

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Friday, 15 December 2017

(Extract from book 22)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 15 October 2017)

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Minister for Families and Children, and Minister for Youth Affairs.	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development.	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs.	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

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

Legislative Council committees

Privileges Committee — Ms Hartland, Ms Mikakos, Mr O’Sullivan, 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 Finn, Mr Gepp, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

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

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, #Ms Hartland, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

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

Fire Services Bill Select Committee — Ms Hartland, Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O’Sullivan, 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, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula and Mr Walsh.

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

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

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

Family and Community Development Committee — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards 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 Gepp and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, 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 — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmarr, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, 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 Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John ¹	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 ⁷	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	Western Metropolitan	AC	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	O'Sullivan, Luke Bartholomew ⁸	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ⁴	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ⁹	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark ⁵	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁶	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 25 February 2015

⁸ Appointed 12 October 2016

⁹ Appointed 18 October 2017

PARTY ABBREVIATIONS

AC — Australian Conservatives; 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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Friday, 15 December 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Land Acquisition and Compensation Act 1986 — Certifications pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of Catchment and Land Protection Act 1994 — Declaration of certain animals to be prohibited pest animals, controlled pest animals, regulated pest animals or established pest animals, dated 5 December 2017.

Victorian Budget Update — 2017–18.

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) (09:36) — I move:

That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 6 February 2018.

Motion agreed to.

MINISTERS STATEMENTS

Corrections system

Ms TIERNEY (Minister for Corrections) (09:36) — I rise to inform the house of Labor's steady progress on making Victoria safe. Labor has increased frontline police by over 640 since 2014. As we would all be aware, this has led to a 6.3 per cent decrease in the last crime stats report. This is the second consecutive decrease in crime across the state as reported by the Crime Statistics Agency. This is the result of hard work right across the justice sector, with a series of reforms making a difference on our streets.

Of course today we have announced a further investment in our corrections system, because Labor has always known that by putting more police on the beat we would see greater demand in our prisons. This comes after we opened Ravenhall Correctional Centre, but we are planning for the future.

Labor has been planning for the increase in remanded and sentenced prisoners that our investments in community safety are going to drive. We have not been caught in a mad panic like those opposite, rushing in

shipping containers and jamming in double bunking — and of course that failure to plan by the coalition led to a record number of escapes, contributed to the Metropolitan Remand Centre riot and saw the recidivism rate rise to the highest it has been in living memory. The policies of the coalition saw our recidivism rate jump, meaning that our prisons were turning out offenders that were almost guaranteed to offend again.

In utter contrast, this investment is part of Labor's plan to ensure that we stay ahead of demand so that our prisons are safe and effective. This ensures that our prisons are safer places to work and that prisoners are placed in safe and secure environments.

Mr Ondarchie — On a point of order, President, the purpose of a ministers statement, in our understanding, is to bring new initiatives and policies to the attention of the house. The minister has spent the bulk of her time criticising the former government. I do not think that was an element of a ministers statement. I ask you to bring her back to the core reasons for a ministers statement.

Ms TIERNEY — Further to the point of order, President, I have provided an update to the house — a new initiative, a new resource package that was on the front page of the *Herald Sun*, and I have provided the context in which that announcement has been made.

The PRESIDENT — In regard to the point of order, I do uphold the point of order in the respect that a ministers statement, as the minister just also indicated, is about new initiatives — and yes, it is possible for the minister to cover a range of other initiatives that fit within that new initiative, that perhaps support it or are a continuation of programs, and that is clearly within the scope of a ministers statement and informative to the house.

However, I share Mr Ondarchie's concern that there was commentary on the previous government and on the opposition, and that is not part of a ministers statement. So in future ministers should refrain from that commentary and reflection on other parties and continue to present to the house new initiatives. As I said, yes, the continuation, the context of other initiatives that might have been taken, is relevant to that new initiative.

Ms TIERNEY — This investment is part of Labor's plans to ensure that we stay ahead of demand so that our prisons are safe and effective. This ensures that our prisons are safer places to work and that prisoners are placed in safe and secure environments. This ensures

we prioritise rehabilitation and drive down recidivism. This careful planning means Victorian communities are safer and always will be under Labor.

Royal Commission into Institutional Responses to Child Sexual Abuse

Ms MIKAKOS (Minister for Families and Children) (09:41) — I rise to make a statement in respect of the Royal Commission into Institutional Responses to Child Sexual Abuse. Yesterday we had the final hearings of what has been a five-year inquiry, and I take this opportunity to congratulate the commissioners on a remarkable and very difficult job. I will also take this opportunity to acknowledge and thank Julia Gillard for her leadership in having the courage to shine a light in the darkest parts of our community. Most importantly I want to acknowledge the victim survivors. They demonstrated great bravery and courage in telling their stories, and without their own advocacy this royal commission would never have happened.

In response, it is incumbent on all of us to act on this royal commission. I am proud that our government is leading the way. We have already introduced child safe standards, the reportable conduct scheme and now new legislation in relation to child information sharing, amongst other reforms. We do recognise that this is a really difficult time for victim survivors, and in response our government has provided an immediate boost of \$175 000 to sexual assault services across Victoria, including the statewide telephone counselling service. This is in recognition that this is a stressful time for victim survivors of child sexual abuse, and it is important that they have access to additional support if they need it.

It is estimated that thousands of Victorians are victim survivors of sexual abuse in institutional settings, and the report's release is likely to trigger the need for more support. The government will be providing \$50 000 to the sexual assault crisis line, which is a statewide after-hours confidential counselling service which receives thousands of calls each year. A further \$125 000 will go to sexual assault support services across Victoria and also to the Victorian Aboriginal Child Care Agency to assist Aboriginal sexual assault survivors.

I also acknowledge the advocacy of Sharon Knight from the Assembly, who has been a particularly strong advocate for victim survivors in Ballarat, which has been a particular focus around these issues. The Andrews Labor government will stand by the survivors

of institutional abuse, and we will continue to recognise their strength and their resilience.

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

Committee

Resumed from 14 December.

Mr Davis — On a point of order, Acting President, I have received a copy of a piece of correspondence that was sent to the minister this morning pointing to matters in the debate last night and pointing to some errors. The minister may not in all fairness have had a chance to attend to those matters, but it may be important, I think, that some of those matters are cleared up. This is a piece of correspondence from Shelly Freeman which points to a number of the comments made in the committee stage last night. It is quite detailed. I could detail it for the chamber if members wish, but it may be in fairness an opportunity for the minister to have her staff look at that quickly and inform the house of any —

Mr Gepp — You're a postie now.

Mr Davis — I am just trying to be helpful to the chamber on matters of accuracy, and if errors are pointed out, I am —

An honourable member interjected.

The ACTING PRESIDENT (Mr Elasmr) — Thank you, Mr Davis. Minister, would you like to make a comment? No?

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmr) — Order! Thank you. There is no point of order, Mr Davis. We will continue to deal with the clauses in the bill.

Mr Davis — On a point of order, Acting President, with the greatest of respect, this actually goes to some of the answers that were provided last night that are material to a number of the amendments that we are about to deal with. If there are errors in the material that has been provided to the house, that is actually directly material to the decisions that the committee might make. There are a whole range of different procedures we could use, but I am just trying to —

The ACTING PRESIDENT (Mr Elasmr) — Yes, I understand, Mr Davis, but if the minister does not want to answer, I cannot do anything.

Ms Pulford — On the point of order, Acting President, I stand by the answers that I provided to the committee last night and I am happy for us to move on.

Clause 6 agreed to.

Clause 7

Mr ONDARCHIE (Northern Metropolitan) (09:48) — Minister, in relation to the approval of dog obedience training organisations, what criteria will you use to ensure that those organisations are reputable and the people providing the training have appropriate skills and experience to be able to deliver?

Ms PULFORD (Minister for Agriculture) (09:50) — This is a two-part process. There will be in effect no change. We are simply moving the approvals that currently exist from regulations to the act. The two-part process involves first approving the program and then secondly approving the dog assessment. Once those are both approved then the organisation will be able to be approved as a provider. But, yes, there will be no practical effect for any of those organisations.

Mr ONDARCHIE — Thank you, Minister. In relation to moving it into the act, what are the guidelines or criteria you will use to establish if their program is sufficient enough to provide the outcomes you are seeking?

Ms PULFORD — The same guidelines that are in the regulations.

Mr ONDARCHIE — Thank you, Minister. That was not quite what I asked. I am asking you to outline what those guidelines are.

Ms PULFORD — I would encourage Mr Ondarchie to familiarise himself with the regulations. There is no change to the guidelines.

Mr ONDARCHIE — So that is the answer? Go check it on a website or go do something else? Minister, you are the minister in charge of this act that you are asking this house of review to approve. I am simply asking you: can you outline to the house — to all the members of the house you are asking to approve this bill — what those guidelines are?

Ms PULFORD — I will save Mr Ondarchie the trouble of looking on the internet for this information, and I will quote from the Domestic Animals Regulations 2015, section 52(3):

For the purposes of subregulation (1)(b), the Minister may approve an assessment program if it provides for a dog to be assessed in the following skills—

- (a) heeling or walking with handler;
- (b) sociability with other dogs;
- (c) staying on command (known as a “stay test”);
- (d) coming to handler on command (known as a “recall test”);
- (e) absence of aggression towards humans or another animal.

And subsection (8):

For the purposes of subregulation (2)(b), the Minister may approve a training course if it provides for—

- (a) training in appropriate equipment used to train a dog; and
- (b) practical obedience training of dogs; and
- (c) a written or oral examination on the theory of dog training; and
- (d) a practical examination of a person’s dog training skills; and
- (e) a probationary or learning period of at least 100 hours in which the trainee is under the supervision of a qualified dog trainer.

Mr ONDARCHIE — Thank you. Minister, in the application that has moved into the act it talks about the requirement that the applicant must provide a report containing the prescribed details about the organisation and its activities. How is that report evaluated in terms of its capacity to both deliver the proclaimed services and also the experiences of the organisation?

Ms PULFORD — So is the question about what will be different? What is your question?

Mr ONDARCHIE — My question was: how is this report assessed? It says they will provide the report, but I am trying to ask how that report will be assessed to make sure it is adequate.

Ms PULFORD — It will be assessed against the guidelines that I just read out.

Mr ONDARCHIE — Minister, is that going to be done by you?

Ms PULFORD — The assessment will be undertaken by my department and final approval rests with me, as is currently the case.

Mr ONDARCHIE — Thank you, Minister. Does the department take any external advice from expert organisations to help them or help them validate the quality and substance of the report?

Ms PULFORD — Thank you. The arrangements that were in place under the then minister, Mr Walsh, provided for external consultation on the development of the regulations, which was of course not in any way unusual in the development of regulations. But no, there are not external consultants engaged to evaluate individual applications. These organisations are typically stable organisations. There are not enormous numbers of them, and they have been providing dog training for a long time. We hope that they provide dog training for a long time into the future.

Mr ONDARCHIE — I acknowledge that this clause may apply to existing providers, but there could also well be new entrants into the market. I guess that is where my question is going. How is the evaluation done for new applicants into the marketplace?

Ms PULFORD — I have already answered this question.

Clause agreed to.

Clause 8

Mr BOURMAN (Eastern Victoria) (09:57) — I move:

6. Clause 8, line 34, omit all words and expressions on these lines.
7. Clause 8, page 16, line 1, omit “(b)” and insert “(a)”.
8. Clause 8, page 16, line 3, omit “(c)” and insert “(b)”.
9. Clause 8, page 16, line 7, omit “(d)” and insert “(c)”.
10. Clause 8, page 16, line 14, omit “(e)” and insert “(d)”.

Basically the amendments remove the delegation authority to approve organisations.

Ms PENNICUIK (Southern Metropolitan) (09:57) — The Greens will not be supporting Mr Bourman’s amendments.

Mr DAVIS (Southern Metropolitan) (09:57) — The coalition will support the amendments.

Committee divided on amendments:

Ayes, 17

Atkinson, Mr	Morris, Mr
Bath, Ms	O’Donohue, Mr (<i>Teller</i>)
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O’Sullivan, Mr
Crozier, Ms	Ramsay, Mr
Davis, Mr	Rich-Phillips, Mr
Finn, Mr	Wooldridge, Ms (<i>Teller</i>)
Fitzherbert, Ms	Young, Mr
Lovell, Ms	

Noes, 19

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Purcell, Mr
Hartland, Ms (<i>Teller</i>)	Ratnam, Dr
Jennings, Mr	Springle, Ms
Leane, Mr (<i>Teller</i>)	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	

Pairs

Dalla-Riva, Mr	Shing, Ms
Peulich, Mrs	Somyurek, Mr

Amendments negated.

Clause agreed to; clauses 9 to 21 agreed to.

Clause 22

Mr DAVIS — I have raised the matter of the correspondence that many members of the chamber have received this morning, which is addressed to the minister. I think it is important to note that this is very direct information that goes to the details that the minister presented to the chamber in committee last night. I want to quote so the committee understands some of these key matters. Last night, Minister, and this is my recollection as well, you stated in Parliament that Lizzie Blandthorn in the Assembly visited Banksia Park Puppies (BPP) and that during that visit Ms Blandthorn said they could operate their business at 50 fertile breeding bitches. Shelly Freeman, who is the correspondent here, said:

I was at the visit with Ms Blandthorn where she asked Matt Hams, owner of BPP, that question to which he replied ‘No’, that they couldn’t operate with 50 ...

and that goes against the principal argument that you said about standards not numbers. She continued:

Subsequently a position paper was sent to Ms Blandthorn explaining why the 50 cap would not work for —

Banksia Park, and I suspect that is the same with all of the other seven larger breeding groups —

and a face-to-face meeting was held to again explain why the 50 cap wouldn't work ...

The correspondent goes on:

Statement by you: —

meaning the minister —

You state that the 50 cap would not reduce jobs at Banksia Park Puppies.

Fact: Banksia Park Puppies currently employ 30 people, seven of them with intellectual disabilities and currently have —

a certain number of dogs. It goes on:

If they are required to reduce to 50 dogs, they could not sustain employment of 30 staff and most of those jobs will be lost.

I think that is material to this particular aspect in this clause and the impact of this particular clause. It is very important, I think, to understand that this cap has no scientific basis. The best argument that I have heard the minister advance, the only real argument, is that social licence argument, but the truth of the matter is that if this 50 cap is introduced, there will be a negative outcome for dogs, as we discussed when talking about breeding lines in this chamber last night, and there will of course be a clear loss of employment and economic activity in those points. The minister may wish to make a statement about that, but I thought that in the context of this clause, which deals with the cap, it would be better that those matters were on the record.

Ms PULFORD — Just in response to the descriptions of the discussion that happened between the owner of the company and my staff and Ms Blandthorn, this was a discussion with the owner; it was not a discussion with the lobbyist. I accept that subsequently there was an attempt to walk that back and that the later position was as Mr Davis has described.

On the question of employment, I stand by my answers given to the chamber last night. I think that the commercial breeding licence will require high standards in relation to socialisation and that there will be employment opportunities as a result of that. We extensively canvassed these issues last night, but I just make those points in response to the email.

Committee divided on clause:

Ayes, 19

Dalidakis, Mr
Dunn, Ms
Eideh, Mr

Mulino, Mr
Patten, Ms
Pennicuik, Ms

Elasmar, Mr
Gepp, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms (*Teller*)

Pulford, Ms
Purcell, Mr
Ratnam, Dr
Springle, Ms
Symes, Ms
Tierney, Ms (*Teller*)

Noes, 17

Atkinson, Mr
Bath, Ms (*Teller*)
Bourman, Mr
Carling-Jenkins, Dr
Crozier, Ms
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms

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

Pairs

Shing, Ms
Somyurek, Mr

Dalla-Riva, Mr
Peulich, Mrs

Clause agreed to.

Clauses 23 to 31 agreed to.

Clause 32

Mr DAVIS — Again this deals with the matter of commercial dog breeders and approvals. The coalition does not believe the government has got the balance right in this clause.

Mr BOURMAN — I move:

11. Clause 32, page 34, lines 27 to 30, omit all words and expressions on these lines.

This is to do with the granting of a breeding approval. It is basically to take out the ability of someone just to not grant an approval or a renewal — in fact it is basically to get rid of the whole thing.

Mr ONDARCHIE — Minister, I take you to page 32 of the bill, to new section 58AC(2), in relation to the application to you for approval by a potential commercial dog breeder. Paragraph (c) requires a business plan for the next three years of the business which includes and is accompanied by any prescribed information about the business. Minister, could you outline to the chamber how you will evaluate that business plan?

Ms PULFORD — The business plans will include things like the ABN and registered business name; the business structure; staff numbers and qualifications; breeds of dogs; a health management plan, including a veterinary arrangement; a socialisation plan; a retirement plan for old dogs; a sale guarantee; and a complaints procedure. The proposed approval

conditions will be determined by the chief veterinary officer (CVO) on a case-by-case basis whereby the CVO is able to set the number of fertile females suitable for the property and the business.

Mr ONDARCHIE — Minister, in the list of things that you and your advisers will look at as part of this business plan, you did not once mention the financials of the business. What sort of financial criteria will you look at as part of the capacity for the business to underwrite this business plan?

Ms PULFORD — The financials will not be a consideration of the chief veterinary officer.

Mr ONDARCHIE — I did not ask about the chief veterinary officer, Minister; I asked about you, because you are the one signing off on this. So I ask: what would be the financial criteria you will look at to underpin the business plan?

Ms PULFORD — As we have discussed at some length, these are considerations of animal welfare. The details of the business plan that will be required go to those questions of animal management. The chief veterinary officer will make recommendations based on the regulations that I have provided to the house and the detail of the kinds of things that we expect to have in the regulations, and then I will have final approval based on the chief veterinary officer's recommendation.

Mr ONDARCHIE — Minister, are you saying that financial consideration of the business plan's capacity to be delivered is not a criterion for you?

Ms PULFORD — No. This is a domestic animals bill; it is about puppies and animals.

Mr ONDARCHIE — It does not surprise me one little bit, Minister, that the state Labor government have got no capacity to understand the financial implications of operating a business plan given that just yesterday the Auditor-General indicated that the business case for the level crossing removal program came two years after the project started.

The ACTING PRESIDENT (Mr Elasmarr) — Mr Ondarchie, please. Have you got a question?

Mr ONDARCHIE — Yes. It is part of the preamble, Chair. Minister, it somewhat surprises me — and rightly so, your focus is on animal welfare and animal care — that you are not satisfying yourself that the business has the financial capacity to deliver on the things you want it to deliver on. How could you know a business plan can be delivered if you have not satisfied

yourself of the financial capacity of the business to be able to deliver that?

Ms PULFORD — We are not proposing to require an assessment of the books of these companies as part of an evaluation around their animal husbandry arrangements.

Mr ONDARCHIE — So, Minister, are you then saying that you are satisfied that a registered commercial dog breeder — I remind you of the title 'commercial dog breeder' — can submit to you for your approval or sign-off a business plan that has no financial requirements?

Ms PULFORD — The nature of the plan proposed in regulations under the Domestic Animals Act 1994 relates to the care of the animals that are part of the business operation. That is what the plan seeks to evaluate. I do not know if you missed most of what we were talking about last night, Mr Ondarchie, but I think you are off on quite a tangent at the moment.

Mr ONDARCHIE — I know others have got questions around this clause, but I will make a comment. Minister, if you are saying to the people of Victoria that you are satisfied with a business plan that in its entirety comprises activities without any financials, that would absolutely qualify you under the current regime of this government to be Treasurer of this state.

Ms BATH (Eastern Victoria) (10:23) — Minister, the clause we are on says applications for renewal of registration must be accompanied by a prescribed fee. I would like to understand what costings you have done — as in, what the fee would be and whether it will be linked to CPI — and what sort of work has been done around that, because people in the industry have to plan for this fee, and they really should be given an indication of how much of a cost burden that will be.

Ms PULFORD — Suitable cost recovery arrangements will be developed as part of the finalisation of the regulations. But in the interests of trying to assist the committee in its deliberations, I can give you an example of the costs charged by Wellington Shire Council: they are in the order of \$2500.

Mr RAMSAY (Western Victoria) (10:26) — I would also like to ask a question of the minister in relation to clause 23, specifically new section 58AF —

The ACTING PRESIDENT (Mr Elasmarr) — Mr Ramsay, we are on clause 32.

Mr RAMSAY — Clause 32? When we come back to clause 23, Acting President, I would like to —

The ACTING PRESIDENT (Mr Elasmarr) — It has gone.

Mr RAMSAY — I will find the appropriate clause.

Ms BATH — I thank the minister for her response, noting that it is \$2500 every three years as a ballpark. Minister, this house and this government in only the last sitting week passed some legislation around pokies in which there were 20-year leases granted to provide certainty for the venues to invest in infrastructure upgrades and if they needed to get loans from the bank so that they could have a long-term loan and certainty. Yet businesses here in effect only have a three-year tenure and must reapply for their licence for every three-year period. First of all, my main question is: why was this three-year time frame chosen rather than a model of a sincere audit every year and a comprehensive audit?

Ms PULFORD — There are a couple of points that I would make here. There is a difference between a pokie machine and a dog in terms of the conditions in which they are kept. The second point I would make is that these businesses already require annual approval from their local council. Whether they can continue to operate is a year-on-year proposition in the hands of their local council.

Ms BATH — I thank the minister for her response. I do know the difference between a dog and a pokie, because I own a dog and I probably do not visit pokie machine venues very often at all. My point here is that it is an indication that establishments need to have upgrades, they need to have infrastructure and they often need to have loans. That was my point. If there is regulation stipulated through the council annually, why is there a need for a three-year licence renewal?

Ms PULFORD — We wanted to strike a reasonable balance. If Ms Bath is proposing an annual licence approval, then I would suggest that she move an amendment to that effect. The government thought three years was a reasonable time frame given the other oversights that will exist.

Mr RAMSAY — My apologies, Acting President, I seem to be a bit dyslexic this morning in that instead of clause 23 I was actually referring to clause 32, which new section 58AF sits in. Just for the minister's attention I will refer to the three lines that I want to raise a question on. New section 58AF specifies 'Conditions of commercial dog breeder approval', including that the breeder 'must not keep more than

50 relevant fertile female dogs', that the breeder must maintain prescribed levels of public liability and so on.

On the question I want to ask we had some of this discussion last night but still not a full answer in that Liz Walker from the RSPCA was on Neil Mitchell's program this morning and did not support — in fact was very evasive around their position on — the cap, yet the RSPCA inspectors are part of the authority that will be responsible for making sure that dog breeders adhere to the code of conduct in relation to animal welfare, as it is with councils. Councils, certainly in my Western Victoria Region, which is also Mr Purcell's region, do not support the cap of 50. Again given the new provisions in this bill, I am wondering exactly who the minister referred to in relation to putting the cap in place if not the RSPCA and not the local government authorities which have responsibility for compliance in this area.

Ms PULFORD — I answered this extensively yesterday in the committee stage and the second-reading debate, but I would again state for the record that there is not a single commercial dog breeding business in western Victoria that is operating at a scale that would be impacted by the proposed arrangement.

Mr Ondarchie — What about all Victoria?

Ms PULFORD — If you had been here yesterday, you would have heard me say on multiple occasions that there are eight — six of them in the Wellington shire, one in Benalla and one in Campaspe.

Mr RAMSAY — I hate to bring it to the minister's attention that in fact her own region of Western Victoria —

Mr Morris interjected.

Mr RAMSAY — Mr Morris, do you want to have a discussion while I am talking? I am trying to make a point, and the point is that in fact there is a large dog breeding establishment in Ballan that has more than 50 dogs, and Ballan is very much in your Western Victoria Region. It is yet another establishment you have not visited, Minister. The point is, whether it is in Western Victoria Region or not, there is no scientific reason that you would place a limit of 50 on those breeding establishments that have always adhered to and complied with the code of practice in relation to animal welfare.

Ms PULFORD — The property in Ballan at the time that they registered and reported on the number of breeding dogs they had had less than 50.

The ACTING PRESIDENT (Mr Elasmr) — Mr Bourman, I know you have a further amendment. Would you like to circulate it now before I put your amendment for test.

Mr BOURMAN — I ask that my further amendment be circulated now, which will be contingent on my amendment 11 to clause 32 failing.

Mr ONDARCHIE — I was certainly here last night until midnight with you and heard your answers in relation to how we arrived at 50 dogs. Minister, why is 51 dogs unacceptable to you?

Ms PULFORD — I answered this last night. We think 50 is a significant concession based on the election commitment, which was a cap of 20. Fifty is, I think, an appropriate balance between the views of stakeholders on this matter and the question of social licence.

Ms BATH — Minister, new section 58AF, inserted by clause 32, talks about 50 relevant fertile female dogs. I know we had the discussion last night, and I do not want to go over it other than to identify an issue that you said you would have five years from the time of implementation before this came into effect. Yet in April 2020 this will now come into effect, which is only slightly over two years. Putting a lens over the fact that, for example, at Banksia Park there are anywhere between 150 and 200 breeding female dogs, have you done any research on how long it takes to rehome a dog? If Banksia Park Kennels are only able to have 50, they will then have to rehome up to 150 female animals alone.

Ms PULFORD — The two largest commercial puppy breeding establishments in Victoria have been reducing the number of their animals for some time.

Mr Morris — They've gone interstate.

Ms PULFORD — Yes, one of them has bought property in New South Wales. In fact I think they have both bought property in New South Wales. There is a coalition government there; it is probably a good place to be in this kind of business. Sorry, Ms Bath, could you ask your question again?

Ms BATH — My question was around research on how long it would take to rehome a dog, because 150 is a lot of dogs. How long would that take?

Ms PULFORD — I am certainly confident that rescue organisations stand ready to take these animals. They have very large numbers of volunteers who do this already. I have met with people in rescue

organisations who take retired breeding dogs from some of the establishments that members are concerned about. In relation to the five years, this election commitment was announced in 2014, and at that point we said this part of it would be implemented in 2020. I know there are very many people in the community who would be critical of the government for that being too slow and would greatly prefer this to have happened more quickly, but I was conscious of the need for organisations that are reducing their breeding animals to have the time to retire those dogs and work with those in the community who are interested in finding them new homes.

Ms BATH — Thank you, Minister. I actually have knowledge that in fact, if we are using Banksia Park as an example, they have not been reducing their stock — their values, their dogs — recently. They have purchased property in New South Wales to sandbag their industry, but they have not reduced their numbers. My other question is: if by the date that you have chosen in a little over two years there are more than 50 female dogs on a property, what will happen to those breeders?

Ms PULFORD — Councils will not be able to issue them with their domestic animal business approval.

Mr ONDARCHIE — Minister, I want to talk further about how we arrived at the number 50. I am reminded of the comments made by Treasurer Pallas yesterday — and also your comments about this being your election commitment — when he said he should not have gone out with a number until he had a proper business plan or a business case behind it, but it seems to me that you are sticking with this number because that was the number that you said in 2014. Minister, you indicated to us last night that you have taken a range of advice around this bill from people in the industry. Have you had any discussions or have you met with RSPCA CEO Dr Liz Walker?

Ms PULFORD — Yes, I have. Can I just also provide some further information in response to Ms Bath's concern about where the retiring bitches from Banksia Park go? Banksia Park informed my staff that they have a waiting list for their retired breeding dogs, with more than 150 people on that waiting list.

Mr ONDARCHIE — Thanks, Minister, for acknowledging that you have met with and spoken to RSPCA CEO Dr Liz Walker. Do you regard her as an expert in relation to these matters?

Ms PULFORD — Liz Walker is the chief executive officer of the RSPCA, which is the most significant

animal welfare promotion organisation in the state. It has got a very long and proud history, and my dealings with Dr Walker have always been very good.

Mr ONDARCHIE — Would Dr Walker be considered somewhat of an expert in the field when it relates to animal welfare?

Ms PULFORD — I just answered that.

Mr ONDARCHIE — You say you have met her, and I asked about her specifically.

Ms PULFORD — I am not familiar with Dr Walker's résumé as such, but I assume that if the RSPCA board have appointed her to be the CEO, then that is probably not an unreasonable assumption.

Mr ONDARCHIE — Given your assumption that that would qualify her as an expert in the field, I will just quote — and I am happy to table this document — from a transcript of an interview that Dr Walker did with 3AW's Tom Elliott on 28 November, where she said:

... there's no evidence that conclusively links welfare to the number of breeding animals.

That is a quote from a lady you have acknowledged as being an expert in this field. So given that there is no evidence that conclusively links welfare to the number of breeding animals, how then was 50 arrived at?

Ms PULFORD — I answered this at length last night. Mr Ondarchie has failed to recognise that there is no evidence to suggest that very large puppy farms are good for animal welfare either. Mr Davis has asserted it, and I think last night we agreed to disagree on this point. Mr Davis made the case that larger was better for animal welfare, and in doing so he talked about genetics. It was one of the arguments Mr Davis put in support of the opposition's position on a matter that has already been resolved in this bill and extensively discussed in the committee stage in the hours that have gone before us.

Mr ONDARCHIE — In the absence of a reasonable answer, Minister, we will continue to prosecute this. I am specifically talking about what I am asking you — I am not talking about what Mr Davis is saying; I am talking about what I am saying. Who decided that 50 was the right number?

Ms PULFORD — The government.

Mr O'SULLIVAN (Northern Victoria) (10:43) — Minister, off the back of what Mr Bath said in terms of the rehousing and rehoming of those surplus dogs once

Banksia Park is forced to close or shift to New South Wales, you said there were organisations standing by ready to assist in the rehoming of those dogs. How much money have you given to those organisations, and when will they receive it?

Ms PULFORD — There are many, many rescue organisations in Victoria. I am not sure that I could — certainly not at this moment — provide you with a definitive number of how many there are. There are community-based volunteer-driven organisations. Some of them are quite large and some of them are quite small, but rescue organisations exist to meet the needs of animals that need rehoming. It was in that context that I made that comment, but I can share this with you from Banksia Park's website:

We do have a mailing list for our rehoming dogs which sits at over 150 people.

The website also says:

There is a significant wait on our dogs so make sure you put your name down early enough ...

And it goes on. I find it curious that members of the opposition who have gone to such lengths to oppose the reform that the government is introducing are now frightfully concerned about the welfare of dogs that have been turning out puppies, year in and year out. But I take it from Banksia Park's website that they have a long list of people who are ready to help, and I am confident based on my interactions with some of our volunteer animal rescue organisations that there would be plenty of other people who would be willing to help as well.

In relation to grants that might have been provided to organisations, I would indicate to Mr O'Sullivan the guidelines for the animal welfare grants. They are actually in no way related to this question, but I think that is probably what he is trying to get at. The guidelines for the animal welfare grants program, which was established by the former Minister for Agriculture while Mr O'Sullivan was his chief of staff, are outlined in the Domestic Animals Act, so there certainly have been under the former government and under this government grants provided in accordance with that program to organisations that are involved in animal rescue. If you want a particular example, one that springs to mind is the beagle rescue people, who received a grant through that program to help them buy a vehicle to move the beagles around.

Mr O'SULLIVAN — Thank you, Minister. That sort of skirts around the actual question I had so I will ask it in a different way. We could expect there will be

an influx of dogs that will need rehoming. Banksia might have some arrangements for some of their dogs, and it would be terrific if that was the case, but that will not be the case everywhere. So we can expect that there will be a burst of surplus dogs that will need to be rehomed. I would hate to see it get to the point where a significant number of surplus dogs cannot be rehomed because of the sheer volume of them and that they might have to be euthanased or something like that. As you said yesterday, there are a large number of kittens and cats that get euthanased each year, and there are certainly dogs as well. Will there be any specific funding as a result of this bill that will go to those organisations, outside of the animal welfare grants, for this particular surplus of dogs that we could expect to see in that space?

Ms PULFORD — No, but if Mr O’Sullivan would like to adopt one, I am sure we could spread the word.

Mr ONDARCHIE — Minister, in response to my last question, you said the government decided that 50 was the right number. Was that based on your recommendation of 50 to the government?

Ms PULFORD — As Mr Ondarchie would well be aware, the government, as all governments do, makes collective decisions, but certainly I can assure Mr Ondarchie that the carriage of this legislation is absolutely my responsibility. I have been consulting extensively with stakeholders over the last 15 months, and I stand by the answers I provided last night.

Mr ONDARCHIE — Thank you, Minister. I again draw reference to the interview that Dr Liz Walker, the CEO of the RSPCA, did with Tom Elliott on 3AW on 28 November, when she said:

... the bottom line is there’s no evidence that conclusively links welfare to the number of breeding animals.

She went on to say:

... but honestly, at RSPCA we think that all this focus on the limiting on the number of breeding animals is distracting ...

Is Dr Liz Walker wrong?

Ms PULFORD — I know that Dr Liz Walker’s favourite feature, the things she likes the most about this legislation, is the pet register. I have heard her during an interview saying that that is the highlight for her. The RSPCA support this legislation.

Mr ONDARCHIE — Minister, I draw your attention again to Dr Walker’s specific comments around your focus on limiting the number of breeding animals. She said it is a distraction. She said there is no

evidence that conclusively links welfare to the number of breeding animals. What this committee, this house of review, is trying to establish is how you arrived at the number of 50. I know you said, ‘It’s because we said it in 2014’, but Mr Pallas gave us an example of how that is wrong yesterday. How did you arrive at the number of 50, and where is the evidence base around that, given the comments by Dr Walker?

The ACTING PRESIDENT (Mr Elasmr) — The minister has answered this question I believe more than once, but I will give her the opportunity again if the minister would like to make any —

Ms PULFORD — I have answered this question. I reckon I have answered this question a thousand times.

Mr ONDARCHIE — Minister, you acknowledge Dr Walker, based on her appointment by the RSPCA, as a potential expert in this field when it comes to animal welfare —

Mr Melhem — You already asked that question.

Mr ONDARCHIE — If you want to be the Chair, come and sit here.

Mr Melhem — On a point of order, Acting President, that question was asked about 15 minutes ago — the exact question about the doctor’s qualifications. I think it has become repetitive. The issue about the number of 50 breeding dogs was canvassed last night by a number of speakers on the other side. There was much repetition of matters during the discussion on clause 1 that were canvassed last night, and I think Mr Ondarchie needs to move on.

The ACTING PRESIDENT (Mr Elasmr) — I will not uphold the point of order, but I would like to bring Mr Ondarchie’s attention to the fact that the question has been raised more than once. I know he is referring to the doctor, but this is an upper house committee stage. Can we ask questions about the clauses, please.

Mr ONDARCHIE — Chair, I am asking about the clauses. Let me refer you to the clause I am asking about. It is clause 32, on page 34, 58AF(2), where it says:

It is a condition of a commercial dog breeder approval that the holder of the approval must not keep more than 50 relevant fertile female dogs.

I am asking a question on this clause.

The ACTING PRESIDENT (Mr Elasmr) — And the minister has already answered the question. Continue.

Mr ONDARCHIE — I do not believe she has, hence the reason we are prosecuting this as the house of review, which is our job. Minister, as you acknowledge, RSPCA CEO Dr Liz Walker is an expert in her field when it comes to animal welfare. Given that her evidence and her comments in relation to this matter are that there is no evidentiary link between the welfare of these breeding animals and their exact number, how is it that you arrived, based on her evidence, on 50 as the right number?

Ms PULFORD — I answered this yesterday.

Mr ONDARCHIE — No, you said the number is 50. I am asking how you arrived at it.

Ms PULFORD — Yes, I answered it yesterday — a lot.

Mr ONDARCHIE — So you are not answering it today?

Ms PULFORD — Well, we are in this committee hearing —

Mr Ondarchie — So you are refusing to answer it today. Is that what you are telling me?

The ACTING PRESIDENT (Mr Elasmr) — Order! Minister, would you —

Ms PULFORD — I am not refusing to answer it, but Mr Ondarchie is hell-bent on wasting the Parliament's time this morning. We have gone over this and over it and over it and over it.

Mr Ondarchie — So answer it, and then we will be done.

Ms PULFORD — I stand by my answers from last night.

Mr ONDARCHIE — Which is just 50. You cannot put any evidence there; you say it is just 50?

Ms PULFORD — I have answered that.

Mr ONDARCHIE — That is what you are saying — it is just 50?

The ACTING PRESIDENT (Mr Elasmr) — Order! The minister just answered it. Any further questions?

Mr MORRIS (Western Victoria) (10:53) — Minister, I was hoping to draw your attention to section 58AL, which says the relevant council will be notified of commercial dog breeding approval. One would imagine the reason that a council would be notified of this is so that they can undertake their enforcement responsibilities with regard to domestic dog breeding operations.

I note that significant concerns have been raised by a number of councils and indeed by the Municipal Association of Victoria as well. In evidence to the committee Mr Spence stated that this was one of the worst processes that have been gone through in drafting a bill that he has ever seen in his long career in local government. One of the significant concerns that has been raised by councils is their capacity to be able to enforce the legislation that is being thrust upon them by the government. I think it is only logical to say that we are going to see an increase in the number of dog breeding operations across the state as a result of this legislation. So the question I ask is: what measures are the government going to take to fund the additional work local government is going to have to do as a result of this legislation?

Ms PULFORD — That is a curious question indeed given that your colleagues have been asserting for hours that there will actually be less domestic animal businesses.

Mr Morris interjected.

Ms PULFORD — Yes, it is. We have all been doing this for hours and hours. They all say —

Mr Morris interjected.

Ms PULFORD — All your colleagues have said everybody is going to New South Wales.

Mr Morris interjected.

Ms PULFORD — New South Wales is the place to go to be in this line of work. We know that.

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Morris, you have asked a question. Allow the minister to answer. If you are not happy with her answer, you can follow it up with another question.

Ms PULFORD — Local councils already have responsibility for the registration of domestic animal businesses. That is not changing as a result of the legislation. Councils already have the ability to cost recover to assist in the undertaking of those responsibilities.

Mr MORRIS — It is unfortunate that councils often have responsibilities thrust upon them that they have no capacity to be able to undertake. Wind farm monitoring is a prime example of this. Councils with small rate bases do not have the capacity to do this work. I note the minister's answer that they have the capacity to recover these costs; however, that is not what local councils are saying. I go back to the question: what is the government going to do to assist local government in being able to undertake this work? If the answer is, 'We're not going to do anything', I am happy for you to give that answer to the committee.

Ms PULFORD — The types of commercial dog breeding establishments that are currently regulated by local council will continue to be regulated by local council. Local councils will be able to continue to cost recover as they currently do in exactly the same form, and there is nothing in this legislation that changes that one way or the other.

Mr BOURMAN — I am not going to prosecute the case on the cap at the moment. It has been done to death. I am not satisfied with the answers, but I am satisfied that they are the answers we are getting. I do have an amendment on that.

Clause 32 has a licensing provision, and at the moment it is at three years. Minister, I guess my biggest question is: given the fact that these people are going to have to downsize and they are businesses and they will be dealing with banks and financial institutions, why was the licence really only down to three years and not a longer period, which would give them at least some comfort that their business would be there?

Ms PULFORD — Because unlike poker machines, the questions of standards and animal husbandry arrangements are important and we wanted to ensure that there was appropriate oversight. That is why we are not proposing a commercial licence arrangement over, say, 20 years. Ms Bath made the analogy of poker machine licences. We think, and I am glad Ms Bath agrees, that there is a difference between the needs of puppies and the needs of poker machines.

Mr BOURMAN — I will make a comment from a financial institution's point of view. Their point is to worry about the financial implications, not whether it is a puppy or a poker machine. It is really about the business side of this.

Ms PULFORD — They are currently required to renew their approval with the local council every 12 months. Three years is more than that.

Mr ONDARCHIE — Minister, in relation to the cap of 50 dogs for these major commercial breeders, given that some of the existing breeders may either need to reduce their stock, change their business model or in fact close their business, in comparison with the automotive manufacturing sector, for example, is there any transition fund available from the government for these businesses that might have to either close or transition their business or find alternate opportunities for employees?

Ms PULFORD — I provided some answers around this yesterday — not specifically on the question of a fund like the automotive transition fund — and the government certainly has many initiatives underway to ensure that the economy is strong and that the regional Victorian economy is strong. The number of jobs created in regional Victoria over the last three years is 10 times the number created under the life of the former government. But again I would restate what I said yesterday during the committee stage: if these businesses are as fabulous as coalition members believe, they have every reason to be confident about having a future.

Mr ONDARCHIE — Thank you, Minister. Some of these businesses will be affected by a change in government regulation. When the taxi industry conditions changed as a result of your government's regulation, you provided the Fairness Fund and an assessment process to provide for those who will struggle through the changes. I am asking: will there be some sort of fund that will exist under your government to provide for these businesses and their employees as a result of changes to government regulation?

Ms PULFORD — There is no equivalent fund like the fund that we established, in spite of the opposition's attempts to stymie it, to create compensation for people who have been impacted by disruptive technology affecting the value of their taxi licences.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O'Sullivan, Mr
Crozier, Ms (<i>Teller</i>)	Ramsay, Mr
Davis, Mr	Rich-Phillips, Mr
Finn, Mr (<i>Teller</i>)	Wooldridge, Ms
Fitzherbert, Ms	Young, Mr
Lovell, Ms	

Noes, 19

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Purcell, Mr (<i>Teller</i>)
Hartland, Ms	Ratnam, Dr
Jennings, Mr	Springle, Ms
Leane, Mr (<i>Teller</i>)	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	

Pairs

Dalla-Riva, Mr	Shing, Ms
Peulich, Mrs	Somyurek, Mr

Amendment negatived.

Mr BOURMAN — My further amendment is, rather than deleting the whole cap, to put a cap at 150, which stops the so-called 300 and 400-animal places but still allows places like Banksia Park a reasonable number that they can operate. I move:

Clause 32, page 34, line 29, omit “50” and insert “150”.

Ms PENNICUIK — The Greens will not be supporting this amendment. We have heard tedious questions all morning that were answered by the minister last night about the cap of 50. There are many in the community who would like to see the cap less than 50, including the Greens, so to increase it to 150, which would allow for rows and rows of kennelled animals, is not something the Greens will support.

Mr DAVIS — The coalition will support this amendment, consistent with our position put last night. We do believe that a greater number is fairer. We also note there is a lot of new material being discussed this morning, including the issues around the minister’s accuracy last night.

Ms PULFORD — Just briefly, the government will be opposing the amendment for reasons that I have outlined extensively through the committee stage. It is just an interesting thing to observe the opposition to a cap that the coalition has been strenuously supporting. That support seems to have now gone.

Mr DAVIS — Further to that point, it is not our preference to have a cap, and we have been quite clear on that. But the fact is that the government is introducing a cap, and faced with a choice of 50 or a larger number, we think a larger number is better than the alternative.

Committee divided on amendment:*Ayes, 17*

Atkinson, Mr	Morris, Mr
Bath, Ms	O’Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O’Sullivan, Mr
Crozier, Ms	Ramsay, Mr (<i>Teller</i>)
Davis, Mr	Rich-Phillips, Mr
Finn, Mr	Wooldridge, Ms
Fitzherbert, Ms (<i>Teller</i>)	Young, Mr
Lovell, Ms	

Noes, 19

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Gepp, Mr (<i>Teller</i>)	Purcell, Mr
Hartland, Ms	Ratnam, Dr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr (<i>Teller</i>)	Tierney, Ms
Mikakos, Ms	

Pairs

Dalla-Riva, Mr	Shing, Ms
Peulich, Mrs	Somyurek, Mr

Amendment negatived.**Mr BOURMAN** — I move:

12. Clause 32, page 36, lines 2 to 9, omit all words and expressions on these lines and insert—

“(1) A commercial dog breeder approval remains in force for a period of 10 years after the approval is granted or renewed.”.

Amendment 12 basically changes the licence period from three years to 10 years.

Ms PENNICUIK — The Greens will not be supporting this amendment. We have had a history in Victoria of completely unregulated dog breeding businesses and we need to rein it in. To increase the licensing period to 10 years is completely unwarranted. As the minister has pointed out, we are dealing with animals, and the licensing period needs to be short enough so that if a dog breeding establishment is not doing the same thing, it will have its licence revoked.

Mr DAVIS — The opposition will support this amendment and we understand the faith with which it is being brought forward. This is an attempt to nobble a whole industry by the government, and we need sensible regulation that is focused on the outcomes for dogs and cats. We do not need excessive regulation that is going to tie up sensible businesses with excessive costs.

Ms PENNICUIK — We have sat here for hours and hours hearing this stuff from Mr Davis, whose government did next to nothing about puppy farms when they had the opportunity. To hear all this stuff from them last night and this morning is really a bit galling.

Ms PULFORD — The government will be opposing Mr Bourman’s amendments for the reasons I have outlined. We think three years is a reasonable frequency. These businesses are required to reapply for their approvals from council on an annual basis, but we also recognise that 10 years is a very, very long time for approval in this industry. I recognise that there are some in the industry who do operate at high standards, but this is an industry that has displayed some appalling standards, and 10 years without proper oversight is a very, very long time to be a breeding dog.

Mr DAVIS — I just want to respond to Ms Pennicuik’s intemperate response. What I would say quite clearly is that the Greens would seek to nobble every industry if they could and turn us somewhere back to the —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmar) — Order!

Committee divided on amendment:

Ayes, 18

Atkinson, Mr	Morris, Mr
Bath, Ms	O’Donohue, Mr
Bourman, Mr (<i>Teller</i>)	Ondarchie, Mr
Carling-Jenkins, Dr	O’Sullivan, Mr (<i>Teller</i>)
Crozier, Ms	Purcell, Mr
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr

Noes, 18

Dalidakis, Mr	Mikakos, Ms
Dunn, Ms	Mulino, Mr
Eideh, Mr (<i>Teller</i>)	Patten, Ms
Elasmar, Mr	Pennicuik, Ms
Gepp, Mr	Pulford, Ms
Hartland, Ms	Ratnam, Dr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms (<i>Teller</i>)
Melhem, Mr	Tierney, Ms

Pairs

Dalla-Riva, Mr	Shing, Ms
Peulich, Mrs	Somyurek, Mr

Amendment negatived.

Clause agreed to; clauses 33 to 103 agreed to.

Clause 104

Mr BOURMAN — I move:

18. Clause 104, page 105, lines 14 and 15, omit “within 7 days after”.
19. Clause 104, page 105, line 16, before “the organisation” insert “within 7 days after”.
20. Clause 104, page 105, line 17, omit “, suspend”.
21. Clause 104, page 105, line 20, before “the recreational breeder” insert “within 7 days after”.
22. Clause 104, page 105, line 21, omit “organisation.” and insert “organisation; or”.
23. Clause 104, page 105, after line 21 insert—

“(c) within 49 days after the organisation makes a decision to suspend the membership of a recreational breeder because of a failure to comply with a code of ethics.”.

These are actually just amendments to make it a bit easier for the organisations to be able to comply with their requirements. As it stands now the organisations have seven days to report any breaches; that is not nearly enough. The organisations will not even be able to investigate any of the breaches, let alone come to a conclusion if there is any basis for them. That is the basis of it. It is not really consequential to anything except making it easier for people to abide by what is going to happen.

Ms PULFORD — With respect, I think Mr Bourman is a little unclear on the way that this will work, because what the amendment that he is moving will do is actually the opposite of what he says it will do. What the legislation proposes is that applicable organisations have seven days at the conclusion of their internal processes to provide information to government about updates, such as a member no longer being a member of an applicable organisation. This is a time frame they are currently doing it in, but what Mr Bourman’s amendment proposes is 49 days, instead of 49 days plus seven days.

I am guessing, but I am not sure, that the 49 days relates to the application of this for Dogs Victoria, but I would be curious for Mr Bourman to outline to the house what the view of the four applicable cat organisations is, and how it relates to their internal processes.

I would also be interested to know the view of Greyhound Racing Victoria, because I think that this is making something that is quite simple much more administratively complex, and it is not something that

we particularly want to impose on recreational breeders.

Mr BOURMAN — Actually, I will just make a comment. This was the number I was given by an applicable organisation, and as to who else it applies to, my job here is to ask the questions, not to answer them. If the government does not want to support them, then so be it.

Ms PULFORD — I think it is important that members are able to answer questions about the intent of their amendment if they are seeking our support. The government will not be supporting this amendment, because it creates an extra burden on applicable organisations, and we have already imposed quite a few additional restrictions and requirements on applicable organisations. This seems unnecessary. Mr Bourman comes in here and says, ‘I am asking the questions’, but on this occasion it is Mr Bourman who is seeking the agreement of the house on this particular amendment, so. I think it is not unreasonable that I could seek information about the view of the five other organisations that would be impacted by this.

Ms PENNICUIK — The Greens will not support this amendment. In fact I think the amendment is completely unnecessary, because if you look at the new section 68S on page 105 of the bill, it is saying that the applicable organisation must notify the secretary within seven days after the organisation has made the decision to disqualify, cancel, suspend or not renew the membership of a recreational breeder.

Notwithstanding that the Greens would prefer that these recreational breeders had to comply with a code, the fact is Mr Bourman is saying that they cannot do the investigation within seven days — this is seven days after they have already made the decision, so they have already obviously done the investigation. I would not want that to be delayed any further than seven days.

Committee divided on amendments:

Ayes, 17

Atkinson, Mr	Morris, Mr
Bath, Ms	O’Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O’Sullivan, Mr
Crozier, Ms	Ramsay, Mr
Davis, Mr (<i>Teller</i>)	Rich-Phillips, Mr (<i>Teller</i>)
Finn, Mr	Wooldridge, Ms
Fitzherbert, Ms	Young, Mr
Lovell, Ms	

Noes, 19

Dalidakis, Mr	Mulino, Mr (<i>Teller</i>)
Dunn, Ms	Patten, Ms
Eideh, Mr	Pennicuik, Ms (<i>Teller</i>)
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Purcell, Mr
Hartland, Ms	Ratnam, Dr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	

Pairs

Dalla-Riva, Mr	Shing, Ms
Peulich, Mrs	Somyurek, Mr

Amendments negatived.

Clause agreed to; clauses 105 to 114 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — The question is:

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

House divided on question:

Ayes, 19

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms (<i>Teller</i>)
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Purcell, Mr
Hartland, Ms	Ratnam, Dr (<i>Teller</i>)
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	

Noes, 17

Atkinson, Mr	Morris, Mr
Bath, Ms (<i>Teller</i>)	O’Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	O’Sullivan, Mr
Crozier, Ms	Ramsay, Mr
Davis, Mr	Rich-Phillips, Mr
Finn, Mr	Wooldridge, Ms
Fitzherbert, Ms	Young, Mr (<i>Teller</i>)
Lovell, Ms	

Pairs

Shing, Ms	Dalla-Riva, Mr
Somyurek, Mr	Peulich, Mrs

Question agreed to.

Read third time.

OATHS AND AFFIRMATIONS BILL 2017*Second reading***Debate resumed from 21 September; motion of Mr JENNINGS (Special Minister of State).**

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:42) — I am pleased to make some remarks this morning on the Oaths and Affirmations Bill 2017. In commencing my contribution on the bill I must say it is remarkable that we find ourselves today, on Friday, 15 December, actually now commencing to debate it.

Ms Symes — We can go home.

Mr RICH-PHILLIPS — I take up the Government Whip's interjection that we can go home, and I am sure we will soon go home. In fairness, this bill is allowing us to briefly fill some time until another event in approximately 16 minutes time.

It does highlight, though, the way in which the government's legislative program has gone off the rails in the last six months. We have seen through the course of this week and certainly through the last three or four weeks — back basically to the commencement of this session after the winter recess — the government setting down a legislative agenda of, typically, six or seven bills a week that it wishes to have the Parliament consider, and then —

Ms Symes — Reasonable.

Mr RICH-PHILLIPS — Ms Symes says 'Reasonable', and I am not suggesting the number is unreasonable, but what I am suggesting is that the conduct of the legislative program rarely reflects what the government indicates its intentions are. We have seen that this week. At the commencement of the sitting this week the Service Victoria Bill 2017 was to be the government's first bill; it was listed on the notice paper last week as the first bill. However, as we saw with the Service Victoria Bill and we have seen with so many other bills, when members of this house come forward with different views or with amendments or alternative proposals, suddenly we see the government's legislative program fall apart.

That has happened time and time again over the last six months. We have seen bills brought on, we commence second-reading debates, then we adjourn second-reading debates and move on to something else. We come back and do a bit more of a second-reading debate, we adjourn for a committee stage, we might start a committee stage and report progress and then go

on to something else. The most recent example was the Firearms Amendment Bill 2017. I think in the last sitting week that was a priority for the government. We completed the second reading on the firearms bill, but when it became apparent that there were a number of amendments from different parties in the chamber the bill was adjourned off and in fact did not even come forward on this week's agenda as part of the government's program. Presumably we will see that next year — or we may not see it next year. It highlights the disarray that we have seen in the legislative program from the government, particularly over the last six months.

The irony of starting the Oaths and Affirmations Bill today, and I absolutely accept that we are doing it today as a brief filler before we get to question time, is that this bill was a priority for the government six weeks ago. It was on the priority list back in late September or October. We did not see it then, and if we were not looking for a filler today we would not be seeing it this week. The priorities jump all over the place from week to week with no consistency as to the agenda, and as soon as questions are raised in committee or amendments are proposed, we drop a bill, move to something else and quite often never come back to the first bill.

We only need to look at the notice paper for today, which does not yet reflect the bills that were received on message yesterday; I think there were four or five additional bills which will be available. Currently we have 17 bills sitting on the notice paper, plus the four that were added yesterday. So we have now got 21 bills on the notice paper, many in varying states of disrepair. Perhaps one of the best examples of that, as we close the Parliament on 15 December this year, is bill no. 17, which is the Appropriation (2017–2018) Bill 2017, the budget bill. In my time in this place I cannot recall a government failing to pass the budget bill, but here we are closing the Parliament in mid-December with the budget bill which was supposed to give effect to the budget for 2017–18 still not being passed through this Parliament. In fact it is now parked at no. 17 on today's notice paper, at an even lower priority than the Statute Law Revision Bill 2017, and presumably the government will never get to dealing with its 2017–18 budget bill.

In fact we face the absurd situation when Parliament comes back next year, when we have the 2018–19 budget bills brought in, that we are still going to have the 2017–18 budget bill sitting on the notice paper, which is absolutely unprecedented for this Parliament in my experience and really does highlight the way in which the government has mismanaged its legislative

program, if it cannot even pass its budget bill and more to the point does not even try to pass its budget bill. This is another example. We started in committee on the budget bill with Mr Jennings representing the Treasurer, and then the committee stopped one day and we never came back to it.

You can look through a number of those 19 bills which are listed which have been partially debated or partially addressed in committee and see that we have a legislative program which is largely in disarray — fragmented and all over the place. I do not think in my time in this place that I have ever seen a legislative program that has been in such disarray as the one we are concluding with today.

We have decided to commence debate on the Oaths and Affirmations Bill 2017 today. I have no doubt that we will see it adjourned off at some point today, and it will be parked and we might come back to it or we might not.

The Oaths and Affirmations Bill actually is an important piece of legislation. What it seeks to do is put in place in a dedicated act, which will become the Oaths and Affirmations Act, a statute which addresses the way in which oaths and affirmations and other declarations are made in the state of Victoria. Currently the framework for the making of oaths and affirmations and other declarations — *stat decs et cetera* — are spread through the statute book and do arise from practice, from common law as well as from statute. To have a consolidated act which will cover oaths, affirmations, affidavits and other instruments is an important development in statute law.

I think it is important that the house reflects on the importance of oaths and affirmations, affidavits and statutory declarations in its consideration of this legislation because the integrity of oaths and affirmations and the other instruments the bill deals with is absolutely fundamental to our justice system and is fundamental to the way in which we conduct business in Victoria. The importance of those instruments, including those oaths and affirmations, cannot be overstated. It is something that I think we as a Parliament and we as a community need to be very conscious of in our use of the taking of oaths and affirmations, which of course are the oral undertakings to essentially make a truthful statement, as well as affidavits and *stat decs* as written undertakings of truthful statements. Those instruments are fundamental and the accuracy of those instruments is fundamental to our judicial system and to business in this state, and their integrity is incredibly important.

Of course members of Parliament are one cohort of officers who are empowered by statute and will be by this bill to witness declarations and to take affidavits that are made here in Victoria. It is important that all members of Parliament are conscious of the responsibility they have when they witness statutory declarations and when affidavits are sworn before them. It is interesting to reflect in fact on what is required for the execution of those instruments.

For members of Parliament the signing of statutory declarations is in many respects a bread-and-butter activity. It is something that members of Parliament do on a very regular basis. In fact as it becomes more difficult for members of Victoria Police to execute instruments due to the work pressures that often exist in police stations and because the availability of honorary justices and justices of the peace in police stations can be limited — and we should reflect on the role that they play — increasingly members of the community will seek a member of Parliament to witness statutory declarations for them.

More rare for members of Parliament is having affidavits sworn before them. I recall as a very new member of Parliament actually reading up on what were the requirements of a person who was having an affidavit sworn before them. It is quite a detailed process that the person who is having the affidavit sworn before them is required to go through. In fact it is a formal swearing of an affidavit, and it is important that members of Parliament and others who have affidavits sworn before them actually do follow the correct process in the making of affidavits to ensure that their integrity can be relied upon.

A number of clauses of the bill, clauses 22 and 31, create offences for a person to take an affidavit or witness a statutory declaration if they are not authorised to do so. Clauses 36 and 37 of the bill also create the new statutory offence of making false declarations. This is a very important development. People who have *stat decs* signed before them, who witness statutory declarations or who operate in the framework of the legal system, the parliamentary system or even in business, are quite familiar with statutory declarations and other declaratory instruments. They are familiar that when making a statutory declaration a person is bound to make a truthful declaration and that the very essence of signing a statutory declaration or making an affidavit is that they are attesting that the statement they are making is true and correct. That is understood to mean that if a person makes a false declaration or false affidavit that that then falls within the scope of perjury.

As you move beyond the realm of the community who use those instruments regularly and those who are familiar with the legal system as it relates to evidence or the swearing of information, the understanding of the importance of declarations — the understanding of the way in which false declarations engage perjury — not surprisingly diminishes. One of the useful initiatives in this bill is the creation of a statutory offence of making a false declaration. It moves beyond the framework as we have traditionally understood it of perjury to a very specific offence that if a person signs a statutory declaration and the declaration is untrue, then that person can be found guilty of a specific offence which relates to the declaration.

We believe it is an important step to make a lower level offence, because perjury and the prosecution of perjury through the courts is a very serious matter and a very serious proceeding in our legal system. The creation of a lower level statutory offence of making a false declaration, which has a fine of 600 penalty units or five years imprisonment, is significant. It sends a very clear signal that the making of a false declaration is an offence. It offends against what is expected of a statutory declaration. The nexus between the offence and the making of a false declaration is very, very clear in a way which is not as clear in the framework for perjury currently available where false declarations are made.

The bill also seeks to update the provisions with respect to oaths and affirmations. This is something that all people who have held elected office are familiar with. Of course all members of this Parliament are required after their election to swear in this chamber an oath of allegiance to the sovereign and their heirs and successors according to law. The taking of that oath is a longstanding practice, and I think is important in that it reflects not whether a person is a republican or a monarchist but a member of Parliament's commitment to the constitutional arrangements of the state. It is very unfortunate that that oath is often framed in terms of whether a person supports a constitutional monarchy or not, when in reality the swearing of that oath or affirmation goes much more to a new member of Parliament undertaking to work within, uphold and respect the constitutional arrangements of the state, recognising that the sovereign is the titular head of the state in those constitutional arrangements.

The bill is interesting in that it updates the framework for oaths and affirmations to reflect the increasing practice of members of the community swearing affirmations — that is to say, a declaration without reliance upon a religious text. Of course in the

traditional form of an oath a person does rely upon a religious text.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Water authority dividends

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:01) — My question is to the Leader of the Government. Today's budget update reveals the government has launched a cash grab on the state's water authorities, taking \$246 million in dividends. Compared to the May budget, City West Water dividends are 32 per cent higher, Melbourne Water dividends are 31 per cent higher, South East Water dividends are 11 per cent higher and Yarra Valley Water dividends are also 11 per cent higher. How does the government justify this extra cash grab in just six months?

Mr JENNINGS (Special Minister of State) (12:01) — I am pleased on one level that Mr Rich-Phillips has actually chosen to ask a question about the midyear budget update, which is ultimately extremely good news for Victorians in relation to a whole range of projections, both in terms of the financial stability of the budget going forward in terms of what the variations are to the significant surpluses that are going to be maintained during the course of this year and over the course of the forward estimates and in terms of the major reforms that have been introduced by the government in terms of its infrastructure agenda, which is running annually at about twice the rate of the infrastructure program that we inherited or had been previously the standard infrastructure expenditure across the state.

It comes at a time when we have introduced major reform in relation to tax relief for stamp duty, for first home buyers in particular, during the course of the last six months. It comes at a time when we have made further announcements in relation to augmenting our infrastructure program and important projects — augmentation of the metropolitan train and tram franchising and extensions to the public transport network. All of those things have actually been achieved in the last six months and have actually led to a very strong position in the forward estimates in the budget update. Some of those matters also relate to the key drivers of economic activity, including through what is anticipated to be the impact on the workforce in the years to come. There are positive employment outcomes. There are positive outcomes in relation to population growth. All of those conditions actually are

key indicators of the financial stability and wellbeing of the Victorian community.

I appreciate that I have been able to put all of that on the public record without interjection. I am very grateful for that. I think there is a generosity of spirit that has actually been demonstrated by the opposition in this last question time for me to be able to outline that.

An honourable member — Consider it your Christmas present.

Mr JENNINGS — I have, and I have acknowledged the Christmas present. In relation to the review of revenue streams and the appropriate dividend that should be returned to the state to actually support the financial stability and the prosperity of the state, the state does from time to time, as Mr Rich-Phillips would be aware, make an assessment about the appropriate sources of revenue and the revenue streams, dividends and returns to the state based upon the financial capacity and the viability of the statutory businesses that may be associated with the government and their ability to pay and make a contribution to the broader wellbeing of the Victorian budget position and the Victorian economy.

In terms of the capacity to pay within the water industry, clearly some assessments have been made during the intervening period in the last six months which would warrant — through the basis of the capacity to pay, the viability of those businesses and the overall fiscal needs of the state — revising that dividend stream in accordance with what Mr Rich-Phillips has said. I am still surprised by his and his colleagues' level of generosity in relation to me putting that on the public record, and let us see where the conversation heads from here.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:05) — I thank the minister for his comprehensive answer. The minister spoke in his comprehensive answer about the revenue needs of the state. He spoke about the capacity of the water authorities to pay additional dividends. What he did not touch on at all was the impact on the customers of water authorities. We see in the budget update there is overall windfall revenue of almost \$1 billion more compared to the budget six months ago. Why then, when the rising cost of utilities is a key concern of Victorian families, especially at Christmas, is the government hitting Victorian families' hip pockets with this cash grab?

Mr JENNINGS (Special Minister of State) (12:06) — There is not a direct correlation between what you assert. I can actually understand that you may be an advocate for relief for customers, but that is not exactly the same, necessarily, as something that is actually coming out of the pockets of taxpayers, or water consumers in this instance. I think in relation to that outcome clearly there will need to be an ongoing reflection on the relief that our citizens face in a variety of ways in relation to their costs of living. That is one of the reasons why I did emphasise that in relation to relief to first home owners and other tax reliefs that have actually been provided, both to households and indeed to businesses as well. There is a balance of where that relief comes from, and I actually understand there is significant concession support and relief that is provided by the government. That will continue to be the case in light of those cost-of-living pressures.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) (12:07) — My question is for the Minister for Families and Children. It was brought to my attention about an hour before we came into question time that the review into the permanency reforms was dropped on the Victorian government website late last night. It is entitled '*... safe and wanted ...*' — an inquiry into the implementation of permanency arrangements. I am curious to know why this report was published on the Victorian government website late yesterday when we were about to break for the Christmas period.

Ms MIKAKOS (Minister for Families and Children) (12:08) — I thank the member for her question, and I do point out to the member that I actually did a ministers statement on this report yesterday morning. The report was uploaded subsequent to my ministers statement. We also notified — my department notified — relevant stakeholders about the report as well, including members of my *Roadmap for Reform* implementation group. There has been a lot of work that has happened since I asked the commission to complete this independent review to in fact implement recommendations.

Given that the member clearly was not in the house and did not hear what I said in relation to my ministers statement, I will reiterate it for her and for others. The background for this of course is that we had legislative changes introduced by the previous government. They commenced in March 2016. Members might recall that one of the first bills that we had in this Parliament in 2015 was in fact to make changes that our government put in place, very important changes, that reinstated the

power of the Children's Court to refuse to make a protection order if it was not satisfied that my department had provided the necessary services to families. I then made a commitment in relation to a review. I subsequently asked the Commission for Children and Young People to conduct that independent review. I take this opportunity to thank Ms Buchanan, Mr Jackomos and the staff at the Commission for Children and Young People for the very diligent way that they went about conducting this particular inquiry.

What I can inform the house is that, as I commented yesterday, the Victorian government has in fact adopted the majority of the recommendations relating to providing additional resourcing, training and workforce and improving policy and practice and is committed to monitoring the impact of the changes. What the commission itself acknowledged in its report is that the period which they were asked to review was a very short one. They were asked to review the progress of the permanency changes following the first six months of their implementation, and they acknowledge that that was a short period of time.

It is for that reason — and I do acknowledge that the commission has made very detailed recommendations in relation to legislative change and that it is the view of the commission that there should be some legislative changes — that the government has taken the view that at this time we will not be proceeding with the legislative changes. This is because, as I did explain yesterday, we have also received a report from the Victorian Law Reform Commission around the Adoption Act 1984, and the two reports have been considered together. At least in one instance there is a direct inconsistency between the two reports in relation to a particular matter.

It is important that work is undertaken as recommended by the commission, and that is in fact what our government has been doing. We have put in considerable additional resources in relation to our workforce since we have been in office. We have funded 646 new child protection workers compared to 192 over the entire four-year term of the previous government. We have provided new funding for family services in the budget this year, as we have done in previous budgets as well, helping vulnerable families to build up their family capability. Minister Foley has also provided additional resources in terms of them accessing drug treatment services. We are getting on with the job of making sure that children can have safe and stable placements whilst they are in our out-of-home care system.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:12) — I thank the minister for her answer. I am curious to know whether there will be any mechanisms for stakeholders to feed back their concerns in response to the report moving forward.

Ms MIKAKOS (Minister for Families and Children) (12:13) — Firstly, I would encourage the member to have a look at the commissioner's tweet in response to my releasing the report yesterday. I understand from that tweet that she was pleased that the report was released. I further understand that many of the stakeholders that I work with very closely in the child and family sector are in fact very pleased with the reforms that we have been undertaking. Of course we will continue to work with the sector around these reforms and all the other reforms that we undertake. We have a very strong relationship with the community sector, unlike what occurred under the previous government, whose members still think that Services Connect was some groundbreaking reform. They are yet to actually look at the evaluation that they failed to release publicly, which I have put up on the department's website. We know that it was a complete fig leaf —

Ms Springle — On a point of order, President, there are only a few seconds left, and I did ask about the specific mechanisms that stakeholders can use to feed back into the process of the report and the review.

The PRESIDENT — Unfortunately there are no seconds left. I will seek a written response.

Heyfield timber mill

Ms DUNN (Eastern Metropolitan) (12:14) — My question is for the Minister for Agriculture. Now that the sale of the Heyfield mill has been finalised for some months, could the minister confirm how much was paid for the mill and the amount paid for it?

Ms Pulford — On a point of order, President, the question that Ms Dunn asked about the purchase of the Heyfield mill is something that I guess Ms Dunn has raised today because this information has been provided in the midyear update, and I would put it to you, President, that the responsible minister for this question in this house is Minister Jennings representing the Treasurer.

Ms Dunn — On the point of order, President, just to clarify for the benefit of members and the minister, I am not asking this question because of the midyear reporting at all; I am actually asking the question in

relation to some Australian Securities and Investments Commission (ASIC) company records, so I directed it to the Minister for Agriculture as the responsible minister.

The PRESIDENT — The minister advises me she is not the responsible minister. I think you can anticipate what your answer is going to be if she says she is not the responsible minister. Are you prepared to direct the question to Mr Jennings?

Ms Dunn — Yes.

Mr JENNINGS (Special Minister of State) (12:16) — I can explain to the house the reason why my colleague is not responsible for this decision. The Minister for Agriculture was not the representative of the government who entered into the financial transaction, nor indeed is she the minister who is responsible for the ongoing engagement at a ministerial level with the asset that has been secured. In the first instance the Treasurer acquitted the transaction on behalf of the state, and the asset of Australian Sustainable Hardwoods is actually held in the portfolio of the Minister for Industry and Employment. In fact that is the reason why, in terms of the whole-of-government response, the responsibility, first of all in relation to the transaction, falls to the Treasurer.

In two parts of the midyear budget update there is a reference to the purchase of Australian Sustainable Hardwoods: one in relation to the asset being purchased and one in relation to the ongoing goodwill and functioning of the mill. In relation to the purchasing of the shares and assets of Australian Sustainable Hardwoods, that transaction was to the gross value of \$50.6 million, and that appears in the budget update on page 112. That is the gross purchase price. Within that arrangement there are a number of internal settlements. Once that gross figure had actually been provided to the previous owner of the mill, a number of items were netted off in relation to their settlement of either their resource use or their internal squaring of their payment structure with VicForests. There are other settlements with other creditors in relation to their asset book. In fact that \$50.6 million was the whole of the asset purchase price for the controlling shares in Australian Sustainable Hardwoods.

Supplementary question

Ms DUNN (Eastern Metropolitan) (12:19) — Thank you, Minister, for your answer. The ASIC filing for Heyfield Ash Holdings was founded on 28 August. It indicates the sole company director was James Florent,

the chief operating officer at the Department of Environment, Land, Water and Planning. Ian Howard Jones was the company secretary up to the sale. Vincent Antony Hurley was also a director and the CEO and continues to be. Mr Florent ceded his directorship on 3 November. How many of the \$50 million convertible redeemable shares paid for by the government have been gifted to other parties?

Mr JENNINGS (Special Minister of State) (12:19) — None have been gifted.

Mr Rich-Phillips — On a point of order, President, I seek your guidance in relation to Ms Dunn's question and the answer from the Minister for Agriculture, who indicated that, in the first instance before you called Mr Jennings, the matter, because it was in the budget update, was not her responsibility but was the responsibility of the Treasurer. You subsequently asked Ms Dunn whether she would accept an answer from Mr Jennings on behalf of the Treasurer, but I would submit to you that all areas of government administration are inevitably in the budget or the budget update. I seek your guidance on whether a minister can simply say, because something is in the budget update, it is the responsibility of the Treasurer rather than the portfolio minister, because that would set a very bad precedent for all areas of government administration. Simply because the Treasurer is responsible for the budget document does not make him responsible for every line item.

The PRESIDENT — In this case I think that Minister Jennings did explain the jurisdiction in regard to this matter. In fact he not only suggested that the Treasurer was involved by way of the budget allocation but indeed mentioned the Minister for Industry and Employment and referred to a whole-of-government involvement in this particular process; therefore a number of ministers were involved, not a single minister. In that case it is a very good point of order, and I think that the point of order does stand in respect of ministers not being able to decline to answer a question on the basis that the matter becomes a budget line item. But in this particular case I do not think that a precedent has been set, because Mr Jennings did explain the process that came to bear on this particular transaction, which in some ways is an unusual one, of a government buying out an enterprise. In that circumstance I understand that the matters that were brought to the attention of the house and the explanation by Mr Jennings were adequate on this occasion. But I certainly do not see it from a Chair's point of view as a precedent by any means.

Ms Pulford — Further on the point of order, President, I was not suggesting that because it was in the budget update today only the Treasurer could answer it. I was suggesting that because it was in the budget update today this was perhaps why Ms Dunn was interested in it specifically today. I would not want members to think that I was suggesting otherwise. But in any event, as Mr Jennings has outlined, I was not the minister responsible for the transaction and I am not the minister responsible for the ongoing operation. Just to be clear, I was not asserting that because something is in the budget update it is off limits.

Level crossing removals

Mr DAVIS (Southern Metropolitan) (12:23) — My question is for the Leader of the Government, and I refer to the Auditor-General's report yesterday on the level crossing removal program. I note the now stated blowout of 38 per cent, up to \$3.3 billion, to a total cost of \$8.3 billion, and I ask: with the monumental mismanagement of this program that includes level crossings on a number of rail lines, including the sky rail between Caulfield and Dandenong, what actions will the government take to control the massive cost blowout that has become a runaway train?

Mr JENNINGS (Special Minister of State) (12:23) — I thank Mr Davis for the very, very comical construction of his question and the good cheer that he is seeking to generate at Christmas. There are a number of elements in the Auditor-General's report that I think it is important for Mr Davis, the chamber and the community to actually understand. Within the Auditor-General's report there is confirmation of the validity of the program in relation to removing dangerous level crossings. There is some commentary —

Honourable members interjecting.

Mr JENNINGS — No, no. There is no commentary that indicates that in fact these are not dangerous level crossings. All of the level crossings are dangerous and potentially dangerous — all of them are. There is no commentary to allow you to assert that in fact they are not significant dangerous level crossings that need to be removed. There is nothing in the Auditor-General's report also that indicates that it is inexplicable how the costs that are associated with the program have changed over time. In fact the Auditor-General does recognise that there has been a significant rescoping and escalation of a number of elements of the program that add additional benefits.

Mr Leane — As in new stations.

Mr JENNINGS — As in new stations, which is the most tangible benefit of the way in which the program is rolled out. The Auditor-General does acknowledge the additional scope. The Auditor-General does acknowledge that there is an intersection between the benefits associated with the level crossing removal program and what additional benefits there may be in terms of improvements along the Cranbourne-Pakenham line in particular that relate to the electrification and the signalling works that are associated with this program. The Auditor-General has recognised that within the original 50 removals the scope and the design were added with additional benefits, which includes the stations. He understands that there are additional benefits in relation to integration with track signalling electrification improvements along the line. He, you and the community should also appreciate that every single level crossing that was on the RACV top 30 at the time is included within the 50 that have been identified — every single one that was identified within the top 30.

The other issue in relation to the political argument that the opposition and other people may seek to run on this exercise is that of the 50, 11 have been gone away — 11 have been completed. Six of them are in Liberal-held seats, so the proposition that there is a political overlay that has driven the imperative of the time, the scale and the delivery of these is in fact a mischievous construction.

What the Auditor-General also said is that part of the problem that we have in terms of cost containment is how much we are doing and how fast we are doing it. He has provided us with some advice on the way in which we could schedule the program, the way in which the projects are put to market and the way that the construction is undertaken, and he said the project controls within that rollout should be reflected on to make sure that costs are contained. Also in relation to the prioritisation of future investments should there be further investments in relation to extending this program, he said we should have a clear rationale and a determined program to add to the significant benefits that this program will already deliver, and in fact he recommends it should be extended by adding to the number of level crossings that are designed to be removed.

Supplementary question

Mr DAVIS (Southern Metropolitan) (12:28) — I thank the minister for his response, but there is no evidence he is learning the lessons that the Auditor-General has laid out for him.

Mr Jennings — Well, you didn't listen.

Mr DAVIS — I did listen. I listened and I have read, but you are not learning. My question is: will the minister confirm reports that within the level crossing removal program cost blowouts the cost of the sky rail has doubled?

Mr JENNINGS (Special Minister of State) (12:28) — What did he specifically ask me?

The PRESIDENT — Has the cost of the sky rail component within the overall budget doubled?

Mr JENNINGS — No.

Level crossing removals

Mr DAVIS (Southern Metropolitan) (12:29) — Minister, the Auditor-General's report on level crossing removal programs concluded with, and I quote:

Not all of the selected level crossings are among the 50 most dangerous and congested.

The report goes on to say:

Our analysis shows ... VicRoads rated 29 crossings in the LXP lower —

than medium priority —

or no priority ...

Given the Auditor-General has blown the whistle on your false claims about removing the 50 most dangerous and congested level crossings, will you immediately cease your deceptive and misleading multimillion-dollar taxpayer-funded advertising campaign?

Mr JENNINGS (Special Minister of State) (12:30) — Mr Davis, I do not want to repeat my earlier substantive answer, but go back and read my substantive answer to the original question. I outlined the community benefit. I outlined what the Auditor-General said about the project overall. In fact the Auditor-General is recommending we extend the program, not actually stop it, so that is a contrary outcome to what you described.

The Auditor-General says we should prioritise further investments and further opportunities to remove level crossings, so in fact he is not saying we should stop the program. He is not implying that we should stop delivering on these results or communicating the benefits to the community — he is not saying that at all. What he is actually saying is we should be mindful of the way in which priorities are set.

What the Auditor-General may or may not have commented on is what information was available to the then opposition that made commitments, this is the incoming government, and what was the advice that we relied on — the RACV advice and the advice that actually came from a variety of sources in relation to dangerous level crossings and the priority that should be put on them. They were determined prior to coming to government. In fact the VicRoads list was held by the previous government, which it sat on, made no commitments on and did nothing on. With the exception of one or two level crossings it did nothing. It sat on that report. It did not publish that report. It sat on it, and in fact it was not available in the public domain during the course of the last term, and the decisions by the incoming government were based upon the best publicly available information at that time. We made that commitment to the people and we delivered on it, and you may not like it, but we have delivered on it and we are getting on with it. We have already completed 11, we have got 16 —

Honourable members interjecting.

The PRESIDENT — Enough! Minister.

Mr JENNINGS — Thank you, President, for your encouragement to the house to allow me to conclude, but I was virtually concluded. My point was that it has been a very successful campaign. The reason why it has been successful is that the community understands how dangerous level crossings are. They also understand how they lead to congestion. They also know what impact it has on the local amenity if you remove them. They understand that. It will be something that is well understood by communities now and into the future. The communities want the level crossings to be removed. They are being removed.

We are happy to accept recommendations from the Auditor-General on the way in which the program can be improved into the future. Those recommendations have been accepted by the Level Crossing Removal Authority and the Department of Economic Development, Jobs, Transport and Resources in relation to the way in which the projects will be concluded but most importantly how priorities will be set for further extensions of the program into the future, because the Auditor-General, regardless of some of the challenges he has identified, has actually reinforced the benefit of this in terms of the community benefiting from the level crossing removal program.

Supplementary question

Mr DAVIS (Southern Metropolitan) (12:33) — What the Auditor-General did make clear is that they are not the 50 most dangerous and congested level crossings, and I therefore ask: how many tens of millions of dollars have been spent to date by the Andrews Labor government communicating false and misleading assertions about the level crossing removal program?

Mr JENNINGS (Special Minister of State) (12:34) — Mr Davis is not in any position to actually assert that there have been tens of millions of dollars spent communicating anything across the government, because in fact that would not be the quantum of dollars that has been allocated to reinforce the communication, as he has suggested. It would not be anywhere near that number during the life of the government in relation to the communication that he is suggesting. What the community does understand is: each and every level crossing is a potential deathtrap. Each and every level crossing has the potential to cause loss of life and many have caused pain and suffering to the people who have lost loved ones' lives at those level crossings. All of them are potentially dangerous; all of them will be removed in this program.

Child protection

Ms CROZIER (Southern Metropolitan) (12:35) — My question is to the Minister for Families and Children. Minister, during a recent supervised contact visit at the Department of Health and Human Services (DHHS) Dandenong office a child was held hostage and had a knife held to her throat, with serious threats of a murder-suicide situation. How can this type of violence occur, especially during a supervised DHHS contact visit?

Ms MIKAKOS (Minister for Families and Children) (12:36) — I thank the member for her question. I am unable to comment on the specific details of individual matters or cases that are before the court. I understand that charges have been laid by police against the individual concerned. What I can advise the member is that due to policies and procedures in place within my department to mitigate risks posed to staff, clients and the community, incidents of this nature are thankfully very rare. The safety of all staff, clients and the general public in contact with my department is of course of paramount importance. Ongoing support and follow-up have been provided to the impacted staff and the client, and a review is being completed and steps are being taken to strengthen the security processes.

Supplementary question

Ms CROZIER (Southern Metropolitan) (12:37) — I thank the minister for her response. My supplementary is: Minister, this incident is another category 1 incident. Since you have become minister category 1 assaults in child protection are up by 88 per cent. Minister, this incident occurred in October, and as late as yesterday there have still been no noticeable changes to protocols, which have left staff still vulnerable to these hostage-murder-suicide situations. Why have you failed to get things done and fix this dangerous situation?

Ms MIKAKOS (Minister for Families and Children) (12:37) — I refer the member to the answer I have just given in response to the substantive question. I have explained to her that a review is being completed and steps have been taken to strengthen security processes.

St Kilda incident

Ms FITZHERBERT (Southern Metropolitan) (12:38) — My question is for the Minister for Corrections. Minister, this week at St Kilda beach on Wednesday night and Thursday morning it is reported that more than 200 violent offenders were committing robberies and assaults and inflicting fear on tourists, residents and local business owners. Following the Moomba riots Daniel Andrews promised to smash these gangs, but it is clear that he has failed. Given the enormous growth in the number of dangerous, high-risk offenders remaining in the community on community correction orders, has Corrections Victoria examined any of the available CCTV and other footage to determine whether any of these thugs have breached an order?

Ms Tierney — On a point of order, President, I ask for your guidance on this. I would have thought that this question would be more relevant for the Minister for Police.

Mr O'Donohue — On the point of order, President, the Auditor-General identified that the number of high-risk offenders on community correction orders has increased from 128 in 2014 to 3180 in 2016. The question that Ms Fitzherbert is posing, as I understand it, is whether any of these thugs committing these crimes down at St Kilda beach may be one of these high-risk offenders on a community correction order and, if so, what is the minister doing to identify them and hold them to account for any potential breach of order.

Ms Fitzherbert — On the point of order, President, as you may recall, earlier this morning the minister spoke about police, crime and crime statistics in her ministerial statement, and I believe that opens her up to questions on these matters. She cannot have it both ways.

The PRESIDENT — I actually accept the minister's point of order in that this is a matter that I think would be better directed to the Minister for Police in the first instance. I accept that it might well be that the minister's department in corrections might well have a significant interest in the offences that are alleged to have taken place at St Kilda this week and might well conduct some investigatory process as part of their purview. However, in the first instance it would be my view that the police would be the initial agency that would be investigating these matters.

In that context I accept the minister's point of order that the matter would be best directed to the Minister for Police. Given that the minister represents the Minister for Police in this place, and there is an opportunity I think for the Minister for Police and indeed this minister to consider the question together, I would nonetheless ask the minister to answer. But I will be looking at a two-day written response in the event that I decide the answer is not sufficient.

Ms TIERNEY (Minister for Corrections) (12:41) — Thank you, President. I also am supportive of the direction you have provided in respect to the way in which both ministers might be able to provide a response to the question. I am happy to do so within the prescribed two-day time frame.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:42) — Thank you, Minister. What immediate steps will the government take to restore law and order to the streets of St Kilda and to ensure that this disgraceful, dangerous and totally unacceptable behaviour does not continue to occur as it has in the past?

The PRESIDENT — Can I just make the observation that — the supplementary question is fine, and I am obviously going to allow it — the supplementary question actually confirms my original assertion and the minister's point of order that the investigation should be done initially by the police.

Ms Wooldridge — On a point of order, President, just to clarify, the supplementary was in response to the question. I do not understand how you can anticipate that that would have been the supplementary if the minister had answered the question that was directed to

her and Corrections Victoria. So I put it to you that the supplementary responds to the way that the question has been answered, as has been the case when it has been directed to the Minister for Police.

Mr O'Donohue — On a point of order —

Ms Mikakos — Is this the audition for opposition leader for next year?

Mr O'Donohue — Sorry, I cannot hear for the senior corrections minister interjecting. On a point of order, President, I respect and appreciate your ruling. I suppose I just note that community correction officers have case loads that they manage, and it is their responsibility, as well as with other investigatory bodies, to ensure that the orders that are issued are complied with. It is not mutually exclusive and not inconsistent for Victoria Police and community corrections, which falls under the direct purview of the minister, to have the responsibility to identify breaches of orders and, where those orders are breached, for those reports to be made by community corrections or, if the law is broken, for Victoria Police to issue charges.

Ms Fitzherbert — On the point of order, President, if I could add further to Mr O'Donohue's point of order, it is the view of local traders and residents that this is an ongoing issue with probably groups of the same people. It is not an isolated incident, and it was reported a year or so in the past. Therefore it seems there is an obvious role for corrections in restoring law and order, which is the point made in the supplementary.

The PRESIDENT — Ms Fitzherbert's point of order was really debate, and to a large extent so was Mr O'Donohue's. The substance of what both have raised does not alter the original comments that I made and that were consistent with the point raised in a genuine point of order by the minister. In regard to Ms Wooldridge's point of order, I did not anticipate. I had no knowledge of what question was going to come. I simply made the observation that the supplementary question had certainly been well crafted on the basis that the Minister for Police might well be involved in an answer. I did not anticipate; I simply made a retrospective observation.

Ms TIERNEY (Minister for Corrections) (12:46) — I believe it is a matter for the Minister for Police. I will take it on notice, and I am sure that she will respond within the appropriate time frames.

Prison workplace safety

Mr O'DONOHUE (Eastern Victoria) (12:46) — My question is for the Minister for Corrections, Minister, the Metropolitan Remand Centre (MRC) riot has cost taxpayers more than \$100 million. But more than the cost, there is the human impact which has taken such an enormous toll on so many prison officers who were working during the riot and whose lives have been ruined as a result of the government's accepted negligence. Today, following the Andrews government's plea of guilty to failing to provide a safe workplace, the court is determining the penalty for these failures. In a shocking, callous and cold-hearted revelation, the government is seeking to stop the victim impact statements being read in the court and has sought that they be ruled as inadmissible. Minister, why are you seeking to silence the statements of those who have suffered so much as a result of your government's own negligence?

Ms Mikakos interjected.

The PRESIDENT — Minister Tierney, without the assistance of other ministers, who seem to be echoes.

Ms TIERNEY (Minister for Corrections) (12:47) — I thank the member for his question. The member is correct: the department has pleaded guilty to one charge in the acknowledgement that things could have been done better in the lead-up to the riot. The top priority remains the safety of everyone working at the MRC and securing the functioning of that prison. As it is still a matter before the courts, as I have said before, I will not be commenting on the issues involved in the current WorkSafe matter.

That said, this government has absolutely taken responsibility to address the issues identified as a result of the 2015 riot at MRC. We have repaired the facility and strengthened the prison infrastructure. We have improved staff training. We have boosted our emergency capacity and reduced the overcrowding and the double-bunking. The result is a safer workplace and a fit-for-purpose facility. The opposition has criticised the cost and the extensive nature of this work. We reject that criticism. In fact Kieran Walshe has —

Mr O'Donohue — On a point of order, President, the minister is slavishly reading her possible parliamentary question and not addressing the issue of the callous nature of the government seeking to shut down the voice of victims of crime — the victims of the MRC prison riot.

The PRESIDENT — Mr O'Donohue, you are debating. You are not raising a point of order, you are debating.

Mr O'Donohue — The question is relevance, President. She is dealing with —

Ms Mikakos interjected.

The PRESIDENT — Ms Mikakos, 15 minutes, thank you. Go and have some Christmas pudding.

Ms Mikakos withdrew from chamber.

Mr O'Donohue — The point of order is as to relevance, President. The minister is talking about a whole lot of issues that are extraneous to the question around the victims of crime and their victim impact statements being heard in the court.

The PRESIDENT — Order! The minister has already furnished an answer to your question. I am deliberating whether or not that is a satisfactory answer, but essentially the answer was that she would not comment on it because it is a continuing court case. So I am in a position where I am now deliberating whether or not the victim impact statements are a matter that goes directly to any sort of exclusion of that court process or whether I should have a written response sought to that.

For the rest of the question, given that the minister has provided that answer to this point and I doubt she is going to elaborate on that point further, I am not in a position to direct her about the other matters that she has raised, and certainly the other matters she has raised have been pertinent to both the original issue and the proceedings that that issue gave rise to.

Ms TIERNEY — It is very clear that Corrections Victoria and the Department of Justice and Regulation are absolutely committed to the safety of our staff, and that is our highest priority. We have been making sure that employee assistance programs have been available to anyone seeking assistance, whether it be work related or not work related, and particularly after traumatic situations. We have made sure that every possible handout to people to assist has been undertaken.

We take our responsibility in this area very, very seriously. To try and trivialise it and pointscore around this issue I find absolutely disgraceful. Every workplace and every person attending their work deserves the best possible safety that can be afforded. Every person that gets up in the morning should be able to return home in the same state that he or she left their home.

I am quite frankly appalled with this line of questioning. If they were really concerned about those that they are talking about they would not try to objectify and hijack the unfortunate experiences that these employees of Corrections Victoria and the department have experienced.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (12:52) — Minister, one of the prison officers on duty —

Mr Dalidakis interjected.

The PRESIDENT — Mr Dalidakis, 15 minutes; you can have some pudding too.

Mr Dalidakis withdrew from chamber.

Mr O'DONOHUE — Minister, one of the prison officers on duty during the riot who has suffered enormously as a result of the accepted negligence of the Andrews government, and for whom you are the minister responsible, is quoted today as describing your decision as 'disgusting and disrespectful to the employees'. Minister, is your decision to seek to shut down the voices of these victims of crime just another example of this government putting the rights of perpetrators — in this case the government — ahead of victims?

Ms TIERNEY (Minister for Corrections) (12:53) — Again I think the member has misquoted. I do not think that I actually said it was my position. The fact of the matter is that I have received correspondence from Mr Kent and that we have come to a —

Mr O'Donohue interjected.

Ms TIERNEY — That is the police officer that is quoted in the media today, is it not?

Mr O'Donohue interjected.

Ms TIERNEY — Prison officer.

Mr O'Donohue interjected.

Ms TIERNEY — Prison officer, Mr O'Donohue.

Mr Gepp — On a point of order, President, you have just ejected two ministers for interjection and we have got constant interjection from the other side of the chamber. I would invite you to do the same with them. We are trying to listen to the minister's answer.

Mr O'Donohue — On the point of order, President, I was just highlighting to the minister that she had —

The PRESIDENT — I hope you are not debating again.

Mr O'Donohue — I am not debating, President. The point of order, in response to Mr Gepp, is that I was just correcting the minister when she referred to a 'police officer' when the people on duty at the MRC riot were prison officers.

The PRESIDENT — Be assured, Mr Gepp, I rule fairly and evenly and I make the judgements based on the level of activity. Ms Mikakos and Mr Dalidakis were persistent offenders from the outset today, and frankly they just pushed me over the line. I am mindful of that, and I might tell you that the Leader of the Opposition is also close to the line.

Ms TIERNEY — I will be meeting with Mr Kent. That was a comment that I made on the record when Mr Kent was in the gallery some time ago. I have said that I am prepared to meet with other prison officers if they wish to meet with me.

Secretary of the Department of Premier and Cabinet

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:55) — My question is to the Leader of the Government. Do the Premier and the government continue to have full confidence in the Secretary of the Department of Premier and Cabinet?

Mr JENNINGS (Special Minister of State) (12:55) — The answer is of course yes.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:56) — There are 11 written responses to questions on notice: 11 874, 11 475-6, 11 497-8, 11 520-1, 11 542-3, 11564-5 and 12 347.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:56) — In respect of today's questions, Ms Springle's supplementary question to Ms Mikakos, I direct a written response in one day; Ms Fitzherbert's question to Ms Tierney, the substantive and supplementary questions, two days; Mr O'Donohue's first question to Ms Tierney, the substantive question, I will rule on that shortly. I will come back to that; I just need some further advice.

Mr Davis — On a point of order, President, I want to raise a document that has come into my possession dated 1 December 2017, but it arrived with me just a little later than that. It is a document directed to the Honourable Jaala Pulford, the Minister for Agriculture and Minister for Regional Development. It concerns the debate on the taxi bill on 30 November. It indicates errors that were made there — either intentional or not, I have no idea — and serious matters about the legal status of an organisation, the Victorian Hire Car Association. I understand that you, President, may also have received a letter. I had hoped during this week that the minister would have taken the opportunity to correct the record on this matter, but given that this is the last sitting day before we leave this place for the summer period, there is an issue and a need for the parliamentary record to be corrected on this serious point. I am happy to make this letter available to the house if the house wants. There are serious legal issues given litigation is afoot, and the statement in Parliament that the organisation did not legally exist directly affects its legal position in those proceedings.

The PRESIDENT — I do have a copy of that. I understand they actually suggested that if the minister did not address that matter in some respect, then they might well seek a right of reply before the Parliament under our existing rules. I think that is the appropriate course of action unless the minister wishes to avail herself of one of the other forums of the house to provide further information to the Parliament, which at this point she has not deemed necessary. Mr Davis, if you personally want to pursue the matter further, then it would need to be by substantive motion.

Ms Pulford — Further to the point of order, President, it is certainly my intention to provide a full response to that correspondence. I have not been in a position to do so this week, but I intend to reply to that correspondence at the earliest opportunity.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (12:59) — My question is to the Minister for Small Business, and I ask: what compensation will the government give the traders along Bolton Street, Eltham, who are struggling as a result of construction work outside their shops? I am conscious that the Minister for Small Business may choose not to engage on this issue, and if he will not, then I appreciate him passing this on to the relevant minister.

Since an upgrade of the road began in late August, traders have reported vastly reduced patronage and up to a 40 per cent drop in income. This has been exacerbated by the partial closure of the road to allow construction crews to work. They are particularly upset at the loss of income in the lead-up to Christmas. While activity on the site has halted in the last week following the closure of the site as a result of a ruptured gas main, the government has announced it will continue a partial road closure over the Christmas break even though no work is occurring.

The Nillumbik Shire Council has suggested that traders be given some rate relief and that the road be reopened in both directions, especially in the lead-up to Christmas. I ask: will the minister open the road over Christmas and provide funding for rate relief to alleviate the hardship these traders are currently experiencing?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (13:00) — My question is for the Minister for Health. Now that Shepparton is finally to have radiotherapy services available in our community through private provider GenesisCare, it is important that access to this service is not limited to private patients or that there is not only limited publicly funded service available. On the adjournment debate earlier this week I spoke about Shepparton's Rosie Roberts, who was told yesterday her upcoming radiotherapy treatment in Bendigo will be for six weeks rather than the expected three. While Bendigo is currently her only option because of no treatment being available in Shepparton, in future Rosie could still be forced to travel if the planned facility does not have full publicly funded access. It is vitally important that all public patients are provided full access to this facility to ensure that all local patients in need of radiotherapy, no matter their financial situation, are able to access this life-saving treatment in Shepparton. Will the minister give an undertaking to provide adequate funding to ensure that all public patients will be able to access GenesisCare's radiotherapy services in Shepparton?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (13:02) — My constituency question is to the Minister for Public Transport. In light of the Auditor-General's scathing criticism of the Andrews government's level crossing removal program, there are further questions my constituents would like answered. After failing to heed the pleas of the Essendon community to change the flawed plan to remove the Buckley Street crossing, a

plan which will split that community and make traffic problems abundantly worse in the area, and her flat refusal to meet with Williamstown residents to discuss their concerns about a sky rail in their suburb, I am hopeful the minister will provide an answer to my question today. I am, after all, a born optimist. Will the minister explain to the Wyndham community, including the mayor and council, why she refuses to include the dangerous and congested Hoppers Crossing level crossing on the list of level crossing removals?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (13:02) — My constituency question is for Lily D’Ambrosio, the Minister for Energy, Environment and Climate Change, who is also the Minister for Suburban Development. It concerns land owned by the Department of Environment, Land, Water and Planning in Westleigh Court, Mill Park, in the minister’s own electorate. The land at the rear of Westleigh Court is owned by the department, and quite frankly the grass is far too long and never gets cut. In this fire season that is upon us the residents of Westleigh Court and the local area, which is in the minister’s electorate, are worried about the fire danger. My constituency question to the minister is a request for her to write to me and give me the plan for the cutting of this grass, because local residents have been to the council and it has said it is the department’s responsibility, and the department is not answering any questions about this. Could the minister write to me and tell me what the plan is to cut the grass behind Westleigh Court in Mill Park?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (13:03) — My question is to the Minister for Energy, Environment and Climate Change in the other place. Lakeside Golf Club at Albert Park Golf Course is celebrating its 70th anniversary this year. Golfers were recently shocked to be told that the 18-hole course will be lost under the new draft master plan for Albert Park Reserve. What golfers have asked but have not been told by Parks Victoria is: when will the tens of thousands of locals and tourists who every year play 18 holes play their final round at Albert Park? What is the time frame for finalising the fate of the golf course?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (13:04) — My matter is for the Minister for Public Transport, and it concerns the Victorian Auditor-General’s Office report entitled *Managing the Level Crossing Removal Program*, tabled this week. I draw the minister’s

attention to figure 2F on page 38 under the heading ‘Case study: Consultation for the CTD package’ — the Caulfield to Dandenong package. That is in my electorate, and I have taken an interest in the consultation around the sky rail. The report says that in the feedback there was significant opposition from adjacent residents and traders about noise and amenity. It goes on to say:

In advice to government, LXRA defended the rail-over-road solution as performing substantially better than other options. It also cautioned that a complete redesign prior to awarding the contract could have serious probity and legal implications, resulting in a need to re-tender the project.

I ask: is it not a fact, Minister, that you imposed this on the community and would not listen to the consultation? For that reason, they will live with it forever.

An honourable member interjected.

The PRESIDENT — Yes, it needs to be Christmas because it is not really a constituency question.

Mr Davis — Of course it is.

The PRESIDENT — No, it is not. You are not asking for an action, you are asking for the minister to concede that they have made a decision that you believe adversely affects the community. That is not an action; that is not a constituency question.

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) (13:06) — My constituency question is for the Minister for Public Transport, and it relates to the level crossing removal program. Obviously a number have been undertaken in my area of Southern Metropolitan Region which I note that the Auditor-General’s report refers to. In the ‘Conclusion’ section of the ‘Audit overview’ the report states:

Contrary to publicly stated objectives, not all of the 50 level crossings selected for removal are the most dangerous and congested.

As we know, this program has blown out by 38 per cent or \$3.3 billion. The conclusion in the report also talks about risks, stating:

These risks are compounded by an inadequate and delayed business case, and poor indicators to measure program benefits.

In the key performance indicator (KPI) targets that the Auditor-General references, the target ‘Average travel time reduced’ has not been met for McKinnon Road. The target ‘Travel time reliability improved’ also has

not been met for the McKinnon Road level crossing. The question I ask the minister is: what steps will she put in place to ensure these KPIs are met?

Eastern Victoria Region

Ms BATH (Eastern Victoria) (13:07) — My constituency question is to the Minister for Agriculture, the Honourable Jaala Pulford. The insect vector of the zebra chip potato disease, the tomato-potato psyllid, or TPP, was found earlier this year in Western Australia, causing a statewide suspension of interstate and local trade. Eastern Victoria potato growers are concerned that Victoria is unprepared to deal with the incursion of TPP. Minister, have you met with potato growers to discuss their concerns, and what actions are you taking to protect our thriving potato industry from zebra chip disease?

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (13:07) — I have had a letter from Mr Gordon Rich-Phillips in respect of some questions put to ministers that he does not believe were satisfactorily answered. I have had those questions and answers assessed and am of the view that four questions have not been adequately answered in line with what I believe would be the expectation of the house. Therefore I seek to reinstate questions 11 507, 11 529, 11 551 and 11 573.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (13:08) — In respect of Mr O'Donohue's question today, I am of the view that essentially in terms of the sub judice conventions that we have, the matter of guilt is the most crucial aspect of a proceedings where somebody who was charged with an offence might well be disadvantaged if there is extraneous commentary in the public space that might affect the determination of their guilt or innocence. Given the fact that the government has admitted guilt in that particular civil case, I am satisfied that the most crucial issue has been addressed and therefore other questions may appropriately be considered without impacting adversely on the defendant, in this case the government.

The question of witness statements that was posed in that question I think is relevant to the house in terms of the government's view, because clearly they are relied on in many proceedings. So the fact that the

government has sought to exclude those on this occasion is, I think, a valid question to be raised, and I will seek a written response on that matter.

My question is now, though, whether I am allowing two days or one day on the basis that whilst the corrections department is the defendant, it is the Director of Public Prosecutions presumably that is defending the government.

Mr O'Donohue — On a point of order, President, if I may to assist you, my understanding — and I am happy to be corrected by the Minister for Corrections if I am incorrect — is that the corrections commissioner would be providing direct advice to the corrections minister. While there may be advice sought from elsewhere within the Department of Justice and Regulation, this principally would be the responsibility of the corrections commissioner reporting to the corrections minister, and I would submit to you that therefore one day is appropriate.

The PRESIDENT — Thank you for that, although I do defer to two days. I also make the point that in seeking a written response on this matter I am also mindful of the fact that we are not going to meet again until February and the matter may well be concluded by that time and indeed by the time the minister furnishes that answer. So I think that there is the capability to provide that answer in those circumstances.

I am also mindful that it is possible that the court may not have accepted the government's proposition that they do not want to have those victim statements admitted into the proceedings, and it may well be that the court itself makes a different determination in respect of the status of those witness statements, irrespective of what the government's view might be. At any rate I think that matter can be concluded, and I seek a written response to the substantive question.

ADJOURNMENT

Ms MIKAKOS (Minister for Families and Children) — I move:

That the house do now adjourn.

Melbourne Sexual Health Centre

Ms WOOLDRIDGE (Eastern Metropolitan) (13:12) — My adjournment matter this afternoon is for the Minister for Health, and the action I seek is that the minister and the Department of Health and Human Services meet with both Alfred Health and the Melbourne Sexual Health Centre to develop a plan and deliver funding so that the Melbourne Sexual Health

Centre can meet the demand that they are experiencing and provide an effective service for the Victorian community. The Melbourne Sexual Health Centre in one form or another has been operating since 1917, and there is no doubt it has made a very significant difference to the health and wellbeing of many Victorians over that extended period of time. What we have seen in recent times is that the Melbourne Sexual Health Centre has experienced dramatic growth, and I would like to comment on some of the data in relation to the work it is doing.

Over approximately a 10-year period the number of individuals who visit the centre every year has gone from 11 400 to 24 100. The number of consultations has grown from 26 000 up to over 46 000. The number of chlamydia cases diagnosed each year over that roughly 10-year period has grown from 768 to 2730 — a very significant growth — with a big spike in 2016. Similarly, in terms of growth levels, the number of cases of gonorrhoea diagnosed each year has gone from 262 to 1719 — a massive increase — and once again there was a huge step up in 2015 and 2016, when it went from 730 in 2014 up to 1500 the following year and now of course 1700. Infectious syphilis has gone from approximately 65 cases each year to about 350, and the number of individuals seen in the HIV clinic each year has grown from 596 to 1427.

This is a clear warning for all members who are listening that these risks are very real, and it is the Melbourne Sexual Health Clinic that is diagnosing them, treating them and working with Victorians in relation to what needs to be done. Despite the fact that they have engaged a range of cost and resource efficiencies, they are absolutely overwhelmed by need. It is seen that they are becoming a bottleneck in the sexual health system. They need a plan to address how they deal with this growth so they can continue to meet the demand, and they need funding to be able to deliver these services, which not only protect individuals but protect many others as well. I ask the minister to meet with the centre to give them the attention they need and make sure they can continue to deliver a very important and effective service.

Victoria University Sunbury site

Mr FINN (Western Metropolitan) (13:16) — My matter is for the Minister for Planning. Whenever I have raised this matter about the government's plans for the future of the former Victoria University site on Jacksons Hill in Sunbury — I have raised it on a number of occasions over the last year or two — the minister has told me that there is a report on the way. I have been told that the Victorian Planning Authority

(VPA) is preparing a master plan and we should all prepare ourselves for that because that is going to solve every problem we have ever had.

The master plan has landed, and I hate to tell the minister that the master plan is in fact dead on arrival. The arrival of the master plan was greeted with horror by the Sunbury community; in fact it was greeted largely with disgust by the Sunbury community. It provides a whole range of things which are totally unsatisfactory and go against the express desires of many, many people in Sunbury and surrounds over a long period of time.

I think the time has come, given that we have waited a long time for this to occur, for the minister to take this matter back to the drawing board, to pulp this master plan and to direct the Victorian Planning Authority to start again. Even better, perhaps he can conduct the master plan development himself in the hope that we might be able to get a half-decent one sometime next year. So I am asking the minister to do that. As I say, the Sunbury community is disgusted with what the VPA has proposed. There has to be a much better way for this site than what has been proposed in this master plan — I have no doubt about that at all — and I am asking the minister to ensure that that plan is developed properly and we do get the sort of result that we need and we deserve on Jacksons Hill in Sunbury.

I finish by wishing every member and every staff member and their families a very, very merry Christmas and all the very best for 2018 — particularly on this side of the house for 2018. I sincerely hope that each and every member will remember on Christmas Day to have one for me.

Kinship carers

Ms SPRINGLE (South Eastern Metropolitan) (13:18) — My adjournment matter is for the Minister for Families and Children. On Tuesday the minister announced \$33.5 million for 'a new kinship care model'. As part of that announcement the minister talked about 'increased flexible support', but it was not clear whether that includes allowances for carers.

The Victorian Ombudsman highlighted in her report, released yesterday, on the investigation into the financial support provided to kinship carers what we all knew to be the case — that kinship carers receive less financial support than foster carers despite providing the same service to the community. It is difficult to see how the \$33.5 million announced yesterday could possibly include increasing the payment to kinship carers to address this inequity, given the long list of

other issues the announced funding seeks to address. The action I seek from the minister is to ensure that there is adequate funding to address this shortfall, particularly given that kinship carers are more likely to experience greater welfare dependency.

Shepparton Animal Rescue and Rehoming

Ms LOVELL (Northern Victoria) (13:20) — My adjournment matter is for the Minister for Agriculture, and the action I seek is for the minister to provide funding to Shepparton Animal Rescue and Rehoming so that they can continue their important work in supporting animal welfare in the Shepparton district.

We have spent quite some time this week debating animal welfare and in particular the breeding of dogs by both ethical and responsible breeders and those breeders who show no concern for the welfare of the animals. However, there is another area of animal breeding that the bill does not cover, and it is the one that often causes the most inhumane treatment of animals, and that is breeding that leads to the dumping, drowning or other disposal of unwanted kittens and puppies. Animal shelters and local governments are left to pick up this mess that the minister's flawed legislation, which we debated this week, will not cover.

Earlier today Shepparton Animal Rescue and Rehoming posted on their Facebook page a plea to the local community to help with funding for the desexing of animals that reads:

Just to let our supporters know we have handed out quite a few vouchers for free or cheap desexing but we need to put all that on hold at the moment due to low funds, we simply can't keep giving out with no returns. Vet bills are hovering from 5 to 8 thousand at the moment and we still need to get a little dog's cruciate ligaments done next week. For the first time in a while I'm starting to get worried. If anyone would like to help get us back on top of things please consider donating even a few dollars. While we are going through around \$400 per week just to feed all our animals in care the money dwindles quick. Here are our bank details for anyone that would like to help.

Unfortunately we are coming up to a time of year when animal shelters are often swamped due to the dumping of pets that may have been received as unwanted Christmas presents. This of course will put additional pressure on Shepparton Animal Rescue and Rehoming. I have made a donation to Shepparton Animal Rescue and Rehoming to assist with their important work in the Shepparton district, and I am now calling on the minister and government to provide further funding to Shepparton Animal Rescue and Rehoming to support their important animal welfare work. The action I seek is for the minister to provide funding to Shepparton Animal Rescue and Rehoming so that they can

continue their important work that supports animal welfare in the Shepparton district.

I would like to join with Mr Finn in wishing everyone in the Parliament — the members of Parliament, the staff and all who spend their time here — a very merry Christmas and a safe, happy and prosperous new year.

Freedom of information

Ms FITZHERBERT (Southern Metropolitan) (13:22) — My adjournment matter is for the Special Minister of State and it relates to an FOI application that was the subject of a question I asked of him in questions without notice, and I want to acknowledge the helpful response that he gave to that original question.

The question that I originally asked the minister was in relation to a document that I believe has been withheld, although it has not been noted in any way. I made the application, and then I made an FOI application on my application. Through that I discovered that the Department of Education and Training had advised the Minister for Education to release to me a document which is known as, I think, BRI003493. They said in a brief to the minister, which was unsigned but was from April 2017:

It is proposed to release information in ...

this brief —

regarding a history of contamination at the proposed school site following use of the land by the commonwealth army as well as use of the site as a Parks Victoria depot with underground fuel storage.

The minister responded and indicated that the department of education had indicated to him that they had erred in not forwarding a document to me and that they would work with me to provide that document to me either directly or through an ongoing VCAT process. It took about a month to get the document. I had to have my staff ring the department several times, and then finally I wrote a letter and gave a deadline. A document was provided, and it was another brief to the minister that discussed the school in general terms. I have had that provided to me again today by lawyers for the department, so there seems to be some confusion here. Earlier this week I wrote to the department of education and I requested access to this document, which still has not been addressed in the material that I have received in relation to this application, even to exclude it from the process.

I regret needing to raise this again. As I said from the outset, I note the assistance that the Special Minister of

State has provided in relation to this, and it was very prompt at that time. The action that I am seeking is the provisions of access to the report in relation to contamination, which has been identified in previous documents sent to me via the department and which I understand is identified by the number of BRI003493.

Dame Phyllis Frost Centre

Ms PENNICUIK (Southern Metropolitan) (13:25) — My adjournment matter this afternoon is for the Minister for Corrections. It follows from the report of the Victorian Ombudsman released last month, *Implementing OPCAT in Victoria: Report and Inspection of the Dame Phyllis Frost Centre*. My adjournment matter relates to the report on the inspection of the Dame Phyllis Frost Centre. The Ombudsman made 18 recommendations following that inspection, and all have been accepted, except recommendation 5, which refers to strip searching. The recommendation was that the general manager of the Dame Phyllis Frost Centre:

immediately cease the practice (by whatever name) of strip searching all women before and after contact visits and following external appointments;

replace it with a charter-compliant practice of strip searching based on intelligence and risk assessment.

A strip search according to Corrections Regulations 2009 is:

a search of a person that requires—

- (a) the person to remove any or all of the person's clothing; and
- (b) an examination of the person's body and of that clothing—

but does not require the person to be touched by the person or persons conducting the search.

The Ombudsman says:

The Nelson Mandela Rules provide that strip searches should be conducted only when 'absolutely necessary' and prison administrations should be encouraged to develop and use appropriate alternatives.

This is reinforced by the Corrections Regulations, which require there to be 'reasonable grounds' for believing that a strip search is necessary for the security and good order of the prison.

In practice, though, at the Dame Phyllis Frost Centre women are routinely strip searched when they first arrive at the prison, during the reception process and after all contact visits other than professional visits. They are also required to remove all their clothes in front of officers before all contact visits, other than

professional visits. Staff also advised the Ombudsman's inspection team that women are strip searched before and after all external appointments, even if they have not left the sight of the staff. The prison's operating procedure says that:

... strip searches before personal visits can only be targeted, but allows for all women to be strip searched after personal visits.

The Ombudsman says:

Whatever terminology the prison uses to describe the pre-visit procedure, the practice observed by the inspection was consistent with the definition of a strip search within the Corrections Regulations.

And:

A strip search practice that is not evidence-based is inconsistent with the Corrections Regulations.

My request is that the minister investigate alternative technologies that would reduce the need for the strip searches as outlined by the Ombudsman's report.

Southern Metropolitan Region CCTV cameras

Ms CROZIER (Southern Metropolitan) (13:28) — My adjournment matter this afternoon is to the Minister for Police, and it again relates to the concerning issue around the lawlessness and increasing violent crimes that are occurring in the St Kilda, South Melbourne and Port Melbourne areas. Ms Fitzherbert has continually raised in the Parliament issues around CCTV and given examples of what has been occurring, especially around some areas, including concerns that she has heard of, I have certainly heard of and I know Mr Davis has as well. Some residents have spoken about their concerns about the lawlessness that is happening and drug-related crimes, where there has been used condoms, human excrement, needles, burglaries, assaults and robberies all occurring within residential areas. But now we have got this ongoing issue of some very serious crimes that are extending along the foreshore areas, affecting businesses, as we heard this week, with the hundreds of youths that have rioted, bashed, burgled, assaulted and sent many tourists, patrons and business owners into very fearful situations.

In my adjournment matter last night I referred to an issue that has not occurred just in this week; it has been going on for a year. I am referring to an article in the *Age* from December 2014, which says:

Andrew, a 21-year-old landscaper, told Channel Ten he was king-hit, kicked and stomped on in the unprovoked gang attack.

He was working outside the St Kilda Life Saving Club when his colleague Nathan warned him that brawling teens were smashing their way through temporary fencing.

This shows that this issue has not just been occurring recently; it has been ongoing for some time. There are issues around various parts, not just along the foreshore but also in areas in Bay Street, Port Melbourne, Acland Street, Little Grey Street, areas of Fitzroy Street, Clarendon Street and extending into Carlisle Street in Elsternwick. These are very serious crimes. They are becoming more serious. Lawlessness is occurring. Tourists, business owners, residents, children, parents and grandparents are all in fear. The action I seek is that the minister extend CCTV in the areas that I have highlighted but particularly around the hotspots that are known of — and do this immediately.

Trafalgar Primary School

Ms BATH (Eastern Victoria) (13:31) — My adjournment debate is for the Minister for Education, the Honourable James Merlino in the other place. The action I seek from the minister is that he engage with the Trafalgar Primary School principal and the board to create a strategic plan based on an integrated model for an early learning to year 12 education precinct. The Baw Baw municipality is experiencing rapid population growth as evidenced by the 13 per cent growth between 2011 and 2016. In terms of people, that is around 5600 people, and it is expected that the Baw Baw shire will have a total of 72 000 residents by 2036 on current trend.

Situated beside the secondary college on the aptly named School Road, Trafalgar Primary School is growing in its student enrolments, with well over 400 students enrolled for next year. Principal Cameron Nicholls is importing demountable classrooms to accommodate this ever-growing student population. Supported by a parent-led school council, Mr Nicholls has a vision to create an integrated education precinct incorporating a preschool directly adjacent to the primary school. This could be accommodated on the primary school's land. With the benefit of ample space and a growing community, I can well understand his long-term strategy.

When preschools and primary schools are integrated they provide a seamless transition for children from early learning through into primary school. It is a model that supports young families engaging with this community and communicating with their educators as they transition from one educational setting to the next. Currently within the Baw Baw shire the Drouin Primary Early Learning Centre harnesses the council's policy of co-locating kindergartens on primary school

sites. This was completed in 2016, and the centre has many benefits in terms of student outcomes. I believe this model would provide enormous benefit to the Trafalgar community, and I ask the minister to engage with the principal, who is a very proactive, exciting and grounded person, and his great school board.

Finally I too would like to wish everybody here — all the parliamentary staff; the catering; the clerks; Hansard, who do a tremendous job; our MPs; the attendants, with their entertaining jokes at the end of the day — a very happy and very safe Christmas. I hope that you can get out to some Gippsland beaches and out into some parks and national parks in Gippsland, because it is a fantastic place to live. The most important thing about getting out in the country is arriving at your destination safely and getting home safely in the car, so please, please take care on the roads. Look after each other and just take the foot off the pedal by just 5 kilometres an hour. Thank you very much, and happy Christmas.

United Voice website

Mr MORRIS (Western Victoria) (13:34) — My adjournment matter is for the Minister for Industrial Relations. My attention has been drawn to a website published by the union United Voice. This website purports to be an avenue for hospitality workers to report concerns about employers. However, unfortunately this website is misleading, does not appear to be working functionally and appears to be a scam for the union to raise money, as it claims to be run by hospitality workers when it is in fact run by the union. There are also businesses listed on this website without any reviews. The fact that businesses are simply being named on the website without any further information could lead to the assumption that these businesses mistreat their staff, particularly as the intention of the website is clearly to name and shame. This is simply unfair. So the action that I seek is for the minister to work with United Voice to either make the website honest and fair or take it down.

I would also like to take the opportunity to wish all members of this house a very merry Christmas and a happy and safe Christmas with family. I am certainly looking forward to a very big 2018 and a Matthew Guy-led Liberal government.

Felicitations

The PRESIDENT (13:35) — Before I call the minister I take this opportunity also to provide my greetings for this festive time of the year and to join with those members who have extended greetings and

best wishes to the staff of the Parliament and indeed their colleagues in this place and no doubt in the Legislative Assembly. This has been a very big year in terms of some of the workload that I think this house has undertaken, and while at times the government might actually have some concerns about the processes, the level of scrutiny and the level of examination that this house undertakes, there is no doubt that it is consistent with the position of a house of review and a house that is certainly involved in scrutiny of executive government and that also considers a range of public policy in ways that are quite different to the Legislative Assembly.

I think everybody should be very pleased and proud of the work that they have contributed to this house in the past 12 months, and clearly they could not have done that without the support of their electorate officers and advisers, who have again been so fantastic in terms of their support of members, enabling those members to fulfil their duties both to their constituents and also in terms of the pursuit of better public policy, better services and facilities and so forth for Victorians both now and into the future. Again, clearly we could not do our work anywhere near as effectively as we do without the support of the clerks in this place, the Hansard staff, the library and research staff, all of the people within the Department of Parliamentary Services units and certainly in this day and age extending even to the security people, who have provided I think an increased level of support and security to our members and their staff and indeed visitors both to electorate offices and to this place. I extend in that context the appreciation of the Parliament to the protective services officers and to Wilson Security for their work.

Parliament is an employer with many different divisions that perhaps do not necessarily come to mind for members at most times, but even buildings and grounds, maintenance and so forth do a fantastic job and have particularly this year been very supportive of the program to build the new offices out the back. It is probably worthwhile me also extending appreciation and greetings to the contractors who have been involved in the various asset protection projects around Parliament, including the continuation of the repairs of the brickwork and of course that new building out the back.

Despite a slight delay until March next year so that we make sure that we address defects and have that building in pristine condition when members move into it, the fact is that the construction process has been one that has proceeded positively and without disruption through the year, and we can be very grateful for the work that has been put in by those contractors — the

people working on site — but also those people who were involved such as the architect and the oversight panel for that project who have also ensured that it has progressed in a proper way and, as it turns out, without any major disruptions. Knowing the building industry and some of the circumstances that occur with different projects, I think that we can be very proud of the team that has been working on that, including everyone who has been employed by the contractors to undertake that work.

As I said, we have come to the conclusion of a very busy year. We are obviously all going to be very excited about next year with the potential of what might occur in that election at the end of the year. We will come back, I hope, refreshed with constructive vigour, and I share particularly the words of Ms Bath, who recently has experienced the trauma of a road accident, and her reminder to all of us to take care on the roads and in whatever other pursuits we undertake over this period and to look after people — to extend our care to our friends and family and our neighbours and perhaps just to people that we see from time to time who might be in need that we can lend an additional hand to. This is a time of the year when we are encouraged to think of others, and I certainly hope that you all have a very safe and happy Christmas and New Year period, or indeed in the broader family of this Parliament for those people who do not celebrate Christmas I trust that the festivities that they pursue with their family and friends are also very happy ones.

Responses

Ms MIKAKOS (Minister for Families and Children) (13:42) — This evening I have received adjournment matters from Ms Wooldridge addressed to the Minister for Health, from Mr Finn addressed to the Minister for Planning, from Ms Lovell addressed to the Minister for Agriculture, from Ms Fitzherbert addressed to the Special Minister of State, from Ms Pennicuik addressed to the Minister for Corrections, from Ms Crozier addressed to the Minister for Police, from Ms Bath addressed to the Minister for Education and from Mr Morris addressed to the Minister for Industrial Relations. I will refer all those matters to the appropriate ministers for response.

Can I just say in relation to Ms Bath's matter that the co-location of early learning centres at primary school sites is in fact a policy that this government has been championing. She may be aware that we did actually provide \$10 million in this year's budget to realise some of these projects, and in fact her local community is going to benefit from the co-location of an early learning centre at Morwell Primary School. I would

certainly encourage my department, which I share with Mr Merlino, the Deputy Premier and education minister, to have discussions with the principal about this particular project.

Obviously these projects do take some time to develop, but it is a policy that we, as a government, are very supportive of. We continue to provide a record investment in early learning centres — \$74 million to date to build new kindergartens and upgrade existing kindergartens right across Victoria, as well as integrated children's centres. I will have more to say in relation to additional funding for early learning infrastructure in the near future.

Can I also respond, if I may, to Ms Springle's matter. She referred to the recent announcement that I made on Tuesday of \$33.5 million for a new kinship care model and the issue of allowances and also referred in her contribution to a recent Ombudsman's report. The member may well be aware that I did refer to the funding announcement in my ministers statement on Tuesday. What I can say to the member is that our government is committed to improving the lives of vulnerable Victorian children and young people in our state, and we are very much committed to working towards strengthening kinship care services as we look to overhaul the entire out-of-home care system.

Our kinship carers are very much a valued and integral part of our out-of-home care system, and I am very grateful for the care that they provide. We have seen very significant growth in the number of children placed in kinship care placements in Victoria, and that is a positive thing because it means that children can continue to have a connection to their families, to their extended families and to their kin and maintain those links. That is particularly important for Aboriginal children. It is of course a requirement under the legislation, and we are working extremely hard to make sure that we continue to build connections to community and culture for our Aboriginal children.

I do welcome the Ombudsman's findings and the recommendations produced through her own-motion investigation. My department has accepted all seven recommendations made by the Ombudsman and has begun work on completing them in an expedient manner. Back in June of this year I announced at the *Roadmap for Reform* symposium — it was well attended by the community sector — the development of this new kinship care model, and I am very grateful for the work that the community sector has undertaken in the development of this model. I take this opportunity to thank them for that work, particularly those members of my road map implementation

advisory group, which I alluded to in an earlier response to the member. That includes also Anne McLeish from Kinship Care Victoria and other sector partners. I thank them for their particular input into this model, particularly Anne McLeish and those very passionate individuals from Kinship Care Victoria.

The new model that I announced on Tuesday, the kinship care model, will see kinship carers receive more services and more support. This model is supported by an investment of \$33.5 million that includes additional flexible brokerage funding to support and stabilise existing kinship care placements. It includes a range of other elements. The approach focuses on better and early identification of kinship carers; on strengthening connections for Aboriginal children and young people with family, culture and community; and on assisting carers, children and young people from the start through increased, ongoing and flexible support.

We will see for the first time 36 new dedicated kinship care practitioners employed by the department across Victoria to actively search for a child or young person's family and support them to provide care. Kinship carers will also now have access to these dedicated practitioners, who will act as key points in helping kinship carers when things change or when they need assistance navigating through issues. We are also providing additional support for new kinship placements by child and family service organisations, including Aboriginal agencies, to strengthen support for Aboriginal children and young people, including finding extended family, supporting carers and helping children and young people return to their parents where possible. The whole model is designed to ensure that new placements will be better supported from the start and that we can identify the needs of carers and children and young people and then link them to the supports that they need. I am referring to the flexible brokerage funding here.

I think it is important for the member and the house to understand that the Ombudsman did not specifically call for more funding for allowances. In her report she talked about the problems and the processes, and the cumbersome processes, that have existed to date for kinship carers to access higher levels of allowances similar to what foster carers can receive. I can advise her that this new model and the reforms that the department is putting in place, plus the new procedures, processes and dedicated kinship care practitioners that will be in place, are all designed to streamline the process and make it easier for kinship carers to be able to access those higher level allowances, as is the case for foster carers.

So this is a very significant reform and a very important one. It builds upon other supports that we have already put in place to support kinship carers. Late last year we issued a funding package of \$19.2 million for all of our carers to access training, including kinship carers getting access to training, on trauma and other issues which they have not had training on before. Carer KaFÉ started this year. It provides them with access to a calendar of training opportunities. We had a particular focus on Aboriginal children through that process as well.

We have also been trialling a new model of placement establishment support for kinship carers in the east division of the department to improve the delivery of the assessment of carers' needs as well, and that is being conducted by Berry Street and the Rumbalara Aboriginal Cooperative. So there are a raft of reforms underway to strengthen our supports for kinship carers. Our vision under the *Roadmap for Reform* is to have an out-of-home care system that is supportive of the needs of all vulnerable children in care but also to work towards the reunification of those children with their families where that is safe and possible.

I take this opportunity also to advise the house that I have four written responses to adjournment debate matters.

I join in the spirit of other members and you, President, in thanking our red coats, our clerks, the papers office staff, the Hansard staff and of course our own staff for their dedication and support throughout the year, on behalf of all members. I certainly wish those who celebrate it a happy Christmas and those who celebrate it a happy Hanukkah, and I wish those who do not celebrate either of those a restful break over the summer period. I am very much looking forward to coming back in 2018 for what will be a very productive year ahead.

Ms Springle — On a point of order, President, I would like to thank the minister for her very comprehensive and fulsome answer; however, my question pertained to the inequity between foster carer and kinship carer allowances. While I appreciate that the reforms on foot address some of the barriers to reimbursement and what have you, and I think it is a really great thing that there are going to be streamlined processes around that, she did not really answer my question, so I am wondering whether it would be possible to get a written answer to my actual question, please.

Ms Mikakos — On the point of order, President —

Honourable members interjecting.

Ms Mikakos — The leadership tussle in the Liberal Party made us all come back here today. Clearly David Davis was undermining Ms Wooldridge, which is why we are all back here.

Can I just make it clear to Ms Springle that I do believe I gave a very comprehensive response. In fact I explained that, through the new model that is being put in place and the improved processes and dedicated staff in child protection, kinship carers will now have a streamlined process in order to be able to access higher allowances. So I do believe I have in fact responded to this matter in considerable detail.

The PRESIDENT — I am not actually in a position to direct a minister on the response they make to an adjournment matter, and a minister is able to acquit an item or a matter in the adjournment debate without providing a subsequent response. Perhaps upon reflecting on the *Hansard* record the minister might think about whether or not there is further information she could provide on that specific area, but certainly in terms of the adjournment debate, the matter is acquitted.

On that basis, with thanks to the red coats as well, the clerks who are here and indeed the committee people, in addition to all those that I mentioned earlier, I close the house and will see you on 6 February next year.

**House adjourned 1.54 p.m. until Tuesday,
6 February 2018.**

