a price advantage to farmers of growing a GM-free product. According to the *Weekly Times* some new varieties of canola were developed in Horsham recently by Cargill Australia. These varieties are high in oleic acid, which makes them healthier and more stable. The biggest market for the new varieties is big fast-food restaurant chains because the oil is good for deep-frying. Two of the varieties are genetically modified; one variety is GM-free. The company buys the crops back from the growers via its grain marketing arm and processes the grain into oil at facilities, including one in Footscray. So in fact it is a bit like a controlled experiment for the price premium for a GM-free product.

According to the *Weekly Times* of 1 June this year, the contract for the conventional high oleic acid canola varieties is $668 per tonne, which is a premium of $118 above other conventional varieties, whereas the equivalent Roundup Ready varieties only attracted a $30 premium above other GM canola. Clearly the customer demand, even at fast-food restaurants, is enough to create a price premium for a cleaner, safer, greener product.

There has been a low take-up rate for GM in Victoria — —

Mr Ramsay — Bad choice.

Mr BARBER — Well, it is the opposite of choice, is it not — through you, Acting President — because it is the non-GM farmer who carries the burden of proving that their product is non-GM? As I have just explained, there is no penalty on Monsanto or even the people they sell the seed to if contamination occurs into another paddock. The onus — and I am sure Mr Ramsay understands this from the celebrated case in Western Australia — and the loss actually accrue to that person who wants to be GM-free. That is despite the latest figures from the Agricultural Biotechnology Council of Australia, which show that in 2015 only 13 per cent of Victoria's canola was genetically modified. Yet there is no way at the moment to certify to the standards that some countries are asking for that your crop is GM-free, because it could be blowing off the back of the truck as it passes on the way to the silo and your crop could easily be contaminated in that way. In New South Wales it was only 11 per cent, and nationally the figure we are given is about 10 per cent. The biotech council actually says 22 per cent nationally, but it only includes WA, Victoria and New South Wales in the national figures. The Labor Party supports GM protection in Western Australia, which makes me want to turn my gaze over here to the left and ask, 'What is wrong with you lot?'.

In Western Australia my Greens colleague Lynn MacLaren and the Labor opposition have been trying to stop their Parliament overturning their Genetically Modified Crops Free Areas Repeal Bill 2015, which is their gatekeeper bill. It allows the minister to designate an area in which GM crops cannot be grown. The debate has been remarkable because of a contribution from the ALP shadow Minister for Agriculture and Food, Darren West, the only farmer in their Parliament, who spoke for over 6 hours. He knows the problem firsthand, because a load of GM-free canola from his cooperative was downgraded. Somehow a bucket of GM canola was dumped on the top. The whole load was downgraded at a cost of $1300 to the cooperative. So where is the choice in that, Mr Ramsay? That Labor member spoke quite eloquently both in the debate, part of which I have read, and also when he was later

interviewed, when he spoke about his experience as a grain grower and legislator.

So the Greens would like to reintroduce the moratorium on the commercial release of genetically modified crops in Victoria; at the moment that means canola. This is the best way to make sure our farmers' commercial contracts — —

Mr Ramsay — Because the Greens don't grow crops. Apparently they don't eat food, do they?

Mr BARBER — Pardon? Through you, Acting President, Mr Ramsay might like to familiarise himself with who the Greens candidate for the seat of Murray was — an irrigation farmer from Shepparton. See, it is more of the same kind of half-baked, rambling, kneejerk, anti-environmentalist statements that come out of the Liberal Party through Mr Ramsay, which, in the process, and on the subject of contamination, contaminate the entire Liberal Party brand. He thinks that what plays out well down at his boozy lunch with his old mates from the Victorian Farmers Federation is somehow going to gain him votes in the rather large and diverse Western Victoria Region.

That policy is the best way to make sure our farmers' commercial contracts are protected. Gene Ethics leads the campaign for a GM-free Australia. They are calling for farmer protection laws to be included in the Gene Technology Act 2006. For a start, maybe there could be some sort of requirement to track the location of genetically modified crops, both in terms of where they are planted and transport routes and storage facilities. I hope the next tranche of mirror legislation in Victoria appears because of a national agreement to protect farmers. It may never be possible to regulate GM crops adequately to prevent the commercial harm to our farmers, which is why the Greens support the precautionary principle and the commercial moratorium in Victorian agriculture.

Ms MIKAKOS (Minister for Families and Children) — I will be very brief. The background to this bill is that in 2001 Victoria and other jurisdictions signed an intergovernmental gene technology agreement, which established a unified and cohesive framework for regulating research using genetically modified organisms in Australia. The focus of that framework is the protection of health, safety and the environment. Each state and territory is required to maintain mirroring gene technology legislation as part of the intergovernmental agreement.

An independent review of the national gene technology regulatory framework in 2012 led to a commonwealth gene technology act making amendments on 10 September 2015. Essentially this bill seeks to make minor and technical amendments to ensure that the Victorian Gene Technology Act 2001 remains consistent with that of the commonwealth.

Once these changes pass we will ensure that we continue to have a cohesive regulatory framework for gene technology as between our state and what is in place nationally. As other members have already remarked, these are minor and technical changes and do not represent any policy changes to the act, so I do not propose going into those in detail. I just thank all members for their contributions to the debate.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed from 23 June; motion of Mr HERBERT (Minister for Training and Skills).

Mr DAVIS (Southern Metropolitan) — I rise to make a contribution to the Primary Industries Legislation Amendment Bill 2016, and in doing so I indicate that the opposition will not oppose this bill. The bill amends six acts and is an omnibus bill that covers a wide variety of areas. I am going to briefly outline those and draw some attention to a couple of specific points. In relation to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 the amendment abolishes the Victorian Agricultural Chemicals Advisory Committee, which is required under that act and gives advice to the secretary on regulation and controls the application of chemical products. A review of the committee by the former Department of Primary Industries, now a division of the very long named Department of Economic Development, Jobs, Transport and Resources, advises the costs of this committee outweigh the benefits.

Mr Barber — What are the costs and benefits?

Mr DAVIS — There are a range of them, actually, but that was the conclusion of that committee, which came to a net position.

Mr Barber — What are the costs?

Mr DAVIS — Well, there are of course regulatory costs of the usual type — —

Mr Barber — It is just an advisory committee.

Mr DAVIS — Nonetheless, it still has obviously deadweight costs that relate to the employment of staff and the number of people involved. Following the committee's abolition, the agriculture division will continue to consult — it says — with stakeholders and the community as required, but this will no longer be through the formal structure this committee provided.

Mr Barber interjected.

Mr DAVIS — Well, you may well say that, Mr Barber, but that is an unfortunate view.

Mr Barber interjected.

Mr DAVIS — That is an unfortunate view, and I think many in the industry will be disappointed to hear you say that.

In relation to the Domestic Animals Act 1994, the relevant amendment extends the much-discussed moratorium on the destruction of restricted breed dogs. The Andrews Labor government introduced the moratorium in 2015 with an expiry of September 2016. This amendment would extend the moratorium until September 2017. A parliamentary committee report on Victoria's legislative and regulatory framework relating to restricted breed dogs was tabled earlier this year. The government says that extending the moratorium — and I am quoting:

> … will enable the government response to be implemented while preventing unnecessary euthanasia of any dog being held by councils in the meantime.

The advice to the coalition in the briefings was that there was a single dog that was held as a result of this moratorium, and I might look to seek from the minister any update on the numbers that are held — if it is an increase — —

Ms Pulford — I think it is still one.

Mr DAVIS — The minister is indicating it is one, so that is the updated figure, and I am appreciative of her input on that matter.

The Prevention of Cruelty to Animals Act 1986 is also amended, and there are two amendments provided to that act. One relates to the scope of who can be issued with a notice to comply, and that will be extended. There is also a change with respect to the maximum duration for some licences. That will be extended for one year. So the maximum duration for scientific procedures premises licences, scientific procedures fieldwork licences and specified animal breeding licences will be changed from three years to four years. In theory this cuts red tape and reduces the regulatory burden on the particular licence-holders. It also in theory aligns the duration of the licence with the four-year compliance inspection frequency. The current operations of applying for licences of one to three years duration will also remain to accommodate the needs of those who require licences for a shorter period.

There is also an amendment to the Public Administration Act 2004, and this particular amendment relates to the Game Management Authority (GMA). It replaces the chairperson with the chief executive of the GMA as the person with the functions of the head of a public service body in relation to the authority's employees. The Game Management Authority was set up with the chairperson in this role because at the time of commencement the board and the chair were appointed before a CEO was employed. Now that there is a CEO employed it is appropriate that the role reverts to a public service body head.

The Veterinary Practice Act 1997 is also amended, and the amendment changes the capacity of Victoria's Veterinary Practitioners Registration Board to suspend a vet's registration in the event that an investigation is needed. Currently suspension can only be applied after an initial investigation into the practitioner's health and only then with either the agreement of the practitioner or if the board decides to pursue a formal hearing. So this provides greater flexibility and makes sense.

Changes proposed will resolve potential delays by permitting the board to suspend registration at the start of an investigation where there are concerns for public health and safety or animal health and welfare should the vet continue to practice. The amendment also closes a loophole whereby a vet who is subject to a formal hearing might reduce the sanctions against them by deregistering. This change will mean practitioners and previously registered practitioners found guilty of unprofessional conduct will receive the same sanction and financial penalty. These are more modern applications of these principles, and they give greater flexibility to the board. I think they are quite reasonable.

This particular bill proposes a series of changes to the Wildlife Act 1975 — firstly a refusal of new applications by people found guilty of an offence. This change will close a loophole so that the Game Management Authority can refuse to grant an application for a new hunting licence to a person who has been found guilty of an offence under the Wildlife Act. At the moment the GMA can cancel or suspend a licence but cannot refuse a new application. A person could currently immediately reapply, which would create unnecessary administrative costs when the GMA takes action to refuse such a replication. This is a small loophole but probably a reasonable one to plug. Under the proposed structure in this area the GMA will be able to specify a period of disqualification for the holder of the disqualified licence of up to five years.

The second change to the Wildlife Act allows controlled operations during close seasons. The bill proposes the inclusion of the offence of hunting, taking and destroying game during a close season on the list of offences for which the GMA can conduct so-called 'controlled operations' to collect evidence. This will improve the GMA's capacity to fulfil a key regulatory function. A controlled operation is an activity conducted to get evidence that might lead to a prosecution for a particular offence. The Game Management Authority is explicitly empowered by name under section 74 of the act to authorise controlled operations. However, 'during a close season' was not previously stated. The offence of hunting, taking or destroying game during a close season under section 44(1) is a key aspect of the GMA's regulatory role. However, it is not included as a relevant offence. This amendment seeks to include section 44(1) as a relevant offence.

The third change to the Wildlife Act amends the definition of 'punt gun'. I saw a picture of a punt gun on the old pics archive the other day. It was a very, very large device. The government proposes amending the definition of 'punt gun' to provide for the use of 10-gauge calibre firearms or firearms with three barrels for hunting game. It amends legislation only. The government has indicated it would conduct consultation with stakeholders — and I will look to the minister to confirm that — prior to making further changes to the current regulations. It is not clear if the government actually intends to undertake such a regulatory change.

The fourth change to the Wildlife Act seeks changes to publication requirements for wetland closures and reopenings, and I have no doubt this will be the subject of questions from Ms Dunn at some point in the chamber — no? The bill proposes removing the requirement for an advertisement to be placed in a newspaper when emergency closures of wetlands are foreshadowed. Gazettal notices are still required. The Game Management Authority would still undertake its usual communications activities, such as media releases, social media et cetera, including stakeholder liaison. The change simply removes the need to place an advertisement in a newspaper, which can cause delay.

The new independent chairperson of the Emergency Closures Advisory Committee is the fifth change. The committee advises the minister when emergency disclosures are required. The committee includes nominees from hunting organisations and BirdLife Australia. At present the chair is one of the representatives. The bill proposes expanding the committee membership by one to allow for an independent chairperson to be appointed, and I will be interested to hear the views of the chamber on this matter.

As I said, the coalition does not oppose the bill. These are very much functional amendments that target deficiencies and unintended consequences in the current legislation. There is a need to extend the moratorium on the destruction of restricted breed dogs to follow through with the commitment the government made prior to the election. We do not oppose the changes around publication of the closures or the independent chairperson for the Emergency Closures Advisory Committee. However, we do urge the government to ensure that all such future closures are science-based decisions, empirically based decisions, rather than ideology-based decisions made by people who want to end duck hunting for a range of ideological reasons.

I should indicate that the Scrutiny of Acts and Regulations Committee (SARC) *Alert Digest* No. 7 and *Alert Digest* No. 8 touch on this bill to some significant extent. A number of points were raised about the presumption of innocence and the need under notice-to-comply requirements to disprove the underlying offence. SARC took issue with these points at some length, and I direct people to pages 9 and 10 of *Alert Digest* No. 8 of 2016, tabled on 7 June. I note and I am comforted somewhat by the minister's response, and I note the minister is here in the chamber. She came back to SARC on 6 June 2016, and I am going to quote at some length from this letter because I want it on the record very clearly. It says:

> Specifically, the committee has asked for further information as to the compatibility of clause 8 of the bill with the right to the presumption of innocence (s 25(1)) and the right to silence (s 25(2)(k)) of the Charter of Human Rights and Responsibilities …

Further it states:

> The committee has expressed concern —

and I am quoting directly here —

> that clause 8 does not appear to require proof of the commission of the underlying offence in order to make out the charge of non-compliance with the notice, and that an accused may therefore be required to prove that they did not commit the underlying offence in order to defend the charge of non-compliance.

These are quite serious matters of law. It continues:

> However, in order to successfully prosecute —

and I am quoting here from the minister's letter —

> a charge of non-compliance, the prosecution would need to establish that the accused had breached the notice by committing or continuing to commit the relevant underlying offence. The prosecution would bear the onus of proving the elements of the underlying offence. Neither clause 8, nor the existing section 24ZP(2), reverses this onus of proof or abrogates the privilege against self-incrimination.

In the next paragraph of Minister Pulford's letter it states:

> The relevant provisions would need to evince a clear intention to limit these rights in order to be characterised as so doing. The application of the interpretive principle, known as the 'principle of legality', means that courts will not impute to the legislature an intention to abrogate or curtail fundamental rights or freedoms unless such an intention is clearly manifested by unambiguous language, and any ambiguity will be resolved by a court in favour of the protection of those fundamental rights. Further, section 32 of the charter requires that, so far as it is possible to do so consistently with their purpose, all statutory provisions must be interpreted in a way that is consistent with human rights.
>
> Because neither the right to the presumption of innocence nor the right to science is limited by the bill, it is not necessary to consider whether there are any less restrictive means to achieve their purpose.

I am thankful that the minister has provided that clarification. She may wish to reiterate those points in her closing response in the second reading.

This is a bill that the coalition does not oppose. There are a number of sensible amendments, but it is an omnibus bill and, as I say, we will not oppose it. We will allow the passage of the bill.

Mr BARBER (Northern Metropolitan) — As noted, this bill is a whole grab bag of different amendments to different acts — six of them in total — to make various changes to those laws. Many of these provisions we support. There are a number we have concerns with. The first is the abolition of the Victorian Agricultural Chemicals Advisory Committee. This is a committee made up of producers of chemicals, users of chemicals, consumers and one environmental representative. From talking to the environmentalists who have represented themselves on this committee, it appears that there is a certain amount of fairly tokenistic consultation going on by the committee, while outside those who profit greatly from this industry of course have their own very effective channels to get the ear of the department and the minister now. Because the advisory committee exists, the pesticides and chemical industry wants to be on it, but that is not to say that abolishing the committee is the best way to ensure that a range of advice gets to the minister.

There have been issues with pesticide residue in Australian products when they have hit overseas markets, in some cases. Here I am noting some recent publicity in Taiwan. Australian-sourced oats exceeded Taiwan's standard for glyphosate and actually caused those products to be withdrawn in that country. Now I think there is a risk of reputational damage there to all of Australia's cereal crops, so I would be interested to know if the minister is aware of this occurrence back in May, whether they were Victorian oats, whether she believes that there is any concern in relation to this recall and any reputational risk to Australia's products and whether indeed more and better advice on the way chemicals are being used in Victoria is needed to ensure overall brand protection.

Moving on to another section of the bill, the clause there in relation to scientific premises and the extension of licences is of concern to us. Standards in this area and public attitudes are rising very fast. While it may suit some people to have a longer licence and therefore have to avoid reapplication, it also means that in regard to these rapidly rising standards there is an in-built and longer lag time until high standards can be driven through the licensing process.

Last but certainly not least are the changes around the duck hunting legislation, the Wildlife Act 1975 — the procedures for closing wetlands when threatened species are found on those wetlands and are at risk from the indiscriminate blasting of duck shooting. The government got itself in a hell of a mess with this in the run-up to last duck season. There is no reason to believe that we will not continue to have the same problem year after year after year — that is, the problem of non-target and threatened birds being killed by hunters. We saw it again this year in the wash-up. We have seen it in almost every year in memory. In the committee stage of the bill we are going to have some further dialogue about exactly how this mechanism works in practice

and what it is that is replacing it in this new proposed bill. I gather there may even be other amendments floating around the chamber that look to make further changes to that, but I will not steal anybody's thunder there.

Those are the areas we have some concerns with in this bill but, as I gather, there will even be a government amendment to the bill. We will inevitably go to the committee stage, and we can deal with those issues there.

Mr RAMSAY (Western Victoria) — I am pleased to be able to speak to the Primary Industries Legislation Amendment Bill 2016. It gives me the opportunity to say how disappointed I am that agriculture is not reflected in a stand-alone portfolio. It is sort of lost between this conglomerate of bits and pieces known as DELWP — the Department of Environment, Land, Water and Planning — which hardly anyone can pronounce and hardly anyone knows what it stands for. We have our primary industry, which generates about $12 billion worth of economic wealth to the state, lost in a department that has jobs and transport and economics and something else and something else, but not a stand-alone primary industry portfolio, which to my mind is very disappointing. That is no reflection on the minister, I might add. It is just disappointing that the government is not able to accommodate a department specifically for agriculture, as it has done over many, many decades.

The bill itself has been discussed by my colleagues, and I do not intend to wade through the briefing notes; that has been done before. I do want to identify a couple of points that I want to put on the record in relation to the changes to the different acts that make up this bill. The Domestic Animals Act 1994 I do want to make mention of given that former Minister Walsh had carriage of the original legislation in relation to providing a piece of legislation that would protect communities in Victoria against attack from dangerous dogs. I am sure most people in this chamber would remember Ayen Chol, a child who was mauled to death by a dangerous dog — in fact a pit bull terrier — at St Albans. It was for that very reason that the previous Parliament was galvanised into providing a piece of legislation that restricted dangerous dogs for both breeding and domestic use in Victoria.

I had an unfortunate incident myself in East Melbourne, where traditionally there are lots of dogs and lots of dog owners, when a pit bull terrier ran out of a yard, jumped the fence and actually attacked my leg. It took some control and some cries for help to have the owner come out and try and get the dog off my leg. They apologised profusely but nevertheless had no control over the dog — they were not able to keep it in its environs — and in fact the incident caused me a lot of grief and discomfort. Now, if that dog had actually attacked someone less able and probably younger, then the consequences might well have been different.

The point I am making about this is that despite whatever legislation or restriction you apply to dog owners, there are owners who want to breed dangerous dogs that are bred purely for killing. In my mind when this legislation was brought to the previous Parliament by Minister Walsh the point of it was to try and make the community safer by outlawing the breeding of these dangerous dogs, which are only bred specifically for killing. That was the intent of the legislation, and it has been disappointing to see that this government sees fit to try and water down any sort of new legislation that prohibits the breeding of these dangerous dogs.

As has been indicated, the bill is seeking an extension of the moratorium on the destruction of restricted breed dogs to 2017 to allow a parliamentary committee to provide its recommendations and the government to respond to those recommendations. I think that is probably a reasonable call. Nevertheless, my hope is that whatever piece of legislation comes out of the government's response to the committee's recommendations it will still protect the community at large and certainly restrict owners of those dogs from being able to breed dangerous dogs that are specifically bred for killing and fighting.

There are other points. I would like to make mention of the work of the Game Management Authority. This was another authority set up by Minister Walsh in the previous Parliament as the Minister for Agriculture and Food Security. I would like to thank Roger Hallam, who was the first chair of that authority, for the work that he did in setting up the board and the governance of that authority. Again I support the new provision in the bill to make the chief executive officer of the Game Management Authority the public service body head, which I do think is more appropriate, so I am certainly happy to support that part of the bill.

The amendments to the Wildlife Act 1975 go into quite some detail about amendments to the Game Management Authority in relation to specifying periods of disqualification for a holder of a cancelled licence for up to five years and the requirement to return a cancelled licence to the authority within a specific period — —

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Mr RAMSAY — The amendments to the Wildlife Act 1975 currently give the authority powers to cancel a game or wildlife licence if the person is found guilty of an offence or breaches the licence's condition, but it may not disqualify such a person from immediately reapplying for a game licence. This results in unnecessary administrative costs to the authority et cetera. The bill includes the offence of hunting, taking or destroying game during a closed season on the list of offences for which the Game Management Authority is empowered to conduct controlled operations in order to collect evidence, and this change will improve the Game Management Authority's capacity to fulfil a key regulatory function. I do support that.

The bill amends the definition of a punt gun to provide for the use of 10-gauge calibre firearms or firearms with three barrels for hunting game. Under the Firearms Act 1996 a person can obtain a licence for the possession, carriage and use of a firearm for certain genuine reasons, and hunting is a genuine reason. Certainly we know hunting generates around $250 million of economic wealth to Victoria each year. It is a legitimate, productive and economic earning endeavour. The provisions in this bill will allow the use of these punt guns with a 10-gauge calibre.

In other areas, the bill makes the CEO of the Game Management Authority responsible for reporting controlled operations to the inspectorate. The bill provides for a more streamlined process to allow for wetland closures and changes to the bag limits on ducks during the duck season to be more efficient. In particular it will provide for notices prohibiting, regulating and controlling the taking and destroying and hunting of wildlife in emergency closures. The bill also allows the minister, when an emergency closure of wetland is required, to rely on the advice of the Game Management Authority in a circumstance where the Emergency Closures Advisory Committee (ECAC) is unable to come to a recommendation. Just on that point, I do notice that Field and Game Australia is seeking a recommendation to wind up the Emergency Closures Advisory Committee because in its view it duplicates the work the Game Management Authority is already doing. I think that has some validity. I look forward to maybe something coming before the Parliament where, if it is required, it would perhaps look at winding up the ECAC given the duplication of roles.

In relation to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, I perhaps give a note of caution in relation to winding up the role of this committee. I know quite a few members who were engaged on that committee providing advice to the minister and the former Department of Primary Industries in relation to the work and the regulatory requirements of the use and licensing of chemicals. In my mind that was quite a useful committee that was made up of a whole range of stakeholders that had certain skills and knowledge in the field of chemical use. I am hoping that whatever replaces that committee does provide that sort of stakeholder consultation and advice to the government in relation to the appropriate use of agricultural and veterinary chemicals. As I said, I know quite a few people that have been in that position, and certainly their skill and knowledge, particularly around chemical use, was very advantageous in the advice provided to the minister at the time.

The Prevention of Cruelty to Animals Act 1986 changes on a regular basis and amendments in this bill will enable inspectors to protect an animal in a situation where the inspector believes an offence under the act has been committed or was about to be committed by issuing a notice to the person in charge of the animal to ensure that the offence is not committed or ceases to be committed. The bill amends the act to ensure that a notice to comply can be issued to the relevant person, whether that is the owner of the animal, the person in charge of the animal or another person. I think this make sense also in that the person actually responsible for that animal, not only the owner, can be issued with a compliance notice. I support that as well.

At the end of the day there is nothing wrong with this bill. It has lots of parts. I have raised a number of perhaps cautionary tags in relation to the different parts of the bill, but as my colleague David Davis said, the opposition will not oppose the Primary Industries Legislation Amendment Bill 2016.

Mr YOUNG (Northern Victoria) — I too rise today to speak on the Primary Industries Legislation Amendment Bill 2016 and to indicate that the Shooters and Fishers Party will be supporting the bill. We do have some issues with certain aspects of the bill and I would like to indicate that we will be proposing amendments to it at this stage.

There are a couple of parts of this bill that are very interesting to me, and it is great that I am — —

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Young, do you intend to circulate those amendments now? You do not have to, but — —

Mr YOUNG — I will circulate those when we get to the committee stage.

The ACTING PRESIDENT (**Mr Finn**) — Order! That sounds like a marvellous idea. Thank you very much.

Mr YOUNG — Thank you, Acting President. It actually is a great opportunity for us as shooters and hunters to be able to have input on these kinds of bills that have quite drastic effects on things that we hold dear, and for myself personally that is duck hunting.

Firstly, I would like to address part 5 of the bill, which relates to the administration of the Game Management Authority (GMA). As Mr Ramsay has done previously, I would also like to indicate my thanks to the Honourable Roger Hallam for his service as the previous chair of the GMA board. He did a wonderful job. I have not previously put it on record, but I am very glad to have the opportunity to do so now because he has provided me with some very insightful and very carefully considered advice that I have certainly taken on board. I would like to extend my thanks to him.

Part 7 of the bill is the one that we are really interested in because of its changes to the way the duck season is administered in many ways. I would just like to say that in terms of the management of the GMA and the way it goes about administering game licences, we as a party are absolutely committed to weeding out people who do the wrong thing. It is not in our best interests to have people who break the law, who give everyone a bad name and who reflect badly on the hunting community, which as a whole is actually a fantastic community and includes some very dedicated conservationists. We support 100 per cent getting rid of elements who do the wrong thing, who go out there and are not good for anyone. Those parts of the bill are supported by the party as a whole.

Clause 22 talks about punt guns. As a collector, I have a very interesting relationship with punt guns. I have a very good connection with the collecting community and historic firearms. Punt guns are somewhat an antiquity in our circles. They are very interesting things, but they are in fact a very old method of hunting. They have not been used for a very long time. They actually date back to the early 1900s when we had a commercial use for the harvest of wild duck, which is no longer the case. We now have recreational hunting of ducks, and the use of punt guns is just not there. These rules and regulations surrounding punt guns are actually not needed today. We have other rules and restrictions that control how many birds we can harvest and the method by which we harvest them is actually quite redundant. Punt guns are designed to take quite a large number of birds at one time, whereas we are now restricted by bag limits. So it does not actually matter how many birds you take in a single instance — you are still restricted to the same number.

This bill amends that clause to state that the use of shotguns over 10 gauge will be prohibited. This raises questions for us given the point that we are still restricted by bag limits. It does not make any difference what method you use to hunt those birds as long as it is done humanely, but they are the bag limits and whether you are using a 10 gauge, an 8 gauge or something larger, it does not really make much difference to that. We will not be amending that, but we would just like to point out that it actually is just another arbitrary number in picking a 10-gauge. In fact the same goes for a three-barrel shotgun, which is an oddity in the firearms world but there are a couple of examples of them. Again it would not make sense to have any more than that, but we are still restricted by bag limits.

In terms of the clauses of this bill which go to streamlining the process by which we make decisions about closures during the duck season, it does come out of some quite ridiculous situations which occurred during last year's duck season, which is becoming quite well known amongst duck shooters as one of the worst we have had in history for the debacle in the way in which some situations were handled.

We found a situation with a particular swamp where an issue was identified in the form of a threatened species. For that reason it was moved that we should probably close the swamp down to hunting. With the problems we had back then in the process that caused such issues as far as the duration of that process, we could not actually get a resolution before the time when the duck season opened. So this bill goes to streamline that to make it much more effective in finding the information we need, applying that to a decision and then actually making the decision so everyone knows what is happening.

The issues we do have with this bill are that previously it was well communicated in terms of what the minister had to do in communicating that message to hunters, whereas now we have a streamlined process that will bring a shorter time frame into it. It is a concern that the message may not be able to be conveyed to hunters in a timely manner.

That was a particular situation we had this year during the 2016 duck season where there were people who were actually already camped out on swamps in anticipation of the opening, in some cases for several days. Because of the way this was handled and the time it took to make a decision and then get the information out, they actually were not the right parts of regulation

that were used to close the swamp. A different regulation was brought in, and as a result people were physically removed from that wetland.

This created a whole heap of problems, some of which I have raised previously, but I would like to indicate that I do have concerns about the minister conveying that message, and we would like more clarification on how that is going to be presented and for the minister to indicate whether there will be proper on-ground personnel to deliver that message in the case that this situation happens again.

Further to that, the streamlined process to close wetlands will also apply to the opening of wetlands. The same thing can be said about the procedure through which we got to the point where a decision was made about closing the wetland as what was said when the wetland was to be reopened but subsequently was not in the case of a particular situation from this year's duck season. The issues we have are not as much with the regulations on getting that message out but more with the procedure of how we determine whether a wetland should be reopened.

We have raised this before as an issue, and I am still seeking clarity on that and on many aspects of what we actually consider trigger points to close a swamp or a wetland, whether they are reasonable, whether there actually is a threat from hunters to other waterbirds and when those trigger points reach a threshold to force closure as well as coming back down to a threshold that would conclude in a reopening. So I think this bill definitely goes a long way to fixing some of the problems that we have in terms of the closures and openings and streamlining the process, but there needs to be some quite serious work done about the implications of monitoring how we get to a point where we are satisfied that there is no threat to other waterbirds and the setting of some clear guidelines on how we can reopen the swamps in a timely manner.

I will speak on the amendments that I have when we get to the committee stage, but I would just like to indicate that they do surround the Emergency Closures Advisory Committee, which is mentioned in the bill, and there are some changes to the make-up of that committee in the bill. We have consulted fairly closely with members of that committee and members of the hunting community about the appropriateness of that committee, how useful it is and how well it is functioning. We have determined that it is actually not a clever use of an advisory role, given that we have the GMA now; we have a statutory authority that is supposed to be there to actually have all that information. They are there to provide the expert knowledge, and the Shooters and Fishers Party believes that they should be providing the advice to the minister solely. For that reason the emergency closures committee which was in place before the GMA is, in our view, now redundant. With that, I commend the bill to the house.

Ms PULFORD (Minister for Agriculture) — I thank members for their contributions to the debate on the Primary Industries Legislation Amendment Bill 2016. I would just like to take the opportunity to respond briefly to some of the questions and comments that were raised during the course of the debate. Mr Davis asked if it was the government's intention for regulatory change to follow the changed definition of punt guns, and I can confirm that that is certainly our intention. I can also confirm for Mr Davis that, on the correspondence that he kindly read for the benefit of the house from me to the Scrutiny of Acts and Regulations Committee (SARC) in response to SARC's concerns on that matter, I am happy to stand by those comments as Mr Davis outlined.

Mr Barber raised concerns about a number of matters. He talked about the Victorian Agricultural Chemicals Advisory Committee and raised issues around a particular incident, as well as brand protection and proper labelling. What I would indicate to Mr Barber is that I think the matter that he was referring to, which actually related to a barley crop, not oats, was part of a five-year testing regime that has been in place for a number of years. The example that Mr Barber cited actually related to off-label use — so, the application of a chemical beyond the recommended use. I would also indicate for Mr Barber's benefit that the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2007 are something that is reviewed from time to time. The current regulations are due to sunset in 2017, so as would be the ordinary course of events during the latter part of this year and into next year, they will be reviewed to ensure that they are still appropriate for their purpose.

Just on the agricultural chemicals advisory committee, Mr Davis in speaking to this talked about the red tape reduction — that is, the resolution of a committee that no longer serves a purpose. I just again indicate that in 2014 my predecessor contacted eight different stakeholder organisations on the future of this committee. The majority of those responded in support of the abolition of the committee. I again wrote to these organisations in 2015, seeking, I suppose, an updated assessment from them about their views on this matter, and the department spoke to all members and nominating bodies of the committee, all of whom were comfortable with this body being repealed. It has been

around three years since it has met. I just wanted to provide that background for Mr Barber and that information to the house.

Mr Barber raised a question about the duration of scientific procedures premises licences. Just for the benefit of members who will be interested — I know this is something that can be something of a flashpoint of community interest from time to time — in 2015 there were 147 active licences under these provisions. These are research licences, typically held by our research institutions in Victoria. A number of them are for longer term or ongoing studies, so the practice has been that licences are rolled over. These are organisations that are consistently compliant with the appropriate code of practice. We are not, in seeking to offer a four-year option on this, removing the option for one-year or two-year or three-year licences. The government is also consulting on fee increases and proposing to increase the auditing that supports this area of regulation and this important work by our scientific community. It is also worth noting that scientific procedures are overseen by an animal research ethics committee as well.

There have been a number of comments about the duck season made during the course of the debate. I know that there are incredibly divergent views in the house and in the broader community on this question. As I have said in the chamber and in many other forums, the season in 2016 has been a very challenging season to manage. The matters that Mr Young referred to are ones that have been canvassed in detail in question time, in other debates in the house and in other public forums. I indicated at the time that the government would endeavour through some amendments as part of this legislation to modernise the arrangements for both closures and openings. Whilst the legislation talks about closures, this is actually the same sort of mechanism that enables openings as well.

What we have at the moment is a really unwieldy set of arrangements whereby notification is required and print media publication and circulation dates are factors in the timeliness of decision-making, coupled with some of the other legacies that exist in the legislation, like the Emergency Closures Advisory Committee (ECAC) that Mr Young referred to. What we have had is a very clunky set of regulations to deal with something where circumstances not uncommonly change overnight. The amendments that relate to the duck season arrangements that are part of this bill are our response to what I know for many hunters has been an unsatisfactory, or very disappointing, season. There have been, as all members know, incredibly dry seasonal conditions within which we have been making decisions and managing the season, but it is certainly my hope that this will take that clunky and really dated set of arrangements and provide something that will be much smoother in operation so that we can avoid in the 2017 season some of the challenges that we have had in 2016.

Mr Young foreshadowed amendments that would have some impact on this legislation. Mr Young is seeking to abolish the Emergency Closures Advisory Committee that he referred to in the second-reading debate. The Game Management Authority and other enforcement agencies, including Victoria Police, have a very important role in ensuring that everybody obeys the law in relation to the management of duck season. The advisory committee that Mr Young is seeking to abolish is currently required to be maintained under section 86A of the Wildlife Act 1975. The committee has had a formal role in providing advice to the relevant minister or ministers in relation to the closure of wetlands during duck season, but only certain emergency closures. The committee has never had a role in advising ministers in cases where closures have been enacted with more than 72 hours notice. Issues relating to the management of the Lake Elizabeth State Game Reserve that Mr Young alluded to, I think, have highlighted some of the challenges associated with this.

ECAC was convened after a significant number of threatened species were discovered at Lake Elizabeth. The committee was notified on Wednesday, 16 March, and convened formally on the 17th, and after deliberations it presented a range of options but did not actually make any recommendation to government. The lateness of the closure, unintentionally exacerbated by the process, including the meeting of the advisory committee, was far from ideal, and at the time I made it clear that this demonstrated the need for improvements to the current legislation. We want to be able to respond to changing conditions as quickly as possible both to protect endangered species but also to reopen wetlands when it is appropriate to do so. That is why the proposed measures in this bill will, I believe, improve these arrangements.

Since the bill has been under consideration by the Parliament and through the long winter recess, we have been aware that the suitability of the ongoing role of ECAC going forward has been questioned. Mr Ramsay referred to this in his speech as well. The government has engaged with stakeholders and ECAC's legislated membership groups, as evidently from his comments tonight has Mr Young. On this basis the government will be supporting the amendments proposed by Mr Young.

Following the changes, the bill will continue to strengthen the role of the Game Management Authority in providing advice to government, including on any necessary wetland closures and other restrictions. If agreed to by this house and the other place, the resulting act will require the minister to consider the advice of the Game Management Authority prior to publishing a notice under section 86A(1). Our government is committed to ensuring that game hunting remains safe and sustainable for future generations, and I think the combination of the improvements to the process that are proposed by this bill along with the removal of a further step that has proven to be unwieldy in the past will provide for a smoother set of arrangements for next year.

I will just make some remarks on one further matter that has come to light since this legislation began its journey through the house some months ago. In May 2016 the Victorian government, through the national forums of the National Biosecurity Committee and the Agriculture Senior Officials Committee, agreed to endorse the national harmonisation approach and to align the Victorian Biological Control Act 1986 with corresponding amendments to the Biological Control Act 1984 — the commonwealth legislation — which received royal assent on 23 March this year.

I am proposing to formally move in the committee stage a house amendment that will make a minor change to the definition of 'organism' under the Victorian legislation. This is part of a nationally harmonised framework of biological control legislation that reflects the commonwealth Biological Control Act. It facilitates the biological defence of our agricultural prosperity and biological diversity through a harmonised scheme of biological control legislation across the commonwealth.

This amendment will enable Victoria to take part in a 20-year coordinated national biological control plan for the control of rabbits. The plan is nationwide and scheduled to begin in August 2017. It involves the release of a new naturally occurring strain of rabbit haemorrhagic disease virus, RHDV1-K5. The strain, known as K5, targets invasive European rabbit populations and is not harmful to other species. Victoria has committed to implement this minor definitional amendment to give effect to this national initiative, and we need to do so by 1 January 2017 to participate in the national K5 program.

I had the opportunity to have a brief discussion on this matter with the shadow minister. We have provided information on this very minor but very important and timely amendment to that definition to parties across the Parliament, so I take this opportunity also to seek support for this amendment and will do so more formally in the committee stage when we resume on Thursday.

Again I thank members for their contributions to this debate. I thank them for their support of the really broad range of issues that we have canvassed, including remarks from members about the importance of community safety in relation to dangerous dogs, some of these difficult issues around duck hunting and a range of other measures to improve the effectiveness of the legislation. I thank members for their support of this legislation. I look forward to getting into this to whatever level of detail members would like in the committee stage as we formally consider the government's amendment and Mr Young's amendment.

Motion agreed to.

Read second time.

Instruction to committee

Ms PULFORD (Minister for Agriculture) — By leave, I move:

> That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Biological Control Act 1986 to provide for amendments to that act required as a result of the Biological Control Amendment Act 2016 of the commonwealth.

For the benefit of members in the house, this is to enable the committee to consider the government's amendment on the K5 rabbit control definitional change that I was referring to at the end of my remarks.

Motion agreed to.

Ordered to be committed next day.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

> That the house do now adjourn.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is regarding the recently released Victorian health services performance (VHSP) data, which shows that for the third quarter in a row Goulburn Valley Health's Shepparton campus emergency department continues to be the worst performing in the state and that the

percentage of patients being treated within time continues to decline. My request of the minister is that she implements interim solutions to assist Goulburn Valley Health to deliver additional services prior to the redevelopment being completed and that she commits to fast-tracking the redevelopment to ensure an earlier completion date.

Victoria's most recent health performance data shows that less than half of Goulburn Valley Health emergency department patients are now being treated on time. The VHSP data shows that for the July 2016 quarter only 49 per cent of patients who presented to the emergency department were treated within time. This is consistent with the fairly constant trend established for the Goulburn Valley Health emergency department over the past 12 months of a continued decline in the percentage of patients who are being treated within time.

In June 2015, 64 per cent of emergency patients were treated within time. In September 2015 this was down to 51 per cent; by December 2015 it was 50 per cent. It temporarily improved to 54 per cent in March 2016 but swiftly dropped again to the current 49 per cent for the June 2016 quarter. The drop in the number of patients treated within time from June 2015 to June 2016 is a staggering 1354 patients. This is despite there being a decrease in the total number of emergency department patients treated. In the June 2016 quarter only 6891 patients were treated, down by 277 from 7168 in the March quarter. The total number of emergency patients treated in the June 2016 quarter is 505 less than the same period in 2015. So less patients are being treated overall, and of those treated, less are being treated within time.

The median time to treatment for all emergency department patients has also blown out from 26 minutes in the June 2015 quarter to 38 minutes in the June 2016 quarter. The proportion of ambulance patient transfers within 40 minutes has decreased from 82.5 per cent in June 2015 to 75 per cent in June 2016, way short of the 90 per cent target. The number of elective surgery patients on the waiting list has increased from 534 in June 2015 to 591 for the same period this year.

These are just more examples to add to a long and ever-growing list of evidence that Goulburn Valley Health is in crisis. The hospital is not coping with demand, and while the government's promise of a redevelopment is very welcome, it is not scheduled to begin until 2018 for completion in 2020, four long years away. It is clear that Shepparton cannot wait, that immediate interim solutions are needed and that an earlier completion date is necessary.

The current emergency department was built to treat 24 000 patients a year. VHSP data shows that between July 2015 and June 2016, 32 240 people — —

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

Social enterprise sector

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Public Transport, Jacinta Allan. In making a request of her, I first want to compliment her on the fact that in some of the tender documents in the major transport program she has put a requirement for the successful tenderers to have a social enterprise plan, which means social enterprises will get a chance to tender for some of the work that is created from these particular projects. One great example is Knoxbrooke, a not-for-profit organisation that employs many people at a nursery in Evelyn. That nursery has won some work to grow some plants and trees for the Bayswater and Blackburn level crossing removals. Another example is an organisation called Nadrasca. Nadrasca has a printing arm at its Rooks Road, Nunawading, premises, where it also employs and trains people with disability in that area of work.

The request I would make of the minister is that she make the time to visit one of these organisations to see how important it is that these organisations get an opportunity to enjoy tendering for some of the work that has been created by these great capital works projects.

Level Crossing Removal Authority

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment debate tonight is for the Minister for Public Transport, and it relates to the work of the LXRA, the Level Crossing Removal Authority, and its various projects along the sky rail corridor between Caulfield and Dandenong. What has occurred in recent weeks is the stripping out of literally hundreds of trees, many of them very large, established trees, including longstanding river red gums that in some cases have been there for more than 200 years. Some of them predate European settlement and are a small amount of remnant vegetation that exists in these corridors.

The government of course is not conducting an environment effects statement on the sky rail between Caulfield and Dandenong, nor is there in place an environmental management plan as promised. Worse than that, there is massive destruction that is impacting on this whole corridor. I witnessed this in Noble Park

on the weekend, seeing huge, established red gums pulled down. In that corridor there are really only two major strands of remnant old vegetation along the rail corridor and along one particular creek. The rail corridor is now being denuded for long distances with a clear-felling technique that sees every single tree removed in an unsophisticated and thoughtless fashion. It is wanton destruction of the worst type, and the authority is replacing two lines with two lines, so there is no actual increase in capacity for this.

The level crossing removal could have occurred without this sky rail and without this destruction if the government had stuck to its election promises. Nobody of course voted for this particular arrangement. What is clear in Noble Park, Carnegie, Murrumbeena and Hughesdale is that there is massive destruction. What I am seeking from the minister is that she publish in detail a list of all the trees and their locations. The destruction is huge. These are massive trees, introduced in some cases, but more often longstanding native trees, and the destruction has been huge.

This is a pattern that is emerging with this government. In Blackburn, along the St Kilda Road area and over in Flemington there is huge destruction and no control, with contractors having been let loose without proper arrangements in place. What I would seek from the Minister for Public Transport is a publication on the internet of a full list of all the trees destroyed along this corridor, including their size, estimates of their age and the impact on biodiversity, because this action will see the destruction of birds, it will see the loss of wildlife and it will have a huge impact on the community.

Boris and Lana Zaitsen

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Planning. Boris and Lana Zaitsen of Caulfield North commenced building their home at 20 Cromwell Street in 2011. This was meant to be a sanctuary for the couple because Lana Zaitsen is suffering from a terminal illness and wanted to live out her remaining years in a purpose-built family home. However, their dream of building such a home has turned into a nightmare. The Zaitsens have been left with a shell of a building not fit for human habitation. They are one of the many victims of negligent operators and a poor regulatory framework for building construction in the state of Victoria.

Buying a house for most people is the single biggest purchase they will ever make in their life. Building a new house is the biggest project many people will undertake. It should not be an endeavour dogged by a lack of safeguards and protections. It should not be so risky that it can lead to financial ruin and a massive emotional and physical toll. The Victorian Building Authority has failed the Zaitsens. It has failed to take meaningful action on allegations of misconduct by the builder and the building surveyor. There need to be stricter regulations and penalties for builders and subcontractors to improve the quality of residential construction. Building warranty insurance — a grand word that is not lived up to by the terms of the product — failed the Zaitsens. In other states such products cover more items and are compulsory.

This saga has played out for over five long years. I call on the minister to take action to provide whatever support is possible to the Zaitsens in what is an unspeakably bad situation they find themselves in, at no fault of their own.

Tourism and major events strategy

Mr EIDEH (Western Metropolitan) — My adjournment matter tonight is for the Minister for Tourism and Major Events. The major events and tourism sectors are increasingly playing a more important role in the Victorian economy, with Victoria's $21 billion tourism and events industry currently employing over 206 000 people. I welcome the minister's announcement in July, at the Victorian tourism conference in Bendigo, of plans to increase visitor spending to $36.5 billion by 2025 and increase employment in the sector to 320 700 jobs. The new visitor economy strategy maps out a clear direction for Visit Victoria, the state's new world-leading entity responsible for ensuring we remain the national leader for tourism and major events.

The strategy focuses on nine key areas, including building on the potential of regional and rural campaigns, maximising the benefit of events, improved branding and marketing, improved experiences for visitors from Asia and a skilled and capable sector. So I ask the minister whether he can update the house on the role the new visitor economy strategy will play to help grow tourism opportunities for businesses in my community and employment opportunities in the tourism and events sector for my constituents and how the new visitor economy strategy contrasts with the approach of the former Liberal-Nationals coalition, who neglected our tourism and events sectors and treated them with contempt.

Mr O'Donohue — On a point of order, Acting President, I seek your clarification as to whether Mr Eideh has sought an action pursuant to the standing orders, as has been clearly articulated by the President. In his summary he said, 'I would ask the minister to

update the house', and I put it to you that that is not an action pursuant to the standing orders.

The ACTING PRESIDENT (**Mr Finn**) — Order! There may be a point to Mr O'Donohue's point of order. I ask Mr Eideh to clarify the action that he requires.

Mr EIDEH — Acting President, I ask the minister to advise the house on the role of the new visitor economy strategy.

The ACTING PRESIDENT (**Mr Finn**) — Order! I will let it through, but I tell you what, it is right on the boundary. The chalk is in the air.

Warrenheip Street, Buninyong, pedestrian crossing

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Roads and Road Safety, and it is with regard to the community of Buninyong just outside of Ballarat. Recently I was very fortunate to catch up with Ian Salathiel and Barry Fitzgerald from the Buninyong and District Community Association. We had a good tour of the town and a discussion about some of the local issues. One of the local issues that was raised was the fact that the Labor Party went to the 2014 election committed to a pedestrian crossing in Warrenheip Street, Buninyong.

The form of this pedestrian crossing has been of some concern. There have been some thoughts and some proposals that this particular crossing will be a fully signalised crossing. Buninyong is a wonderful and spectacular village that has a great atmosphere. There is significant concern, and the message was certainly put to me, that the Buninyong community do not want their village atmosphere destroyed by a fully signalised pedestrian crossing. Therefore it is imperative that the minister does listen to the community of Buninyong. The action I seek is that the minister listen to the Buninyong community and not impose upon them a pedestrian crossing that is unwanted. I encourage the minister to listen to the Buninyong District Community Association and find a solution for the pedestrian crossing that will not ruin the village atmosphere of Buninyong.

Sex work regulation

Ms PATTEN (Northern Metropolitan) — My adjournment matter is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Marlene Kairouz. Ten years ago, for every one legal brothel there were three illegal ones. Today for every one legal brothel there are 10 to 20 illegal brothels. There are five within a 100-metre radius of my office and there are probably at least 15 within a 200-metre radius of this house. Since this government have come to power they have done nothing to stop this continued rise of illegal brothels not only in the city but in the suburbs and around Victoria. Many of you may be aware of them and may have seen them popping up in your local areas.

These 'massage parlours', as they claim to be, are actually offering sexual services under the table. We know this, the police know this — —

Ms Lovell interjected.

Ms PATTEN — And on the table, Ms Lovell — and on the table as well!

We know this, the police know this and the public are all aware of this. These are not legitimate operators, and their online advertisements make this very clear. A constituent of mine noted some that said, 'Come and relax with a sensual massage' and offered 'young girls with different skills' sure to 'make you happy in the end'. It is very clear that these establishments are flouting the law. Victoria has some of the oldest brothel legislation. In 1986 we legalised brothels here — we legalised and regulated them. They are small businesses like any other small business and should be afforded the same competition protection.

How can these licensed businesses operate and compete against unlicensed and unregulated businesses that may also be practising some very exploitative procedures? I am not sure how we protect their workers or offer protection to consumers in those areas. If these were alcohol or gambling outlets, the police would be down on them in a flash, but because it is the adult industry it seems that people are turning a blind eye to it. As I said, these businesses are numerous and growing in an escalating way.

I am asking the minister to undertake a fulsome review of the operation of massage parlours in Victoria, working to identify the legitimate ones from the unlicensed ones and the potentially exploitative venues that are currently operating.

Battle of Long Tan commemoration

Mr ELASMAR (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Veterans, the Honourable John Eren. This year, 2016, is the 50th anniversary of the Battle of Long Tan in the Vietnam War. This is an extremely sombre and

important occasion that we as a community must collectively respect, commemorate and support. It is particularly important to the Vietnam veterans who served and their families that we say thank you for their service. It is of course during this commemoration that we pay tribute to those 521 Australians who made the ultimate sacrifice while serving their country in Vietnam. Their legacy must never be forgotten.

The Andrews Labor government has provided $1 million to the Vietnam Veterans Association of Australia, Victorian branch, to help design, implement and deliver a thoughtful and appropriate commemoration program for the 50th anniversary. The action I seek is that the minister advise me of the support that the Andrews Labor government is providing for our veterans and the wider community, including students, who will attend the service at the Shrine of Remembrance on 18 August.

Western Victoria Region roads

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan. The issue I want to bring to his attention is that in south-west Victoria our road network is stuffed. Roads all over Western Victoria Region are falling to bits. We have huge holes in the middle of the pavement. We have edging that has been totally ruined. In relation to the Hamilton to Portland main carriageway, where 145 000 trucks annually go to the port of Portland, which generates around $778 million a year, this arterial road is in such a disgraceful condition of deterioration that it actually needs around $180 million of repairs just for that particular section of road.

We have seen through an inquiry that is chaired by David Davis in relation to the impacts of rate capping that local councils have clearly indicated to that committee that the loss of the country roads and bridges program — that $160 million package with a $1 million provision of funding for rural councils per year — means that they too are not able to maintain their current assets, and that is the only funding they had that would go directly to them for their own road and bridge assets.

We have a really significant problem here in Victoria where our regional road networks are literally falling apart in front of our eyes, with no appropriate funding to be able to maintain — far less improve or upgrade — our roads or to provide new road carriageways to move not only our people but also our freight, which creates huge economic value to our state. The federal Turnbull government committed $345 million for a roads and bridges package, and I call on the minister to match that funding and as part of that funding to match the $20 million that was allocated under that package for south-west roads.

There are two issues — and I am only allowed one action — but the action is that the minister immediately match the $345 million that the federal government has committed to and as part of that match the $20 million that has been allocated for south-west roads — roads like the very important Hamilton to Portland carriageway that, as I said, takes over 145 000 annual truck trips to the port and should be upgraded to make it safe.

Fish Creek school crossing

Ms BATH (Eastern Victoria) — My adjournment matter this evening is directed to the Minister for Finance, Robin Scott, in regard to a proposed school crossing at Fish Creek in my electorate. The action I seek is that he support an application currently with the Transport Accident Commission to provide funding for a much-needed school crossing at Fish Creek and District Primary School.

The safety of the school community at Fish Creek has been a concern for a long time. The school is situated on the main road through Fish Creek, a major route for tourists heading to Wilsons Promontory, where they receive thousands of visitors annually. With a number of near misses having occurred near the school, the principal, the school community and local police are all concerned a serious injury or even a fatality could occur if this school crossing does not go ahead.

Currently students, when they exit the school, head down a steep hill to cross the road or board a bus, and many cars often travel much faster than the 40 kilometres per hour as directed for the school zones. I understand many speeding infringements have been given out by police over the years to motorists caught doing the wrong thing and driving at the wrong speed down the road. My fear and the fear of many of the school parents is that it is only a matter of time before a serious accident occurs.

Early last year South Gippsland Shire Council funding was made available to undertake a concept design and new pedestrian traffic counts. After consultation with the school and VicRoads a concept plan was finalised, and recent traffic counts indicate a school crossing is warranted. Currently a submission is with the Transport Accident Commission for funding for the works, which are estimated to have an approximate cost of $110 000.

The action I seek from the minister is to support this submission to ensure funding is received so that the safety of the Fish Creek school community can be made a priority.

Wyndham City Council

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Local Government, and at the very beginning I would like to say that this latest stuff-up within her portfolio is something to behold; something that is in fact in total keeping with the reputation that this government has built up over the last 18 or 19 months. Can I also say that my dismay at the news that the Hobsons Bay City Council may be dismissed is, in my view, fully justified as Hobsons Bay is one of the finest councils in the western suburbs and why it would be under a cloud I have absolutely no idea at all — none. I have had correspondence today from both the mayor and the deputy mayor expressing their concerns, to understate things somewhat, and I have to agree with them. If the minister wishes to sack a council, sure, she can go ahead and sack Wyndham City Council — everybody would be very happy with that — but leave Hobsons Bay alone. It is a very good council.

The matter I wish to raise tonight is a question of the integrity of the electoral process as we come into the election period of October, when we will have municipal elections. I am informed by a number of people within the municipality of Wyndham that there is one councillor who is preparing to nominate no less than 40 other candidates so that he personally can control the Wyndham council after the election. I do not know how this latest debacle impacts the possibility of that happening, but people are openly asking, 'Is Wyndham the new Brimbank?'. We remember what Brimbank was when Cr Suleyman had control. We remember what Brimbank was not all that many years ago, and it is a very different situation now under the administrators, but people are very concerned about what is going on in Wyndham.

I ask the minister to direct the local government directorate to keep a very close eye on the electoral process in Wyndham and particularly the actions of Cr Intaj Khan, who is not just happy with building a Taj Mahal down in Wyndham but now apparently wants to build his own empire as well. I ask the minister to direct the directorate to keep an eye on what is happening in Wyndham.

Victoria Police mounted branch and dog squad

Mr O'DONOHUE (Eastern Victoria) — The matter I wish to raise this evening is for the attention of the Minister for Police and relates to the fantastic work of both the Victoria Police mounted branch and Victoria Police dog squad, now co-located at the recently substantially upgraded Attwood police facility in Melbourne's north. The action I seek from the minister is that she visit the Victoria Police facility. That would provide an appropriate acknowledgement and support of the importance of the respective work of both the mounted branch and the dog squad.

In March this year the mounted branch vacated its 104-year-old home stables in Southbank and relocated to Attwood in a project that was announced by the former coalition government back in 2014. The old stables will soon be transformed into a Victorian College of the Arts and Music visual arts facility right in the heart of what is now Melbourne's vibrant Southbank Contemporary Arts Precinct. I was fortunate to be able to tour the modern upgraded Attwood complex last month where I was briefed on the important work of both the mounted branch and the dog squad in protecting the Victorian community.

The Victoria Police mounted branch performs vital work — particularly around crowd management at protests, demonstrations and major events in and around inner Melbourne — that often goes unnoticed by the majority of the community. The mounted branch are also often called into searches for lost persons and offenders. The police horses are stabled and cared for at Attwood and are transported by float to staging posts in Melbourne close to where the events they are attending are being held.

The Victoria Police dog squad equally performs outstanding work for the Victorian community in supporting police members, particularly in the search for offenders and lost persons and in undertaking drug search activities. This important work of the dog squad in assisting police in the fight against drugs was recognised by the former coalition government in 2014 when additional resources were provided to Victoria Police to expand the regional reach and presence of police dogs and handlers. This was part of the coalition's ice strategy initiatives to increase the capacity of Victoria Police to utilise police dogs to search for ice and other illicit drugs at rural and regional events and properties. Dogs can be invaluable in the search for drug labs across the state and in minimising the availability and consumption of drugs at events. The way in which experienced and skilled police handlers

interact and work with their dogs is absolutely incredible to see.

I would like to thank Victoria Police and Superintendent John Todor for facilitating my visit to Attwood and for providing the comprehensive briefing on the operations of the mounted branch and the dog squad. I urge the minister to visit Attwood and see for herself the great work of the Victoria Police mounted branch and dog squad.

Responses

Ms PULFORD (Minister for Agriculture) — I have adjournment matters from Mr Leane and Mr Davis for the Minister for Public Transport; Mr Ramsay and Mr Morris for the Minister for Roads and Road Safety; Ms Lovell for the Minister for Health; Ms Dunn for the Minister for Planning; Mr Eideh for the Minister for Tourism and Major Events; Ms Patten for the Minister for Consumer Affairs, Gaming and Liquor Regulation; Mr Elasmar for the Minister for Veterans; Ms Bath for the Minister for Finance; Mr Finn for the Minister for Local Government; and Mr O'Donohue for the Minister for Police. I thank all members for their contributions to the adjournment debate. I will seek responses from the appropriate minister to each of those matters raised.

The ACTING PRESIDENT (**Mr Finn**) — Does the minister have any written responses?

Ms PULFORD — Yes. I have written responses to adjournment debate matters raised by a number of members, 100 responses in total, and I am guessing the Acting President does not need me to go through those.

The ACTING PRESIDENT (**Mr Finn**) — Order! The minister is guessing right. The house now stands adjourned.

House adjourned 11.02 p.m.