

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 18 August 2016

(Extract from book 11)

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HANSARD¹⁵⁰



1866–2016

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

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

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

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

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Deputy President:

Mr K. EIDEH

Acting Presidents:

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The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of the Greens:

Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin ³	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
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Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

³ Resigned 27 May 2016

PARTY ABBREVIATIONS

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

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Thursday, 18 August 2016

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.02 p.m. and read the prayer.

CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016*Assembly's rejection*

Returned from Assembly with message rejecting bill.

Ordered to be considered next day.

JOINT SITTING OF PARLIAMENT**Legislative Council vacancy**

Message received from Assembly informing Council that they have disagreed with proposal for joint sitting to choose Legislative Council member.

Ms WOOLDRIDGE (Eastern Metropolitan) — In light of that disgraceful message from the Legislative Assembly, I desire to move, by leave:

That —

- (1) notwithstanding standing order 7.06, noting the provisions of section 27A of the Constitution Act 1975 and in keeping with the principles of representative democracy, this house resubmits its proposal to meet with the Legislative Assembly for the purpose of sitting and voting together to choose a person to fill the seat in the Council rendered vacant by the resignation of the Honourable Damian Drum and proposes that the time and place of such a meeting be the Legislative Assembly chamber on Thursday, 18 August 2016, at 4.45 p.m.; and
- (2) a message be sent to the Legislative Assembly advising them of this resolution.

Leave refused.

Ordered that Assembly's message be considered next day.

QUESTIONS WITHOUT NOTICE**Department of Health and Human Services**

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, under your watch the Department of Health and Human Services (DHHS) suffered a serious breach of security of a foster care family, whose information was given to a violent criminal. At the time a Children's Court solicitor was quoted in the *Age* of

13 July regarding security breaches within DHHS stating that, and I quote, 'It happens all the time'. Following the security breach of confidential information, the privacy commissioner is looking into the security practice and procedures in DHHS's foster care and family violence operations and conducting an overall review of DHHS's information security and governance and controls. Minister, given there clearly are systemic issues in your department putting the Victorian community at risk, will you release the privacy commissioner's report, and if not, why will you not make it public?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The member yet again has come into the house to ask me about something she read in the media. That seems to be her daily practice now. The member, if she is following my tweets — as she has clearly made obvious she is in question time after question time and following comments that I have made in the media — would be well aware of statements that I have made around this particular issue and how seriously I take these issues. I have made it very clear also in the statements that I have made that these are practices that also occurred when Ms Wooldridge was the minister. In fact there is a review that I asked my department to undertake that is going back over a five-year period. But I am happy to take the question on notice and provide a written response to the member, giving her further details in relation to this particular issue.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, when the going gets tough for you the tough gets reviewed. Under your watch there has been a review of the foster care privacy breaches, a review into departmental failures surrounding the tragic deaths of 2-year-old Nikki Francis-Coslovich and 16-year-old Amber Beard, a review into the 10-day isolation period for a teenager at the Melbourne Youth Justice Centre, a review into the October 2015 youth justice centre riot and a review into the March 2016 youth justice centre riot when six youths stormed onto the roof. Minister, why is it that you are more than happy to announce these reviews with big fanfares yet never make them public and never report on recommendations or outcomes for improvement?

Ms Mikakos — On a point of order, President, the substantive question was specifically in relation to a matter relating to a privacy issue. Now the member in her supplementary question has raised a number of other extraneous issues that are not in any way

connected to the substantive question, so I ask you to in fact rule out the member's supplementary question.

Ms Crozier — On the point of order, President, it is relevant. I was highlighting to the chamber just the number of reviews, and the list goes on. In relation to the substantive question, it was asking if they would make the report public, and this is directly related. I ask you to bring the minister back to the question.

The PRESIDENT — Order! The member's proposition to seek an answer from the minister on why reviews are not released publicly is a valid question, and it does leverage off the initial question. Notwithstanding that the preamble of the supplementary has talked about a number of other reviews, the minister's answer will not require a comment on each of those reviews specifically; to me, that is preamble information. The premise of the question, however, is simply: why are reviews not made public? In that sense I think that it is a valid follow-up to the substantive question.

Ms MIKAKOS (Minister for Families and Children) — Thank you, President. I have actually responded to these issues before, because when it is on youth justice issues I have explained to the member that secrecy provisions that she voted on and that her coalition government introduced in fact put in place a whole lot of prohibitions around these particular matters for security reasons — for the security and the safety of those particular facilities. In relation to this particular matter, I have actually made it clear that the review that I have asked my department to undertake will in fact make those recommendations public. I have actually put that on the record, so the member is completely incorrect in the assertion she has made, because she is actually now talking about a review that is being undertaken not by my department but by an external independent agency.

I do not have control over the privacy commissioner. Perhaps that is not clear to you, Ms Crozier. I am happy to provide the member with a written response in relation to her supplementary question. But I remind you that the Foster Care Association of Victoria tweeted back to you telling you that these issues happened under the previous government. That is something that you clearly wish to ignore — that in fact these have been issues that have occurred in the past that we are taking action on. We take action. You did nothing for four years around the safety of vulnerable women and children in this state.

Country Fire Authority enterprise bargaining agreement

Mr DAVIS (Southern Metropolitan) — My question is to the Minister for Regional Development. Minister, as the Minister for Regional Development you administer the Regional Development Victoria Act 2002, and noting that the powers of Regional Development Victoria include 'to facilitate the coordinated delivery of government programs, services and resources in rural and regional Victoria', I ask whether you have been briefed about the impact of the current Country Fire Authority-United Firefighters Union dispute and the delivery of fire services in rural and regional Victoria. If so, what is the outcome of that briefing, and if not, why not?

Ms PULFORD (Minister for Regional Development) — I thank Mr Davis for his newfound interest in regional Victoria and the regional development portfolio. Whilst I will take the member's question on notice, I might encourage the member to acquaint himself with some of the very significant governance reforms that have been recently made, which will be, I think, transformative for our regional Victorian communities.

Supplementary question

Mr DAVIS (Southern Metropolitan) — Well, I think it is disgraceful that the minister does not know whether she has been briefed or not. I will ask very simply: if there has been such a briefing, will you make that briefing public?

Ms PULFORD (Minister for Regional Development) — I thank Mr Davis for his supplementary question, and I will provide him with a written response.

Corella Place security

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, given the recent escape from Corella Place, have you or Corrections Victoria identified any systemic failures at Corella to give confidence to the local community that these types of incidents and subsequent escapes will not happen again?

Mr HERBERT (Minister for Corrections) — As the member knows, the people at Corella Place are citizens on supervision orders. They have finished their time. But in regard to that question, I will take it on notice and give a written answer.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — Minister, it is reported that Corella Place escapee Mr Theo Briggs was able to remove the GPS tracking device attached to his person by cutting it off before fleeing. The government is currently renegotiating the GPS contract with the operator, G4S. With the advances in technology since the system was introduced, will you ensure that as a condition of the contract renewal this type of removal is addressed to stop escapes like Mr Briggs's happening in the future?

Mr HERBERT (Minister for Corrections) — I thank the member for his question. He would be an expert on dodgy tracking devices from when he was a minister. We are looking at better tracking devices. I will take his question on notice.

Ministerial travel

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Minister, I am in receipt of your travel report dated 20 July 2016 relating to your travel to the United Arab Emirates between 15 and 23 February 2016, costing \$30 262.76. Minister, is this a full and accurate report of your activities for that period of ministerial travel?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for finally having an interest in my portfolio areas, and I look forward to providing a substantive written answer to him.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — We find ourselves in some uncharted waters where the minister is not sure whether it is the full and accurate travel report.

Honourable members interjecting.

Mr ONDARCHIE — There you go. He needs to take some advice on it. He needs some advice on whether it is a full and accurate travel report.

Minister, I put it to you, given we have got receipt of the travel report, that on Wednesday, 17 February 2016, you attended the New York University Abu Dhabi campus to watch the Melbourne City Football Club's women's team play the Manchester City Football Club's women's team. I put it to you that your office contacted Melbourne City Football Club demanding tickets to the game, VIP seats, associated hospitality

and entry onto the pitch to officially meet the players before the game. So I ask, Minister: why are the tickets and associated hospitality not in your gift registry or in your ministerial travel report?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Mr Ondarchie for his interest. No doubt as a fellow Melbourne City fan he too would have looked to support the women's team as they played an exhibition match. I will provide a written response in relation to his question. I find his question most distasteful. I will reply to it with a written response.

Register of members interests

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Minister, FOI documents received back from your office detail 'relating to a copy of the office gift register, the minister's office advise that no documents were discovered'. Why does your ministerial office not maintain a gift register, which is in breach of the Andrews government's ministerial code of conduct?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — That is a very, very serious accusation to make, and I hope Mr Ondarchie is prepared to back that up. The accusation that a ministerial registry is not kept is just that — an accusation. I look forward to providing that response in written form.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Clearly the minister does not know whether he has a gift registry or not. Minister, given your failure to maintain a gift register, can you detail the process of public disclosure that you undertake when receiving gifts, such as attendance at Superbox 11 for the Australian tennis open 2016 on Tuesday, 26 January 2016, a gift that exceeded \$500 per person and was not declared in your register of parliamentary interests or on any ministerial gift register?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I really look forward to providing a written response to this because Mr Ondarchie seems to have a problem with people doing their jobs, but we will provide a written response. We — being myself — will provide a written response to you, President, in keeping with the standing orders.

Register of members interests

Mr ONDARCHIE (Northern Metropolitan) — My next substantive question is to the forgetful Minister for Small Business, Innovation and Trade. Minister, what were the circumstances leading to the offer and acceptance of the gift of the evening session at Superbox 11 from e-CentricInnovations at the Australian tennis open on Tuesday, 26 January 2016?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — As I have indicated with my previous messages in answer to those questions by Mr Ondarchie, I look forward to providing a detailed response to you, President.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — He forgets going to the tennis! Minister, was it deliberate or just convenient circumstances that three days after attending the Superbox at the Australian Open as a guest of e-CentricInnovations you, in your role as a minister, appointed the managing director of e-CentricInnovations to the LaunchVic board?

Honourable members interjecting.

The PRESIDENT — Order! Right?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Thank you, President. I appreciate the opportunity to respond. Yes, I will provide a fulsome answer to that, but it is no wonder that Mr Rich-Phillips, sitting just next to Mr Ondarchie, is hanging his head in shame, because the gentleman that Mr Ondarchie is trying to besmirch is somebody that has contributed to both sides of Parliament across many years for free. He has done a lot for this government. He has done a lot for this state. I look forward to reporting and replying to that question and its disgraceful besmirching of somebody that gives of himself so that the state can actually be much better than it is.

VicForests staff

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. It has been alleged that an employee at VicForests has been engaging in bullying and harassment of community members on the social media platform Facebook, using the pseudonyms Larry Leadbeater and The Liarbird.

According to the Victorian Public Service Commission, the Victorian public service code of conduct issued under the Public Administration Act 2004 is binding on

all public servants, including those staff at state-owned businesses such as VicForests. Considering the abusive behaviour of this VicForests employee is in breach of the Victorian public service code of conduct and therefore may constitute misconduct, what actions will the minister take to ensure this conduct is investigated and the proper disciplinary actions are implemented?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question. Ms Dunn makes some assertions about a Facebook post that I have not seen. If Ms Dunn would be so kind as to provide me with this information, then I will look into it.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. I would be very happy to provide that information, which is substantial, to her. My supplementary question is: what actions will the minister take to prevent staff at VicForests harassing and bullying members of the public into the future?

Ms PULFORD (Minister for Agriculture) — I will provide Ms Dunn with a detailed response. Ms Dunn's assertion in her substantive question was, if I heard correctly, about a contractor as distinct from a VicForests employee. As I indicated, I have not seen the allegedly offensive post, but when Ms Dunn provides that to me I will have a look and respond accordingly.

Ms DUNN — On a point of order, President, just as clarification, the substance of my question was about an employee of VicForests, not a contractor.

Family violence

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the minister representing the Minister for the Prevention of Family Violence. Can the minister explain how the Special Minister of State is more qualified than the Minister for the Prevention of Family Violence to co-chair the committee responsible for the implementation of 227 recommendations of the Royal Commission into Family Violence?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Springle for her question. I can assure the member that this government takes the issue of family violence very, very seriously.

Honourable members interjecting.

Ms MIKAKOS — For those opposite there who are making gibes about this matter, I remind them that in fact it was our government, the Andrews Labor

government, that implemented Australia's first family violence royal commission. Right across our government we have ministers, including me, working on implementing those recommendations every day. There is so much work going on, including a two-day symposium that I hosted with the community sector just late last week around how we are going to progress the recommendations that relate to improving supports for vulnerable women and children and the *Roadmap for Reform*, our once-in-a-generation reform of our child and family services system.

Just yesterday I made a funding announcement of \$5.65 million for our early intervention services, delivering on exactly one of those recommendations of that family violence royal commission. I know that Minister Jennings and every other minister who has responsibility right across government for implementing these recommendations is working extremely hard to implement them, because we know that this is Victoria's and Australia's no. 1 law and order issue. This is why we are getting on with implementing these particular recommendations.

In relation to the question that the member has raised, I am happy to take that question on notice and provide her with detail about the arrangements that have been put in place to ensure the effective delivery of the implementation of those recommendations, which as I have explained, go right across government. There are recommendations in there that relate to the housing minister. There are recommendations in there that relate to my portfolio. There are recommendations in there that relate to the justice system. This is why we have ministers across government working together to implement those recommendations. I will provide further information to the member in writing explaining to her what those arrangements are and how we are continuing to work very closely with stakeholders, including with victims, to ensure that we can deliver on each and every one of those 227 recommendations.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer, although my substantive question was specifically about the co-chairing. My supplementary is: we know that family violence is an overwhelmingly gendered issue, and we know that part of the solution is to address the gender power imbalances across all sectors of Victorian society. This is the second time that a senior woman has been demoted within the Andrews cabinet, following the forced resignation of the former Minister for Emergency Services. Is the demotion of women from

leadership roles part of the Andrews government's gender strategy?

Ms MIKAKOS (Minister for Families and Children) — First of all, the supplementary question is not related to the substantive question, but I make the point to the member that I absolutely refute the premise of that question. That is complete rubbish. It is complete rubbish. First of all, no-one has been demoted. We are working across government, as I explained, to implement each and every one of those recommendations. These recommendations cut right across government. We are working together to implement these recommendations. I would have expected Ms Springle not to play politics with an issue as serious as this. We are getting on with implementing the family violence royal commission recommendations. I think it is important that people not be playing politics with this issue. These recommendations deserve the support of every single member in this house. This is why I personally am working every single day to implement the recommendations that I have responsibility for.

Disability support workers

Dr CARLING-JENKINS (Western Metropolitan) — My question is for the minister representing the Minister for Housing, Disability and Ageing, Minister Mikakos. Last week Matthew Bowden, co-chief executive of peak advocacy group People with Disability Australia, raised concerns that conditions for disability support workers will be eroded under new workplace proposals being considered as part of the national disability insurance scheme (NDIS). These include the ability of employers to reduce minimum shifts, increase hours without paying penalties and vary an employee's hours without notice. It is feared that this erosion of workplace conditions will lead to a drop in morale in the current workforce and discourage Victorians from entering the sector — a sector which needs to double in size over the next two years. Minister, what is the government doing to ensure the current disability support workers are not disadvantaged under the NDIS rollout here in Victoria?

Ms MIKAKOS (Minister for Families and Children) — I thank Dr Carling-Jenkins for her question. I know that she has a very deep personal interest in issues around disability. I am very proud that it was a federal Labor government that initiated what is going to be one of the most important social policy reforms in this nation with the rollout of the NDIS. I am very pleased on a personal level, as an MP representing the northern suburbs of Melbourne, that some of the north-eastern suburbs of Melbourne are in fact part of

the first part of the rollout of the NDIS in Victoria, so I am taking a very close interest in this as it relates to my own community.

I can assure the member that our government takes the needs of people with disabilities very seriously. This is so important to empower people of all abilities in our state to be able to participate fully in their lives in a number of ways, and of course the workforce that supports these people is also critically important. I know that Minister Foley is obviously very involved in ensuring that we have the appropriate workforce transitional arrangements in place and is doing a great deal of work around this particular issue.

I am happy to take the specifics of the member's question on notice for her and provide her with further details around these issues in writing, but I can assure her that obviously there are going to be significant challenges in expanding the workforce. There will be, as the member has asserted, a need for more people to work in disability services into the future, given the expansion of the service delivery that we will be providing to people with a disability. It is obviously then going to present some new opportunities, I hope, in terms of employment to many, many people, and we need to make sure that it is seen as a fulfilling source of employment to encourage people to enter into this important workforce.

Obviously there are issues around funding that are set by the commonwealth government as well in terms of the funding that the National Disability Insurance Agency will provide in these matters, and I am happy to provide further details to the member when I provide her with a written response.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I want to thank the minister for her answer and for her personal interest in the rollout of the NDIS in her area, and I appreciate getting some more information on the transitional arrangements. In light of the concerns raised in my first question regarding the future of disability support work as a career, I wonder if you could also take on notice: what is the minister doing to promote disability support work as a career here in Victoria?

Ms MIKAKOS (Minister for Families and Children) — I will provide further detail to the member in writing, as I will for the substantive question, but I do point out to her that Minister Foley has already announced a \$10 million NDIS transition support program late last year to support participants, providers

and staff to transition to the NDIS, and he has also established a skills forum to respond to skills and workforce capacity issues. But I will take that question on notice and provide the member with further details in writing.

QUESTIONS ON NOTICE

Answers

Ms PULFORD (Minister for Agriculture) — I have answers to questions on notice — 11 in total: 4730, 4797, 4861, 5321, 5864, 5867, 5870–1, 6651, 6655 and 6664.

QUESTIONS WITHOUT NOTICE

Written responses

Mr Finn — I wish to raise a point of order with you, President, concerning a response that I have received from Mr Herbert to a question that I asked on Tuesday regarding Operation Cosmas into gang-related crimes. The response from Mr Herbert states that:

The specific data to respond to this request is unable to be provided without a significant diversion of police resources. A detailed response to this question would require a number of records to be manually searched.

I note that earlier this year there was a similar question about the Apex gang asked in the other place — in fact asked on notice by the Leader of the Opposition, Mr Guy — and that has been pretty fulsomely answered. So I ask if indeed Mr Herbert may be gilding the lily a little in his response and if you could please reinstate that question so that I can get an appropriate answer to the question that I asked on Tuesday.

Mr Herbert — On the point of order, President, that response to the question of course was provided in an acting capacity, and I have no reason to believe that the advice I have received through the office of the Minister for Police is anything but accurate.

The PRESIDENT — Order! Yes, except that it was directed to the Attorney-General.

Mr Herbert — Attorney-General; my apologies.

Ms Wooldridge — On the point of order, President, if it would be helpful, I would be happy to provide to you or to the chamber the response on 4 May following a question from Matthew Guy in the other house that answers these questions directly, which demonstrates the capacity to answer these questions.

The PRESIDENT — Order! It is not the same question. The question raised by way of point of order by Mr Finn is about the capability of generating the statistics rather than the statistic itself at this point because the answer received from the Attorney-General suggests that that would be a process that would be rather difficult and that it would in fact require a significant diversion of police resources and require a number of records to be manually searched — which surprises me because, as I understand, most of these records are automated. However, I am not across the operational aspects of departments, and therefore the Attorney-General's response might be quite accurate.

In this instance, given that information has previously been provided which does suggest a capability to respond more fulsomely to the question raised by Mr Finn — which is a similar question but not the same question, because it involves different parties — I would therefore, yes, reinstate the substantive question and the supplementary question.

Ms Wooldridge — On a point of order, President, further on answers to questions, on Tuesday I asked a question of the deputy leader representing the Treasurer in the absence of the Special Minister of State. Normally that would have been directed to the Special Minister of State in order to get a response from the Treasurer. Mr Davis also asked a question, in relation to the local government inspectorate, of the deputy leader in relation to a response required from the Special Minister of State. Neither of these — Mr Davis brought up one yesterday that had not been responded to in the one-day time frame — have now been responded to in a two-day time frame. I would ask that you request those to be answered, but I am very concerned that this may be a pattern of defiance of the sessional orders that have been brought in by the government.

President, on 8 June you made a very clear ruling in relation to this matter and written responses to questions, where you went on to say that:

It is reasonable for the house to presume that the Deputy Leader of the Government would refer questions asked of the Special Minister of State, either for his own portfolios or in his capacity as minister representing other ministers, in his absence.

You reiterated that in arriving at this conclusion you were not making a ministerial appointment but that:

Questions directed to Minister Jennings should therefore be directed to the deputy leader, who will be able to refer the matter to Minister Jennings, who still holds his executive position, notwithstanding that he is suspended from this house, and who is in turn able to provide written responses pursuant to sessional orders.

So you made a very clear ruling about your expectations of the Leader of the Government and the Special Minister of State and the role of the Deputy Leader of the Government in referring matters through to him. Unfortunately this week we have had two demonstrations with the two questions provided to Mr Jennings, both of which have not been responded to.

Ms Pulford — On the point of order, as the President indicated on an earlier occasion, I have referred these questions to the minister. As you may have all noticed, the Special Minister of State is not here. He is in the building. He is literally a text message away from resuming his duties in the Parliament, and I can advise members who are interested in interrogating Mr Jennings about his portfolio responsibilities or those areas of ministerial responsibility where he is the representing minister that answers to those questions will be provided when the minister is returned to the chamber.

Ms Wooldridge — On the point of order, President, I put to you that the deputy leader is now directly defying your ruling in relation to ministers statements with the implication that we will not have a response from the Leader of the Government until such time as he is returned to the chamber. That is in direct defiance of your ruling in relation to your expectations of him fulfilling his ministerial responsibilities.

Mr Davis — Further to this point of order, President, this is quite a serious matter; it is not a game. The question I asked on Tuesday related very directly to a serious matter affecting local governments around the state, and I sought legal advice in that question. The government has since indicated that it will legislate, and there is a bill in the lower house now. Seeking that information in a timely way, in that one or two-day time frame, is distinctly appropriate to the matters around managing that bill and managing the issue for local governments around the state, so if the deputy leader and the Leader of the Government wish to play games with serious matters like that, I think that is reprehensible.

Ms Pulford — President, on the point of order Mr Davis raises, I indicate to Mr Davis that the matter he is seeking information on has been widely reported on publicly, there is a bill in the house and the opposition has been provided with an opportunity to have a briefing on this bill, and if Mr Davis was interested in asking about how the government proposed to resolve this issue, then Mr Davis might have directed his question to Minister Dalidakis, who is representing the Minister for Local Government in this

place, rather than somebody that he knows full well has been suspended by the house — indeed as a consequence of Mr Davis's own votes.

Mr Davis — Further on the point of order, President, the inspectorate for local government is the responsibility of the Special Minister of State, which is Mr Jennings. It is not Mr Dalidakis representing someone else; it is actually Mr Jennings himself.

Honourable members interjecting.

Mr Davis — No, Mr Jennings himself is responsible for the inspectorate, and the question was about the inspectorate.

The PRESIDENT — Order! Can Mr Davis just put that to me again, please?

Mr Davis — The deputy leader seems to be under some misapprehension that the Minister for Local Government is responsible for the local government inspectorate. She is not. The Special Minister of State is responsible for the inspectorate, and my question was directed to her to pass on to the Special Minister of State about his area of responsibility and seeking legal advice around the inspectorate.

Ms Pulford — On the point of order, President, let me just make the offer again. Mr Jennings is in the building. Mr Jennings is ready and willing to resume his duties at a moment's notice. I am quite sure that he would be very happy to walk in here right now and provide answers to any of the questions on matters for which he is responsible or for which he has a role in representing ministers from the other place.

The PRESIDENT — Order! Can I indicate that there does appear to be a change of position by the government in respect of answers to these questions, because indeed up to this point the Deputy Leader of the Government has passed on the questions — and indeed has passed on these questions — and a response has been forthcoming in accord with the expectation of the house, and more importantly within the parameters of our standing orders.

On each occasion when we have question time I provide a direction on whether or not an answer is expected the following day or within two days — the two days being a convention more than anything else to allow ministers in another place a little more time for a discussion with the minister who has been asked in this place for a response and to ensure that an accurate response can be provided to the house.

In the context today of Ms Wooldridge's point of order and in respect of a question that she asked on Tuesday, that question was actually to the Treasurer, and the Special Minister of State was only involved by way of carriage of that question to the Treasurer; and the expectation of the house is that the Treasurer would provide the answer by way of carriage, presumably in accord with what we have had in previous weeks, by the Deputy Leader of the Government or another minister. That this information has not been provided is actually in contravention of our standing orders, and the issue is simply a matter of carriage as to how the Treasurer's response gets to this place, not the Special Minister of State's position.

In respect of the matter raised by Mr Davis, he raised this matter with me yesterday, and certainly the response to his question was to be anticipated by the house yesterday. I indicated yesterday, when he raised by way of point of order that that question had not been responded to, that in fact I would expect that an answer would be forthcoming yesterday or indeed certainly today at the latest. I showed some tolerance in that respect, again within our standing orders parameters, which are my riding instructions.

I am not sure whether I am hearing the government say that there is a change in the position, in which case no question directed through the Special Minister of State will be answered until he returns to the chamber, or whether in fact what we have had in previous weeks continues, where the questions have still been conveyed, particularly in a situation where that minister is simply the minister of carriage to a minister in another place rather than responsible for his answer in itself.

I note that the Special Minister of State continues to be a member of the executive. I note that the minister continues to work as a minister and discharge his duties. Therefore in my view, notwithstanding that he might be suspended from this house, there is a still a responsibility as a minister, as there is with ministers in the other place, to provide responses to questions in accordance with the standing orders of this house.

On this occasion I simply seek responses to these two questions, preferably by the end of today. If not, I will have to give some consideration to this matter and take some advice on where we go from here. I certainly hope that we are not coming to a situation where we are just playing games on this, because let me say that if this is where we are going, then this can accelerate very quickly. Indeed the ramifications are on the government, not on other members of this chamber — the reason being that the government finds it necessary

to use this chamber to pass its legislation. The government needs to ensure that there is order and not a situation of chaos and petulance in this place going forward, or else there will be a judgement by the people of Victoria.

Members of the government keep referring to the fact that the Special Minister of State is in the building but is not in this place because he has been suspended by this house. I have made clear my concerns about that suspension, particularly in terms of the length of time involved, but I have also made it clear that in fact the solution to some extent — to a large extent — resides with the government in the sense that my standing orders here, which you all have a copy of, provide an arbitration process on the documents that have not been provided to the house, and therefore the standing orders that we have that are my riding instructions have a solution to the impasse. The government chooses not to use that.

It needs to be reflected on very carefully, because we are in uncharted waters, and even this particular process of our questions now begs the question as to whether or not we are going to abide by the standing orders that we have and whether or not we are going to continue to be a constructive Parliament or whether we go in some other direction, in which case I think it would be a judgement upon us all. By the end of the day, please.

Mr O'Donohue — On a point of order, President, I request an update from the Minister for Corrections in relation to the supplementary question I asked on Tuesday and the response he provided yesterday. You will recall, President, I raised a point of order about the ability of Corrections Victoria to provide information about the number of prisoners who have not been presented to court in contravention of a court order. The minister undertook to investigate that, and I would seek by way of point of order an update from the minister.

Corrections system

Mr HERBERT (Minister for Corrections) — I did undertake to raise the issue with Mr O'Donohue. I got this bit of information upon walking in here at question time. Of course we had the very moving ceremony today at the shrine, which many of us here participated in.

The advice I have received is it is not possible to provide an accurate figure for the number of prisoners not proceeding to courts because of overcrowding in police cells. The court determines whether a prisoner is satisfactorily presented to court, be it in person or by telecourt. The department is advised by Victoria Police

each morning how many prisoners are unable to be accommodated in police cells to attend court. For those prisoners who cannot be accommodated in police cells, the department seeks to arrange telecourt hearings or negotiate hearing times later in the day. Where a telecourt hearing is arranged in these circumstances a court may determine that it is appropriate to finalise the matter or that it is an inadequate presentation and use the telecourt hearing to adjourn the matter. The department does not have data on which telecourt matters a court has deemed to be an inadequate presentation. Therefore the actual number of prisoners deemed to have not presented at court is not available.

Written responses

The PRESIDENT — Order! In respect of today's questions, all of them were within the responsibilities of the ministers of this house, and therefore all of these will be one-day responses: Ms Crozier's first question to Ms Mikakos, both substantive and supplementary; Mr Davis's to Ms Pulford, both substantive and supplementary; Mr O'Donohue's to Mr Herbert, only the substantive; Mr Ondarchie's to Mr Dalidakis, three questions, and in each case Mr Dalidakis has undertaken to provide a written response to both substantive and supplementary questions; Ms Dunn's to Ms Pulford, substantive and supplementary question; Ms Springle's to Ms Mikakos, substantive question only; and Dr Carling-Jenkins's to Ms Mikakos, both substantive and supplementary question.

Dr Carling-Jenkins's question to Ms Mikakos was for the Minister for Housing, Disability and Ageing, so in that case I vary that to a two-day answer.

Mr O'Donohue — On a point of order, President, by way of clarification, my recollection was that Minister Herbert took on notice the supplementary question relating to the G4S contract.

Mr Herbert — I am happy to provide the answer.

The PRESIDENT — Order! I add the supplementary question as well.

CONSTITUENCY QUESTIONS

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) — My constituency question is to the Minister for Families and Children, the Honourable Jenny Mikakos. Minister, yesterday you announced a \$5.65 million boost to Child FIRST and integrated family services, particularly to meet growing demand. We know that investing in early intervention and family services is important and was a

key part of the thinking behind many of the recommendations of the Royal Commission into Family Violence. In my electorate I have a number of Child FIRST and integrated family services sites, which help many vulnerable families, women and children who are experiencing family violence. They provide information and advice, link families with specialist services and help facilitate discussions with professionals. Can the minister advise of the funding boost to each of the Child FIRST services in my electorate?

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is for the Minister for Roads and Road Safety. The roads in south-west Victoria are a disgrace, and members have heard me mention this on many occasions in this chamber. They are in constant need of upgrade, have potholes, are flooded and are very dangerous. VicRoads's best way of dealing with this is to put up speed restriction signs, and we know from VicRoads's own figures that it will take \$220 million to bring these up to the minimum standard of the rest of the state. In June I presented a list of the 10 worst roads in my region and the ones that are in the most urgent need of repair, and my question is: will the minister immediately visit south-west Victoria and inspect the dangerous roads?

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety, and my question is: when will the government announce which of the two options for upgrading Bolton Street, Eltham, will be chosen, and does the minister believe the final design has to be one of the two presented or is the minister open to further alternatives to improve the designs that have been presented?

Both parties made a commitment prior to the last election. The Labor Party made a commitment of \$10.5 million to upgrade the road. The coalition, on the advice of VicRoads, made a commitment of \$20.6 million to upgrade the safety and flow of the road properly. Unfortunately we are now going to have to live with the half-baked Daniel Andrews-Vicki Ward solution. The consultation that is underway is very limited. It excludes many of the recommendations from the community consultation. I have had a lot of feedback from residents that they are very concerned about the model, so I am keen to know when one will be chosen and whether there is scope to improve the models that have been provided.

Eastern Victoria Region

Ms SHING (Eastern Victoria) — On a theme today, my question is also to the Minister for Roads and Road Safety, Minister Donnellan, and it refers to the roads in Gippsland, many of which will be improved as a consequence of recent announcements for funding, which will improve amenity, lines of sight and road treatments to improve safety and cope with the greater capacity that these roads are now having to deal with when we take goods to market. One of the things which remains a key issue in Gippsland in particular, however, is the number of fatalities and serious injuries that are occasioned through people using the roads in an unsafe manner, not having the necessary skill or experience or perhaps using roads as part of tourist routes. I ask the minister to provide information on how we can continue to work with the Towards Zero strategy to improve road safety and minimise the risk of fatalities and serious injuries in an area which sees more than its fair share and which has borne the brunt of many incidents in recent times.

The PRESIDENT — Order! I will let that stand, but it is a pretty vague question in terms of 'how can we do this'. A constituency question should be more specific, but I will let it stand.

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Roads and Road Safety. The government has now released its western distributor reference design. This shows a proposed route for truck off-ramps to Hyde Street in Yarraville. On the southern side of the freeway the proposed truck ramp would run through vacant industrial land bordered by Hall Street, Simcock Avenue, Stephen Street and the West Gate Freeway in Spotswood. My understanding is that this piece of land is rife with contaminants. My question for the minister is: if truck off-ramps go ahead in this location, will the government be fully remediating the entire industrial site to decontaminate it ahead of ramp construction, and what does the government intend to do with the land when the project is complete?

South Eastern Metropolitan Region

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My constituency question is for the Minister for Public Transport. It relates to the proposed installation of bus stops on Keylana Drive, Keysborough, within the Hidden Grove housing estate. Local residents have raised various concerns regarding the placement of the bus stops, including issues related

to public safety, noise disturbance, local amenity and street parking restrictions. Residents are anxious that their views have not been considered by the Victorian government with regard to this issue. It is concerning but perhaps not surprising that the government failed to undertake any meaningful consultation with local residents prior to coming to this unilateral decision. I ask: why did the government neglect to undertake meaningful community consultation regarding the placement of bus stops in Keylana Drive, and will the minister now consider the views of those local residents?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — I was lucky a few weeks ago to attend St Thomas the Apostle Primary School to talk to some students and some teachers there. This is a school that is in Blackburn. It is near the Blackburn level crossing, which is being removed. The question I have for the Minister for Public Transport is if she could please tell me what improved access this particular school will have at the completion of the works of the level crossing removal, particularly around the rail corridor.

Southern Metropolitan Region

Ms PENNICUIK (Southern Metropolitan) — My constituency question is for the Minister for Energy, Environment and Climate Change, and it relates to the Caulfield Racecourse and recreation reserve, some 54 hectares of Crown land which has for decades been used almost exclusively for racing and for huge financial benefit to the Melbourne Racing Club, which pays a peppercorn rent for its almost exclusive use. The Caulfield Racecourse Reserve Trust has an outmoded governance structure and pays lip-service to public access to the site, which is public land. A report from a working group, which includes Assembly members David Southwick and Steve Dimopoulos, was due for release three months ago but for unknown reasons has been delayed. It is almost two years since the Auditor-General released his report into the Caulfield Racecourse Reserve and found that the reserve trustees have not been effective in the overall management of the reserve and that insufficient attention has been paid to public access. My question to the minister is: when will she act to overhaul the governance of the reserve and improve public access to the Caulfield Racecourse and recreation reserve?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Energy, Environment

and Climate Change and Minister for Suburban Development. It is asked on behalf of residents in my electorate in relation to the South Melbourne Life Saving Club. This club has a very run down 1950s building which is clearly in need of an upgrade. The council has released its preferred design for a new building, and it intends to do more planning and design work and apply to the Department of Environment, Land, Water and Planning for coastal consent under the Coastal Management Act 1995. Residents have asked me to ask the minister if she will meet with them on the site so that they can discuss their concerns about the proposed development, which in summary are a significant increase in size compared to the current building's footprint and its proximity to similar facilities, which are only a few hundred metres away.

Western Victoria Region

Ms TIERNEY (Western Victoria) — It will be of no surprise that my question also is for the Minister for Roads and Road Safety, Luke Donnellan. I do recall that I raised the issue of the state of roads in the south-west prior to the winter break. I am pleased that Mr Purcell also raised it again today, and I am exceptionally pleased that the minister has responded and will be visiting the south-west before the end of this month and dealing with state funding of road projects. The question I have today in relation to roads in the south-west is: can the minister advise whether he has had meetings or phone conversations with the federal Minister for Infrastructure and Transport, Darren Chester, whether the federal government will contribute funding to future road projects in the south-west of Victoria and if so, what they are?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Minister for Police, and it relates to police resourcing in the police service area of the Shire of Cardinia. It flows from an email from a constituent who says, and I quote:

I moved here —

to Pakenham —

two years ago thinking it was a safe place, but since then I have had two bikes stolen, been directly confronted by a gang of about 30 teens outside a Coles, had my wallet stolen and car stolen from my front driveway so I have been without a car for four weeks. I have installed \$5000 of CCTV cameras on my house, bought a dog and put alarms on the one remaining car I have and can't even sleep at night — I don't feel safe in this place and for good reason.

The constituency question I have for the minister is: when will the Chief Commissioner of Police be provided with the necessary resources so that growth areas such as the Shire of Cardinia and towns such as Pakenham in my electorate can have the police resources they need to respond to the surging crime rate that the Shire of Cardinia is currently experiencing and so that constituents of mine, such as the person who has emailed me, can have their concerns allayed?

The PRESIDENT — Order! On the basis that I allowed Ms Shing’s constituency question to stand, I will let that one stand as well on this occasion. But it is not good enough just to keep mentioning the electorate if the actual question is a broad question. The broad question was about resources for areas ‘such as’ rather than a specific one about the resourcing of a specific area, and that is the crucial test of a constituency question. I will let it stand today. Have a think about it.

Mr O’Donohue — On a point of order, President, under the Victoria Police Act 2013 the chief commissioner has absolute discretion about the allocation of police resources, so all I can do is advocate to the minister to provide the appropriate resources for the chief commissioner to respond to these sorts of the concerns.

PETITIONS

Following petitions presented to house:

Ormond railway station

To the Legislative Council of Victoria:

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

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

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

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

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

For Mr DAVIS (Southern Metropolitan) by Mrs Peulich (26 signatures).

Laid on table.

Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

Plastic bags

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council:

Australians use billions of limited-use plastic bags (single-use lightweight plastic bags and thicker department-style plastic bags) every year, most of which end up in the waste stream.

Plastic bags are a major threat to our land, waterways and ocean environments. They block stormwater drains and entrap wildlife. Plastic takes hundreds of years to break down and because it is not biodegradable, it never fully goes away. When the non-organic plastic particles that remain are eaten by marine animals, they enter the food chain.

Eliminating limited-use plastic bags requires negligible infrastructure and will save on local and state government clean-up costs. South Australia, Tasmania, ACT and the Northern Territory have introduced bans on the distribution of single-use lightweight plastic bags at retail points of sale. A review of the ban in South Australia recommends considering an extension of the ban to include all limited-use plastic bags.

Victoria must introduce a ban on limited-use plastic bags as a matter of urgency.

The petitioners therefore request that the Legislative Council of Victoria call on the Victorian government to introduce legislation for the purpose of putting a ban on limited-use plastic bags distributed at retail points of sale in Victoria.

By Ms SPRINGLE (South Eastern Metropolitan) (11 800 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms SPRINGLE (South Eastern Metropolitan).

**ENVIRONMENT PROTECTION
AMENDMENT (CONTAINER DEPOSIT
AND REFUND SCHEME) BILL 2016**

Introduction and first reading

Ms SPRINGLE (South Eastern Metropolitan) introduced a bill for an act to amend the Environment Protection Act 1970 to provide for the establishment and administration of a container deposit and refund scheme in Victoria and for other purposes.

Read first time.

COUNTY COURT OF VICTORIA

Report 2014–15

Mr HERBERT (Minister for Training and Skills) presented report by command of the Governor.

Laid on table.

**PUBLIC ACCOUNTS AND ESTIMATES
COMMITTEE**

Appointment of Auditor-General

Ms PENNICUIK (Southern Metropolitan) presented report.

Laid on table.

Ordered to be published.

Ms PENNICUIK (Southern Metropolitan) — I move:

That the Council take note of the report.

In doing so I draw the attention of the house to the report being tabled, which outlines the nine-month process that was undertaken by the Public Accounts and Estimates Committee for the recruitment of a new Auditor-General of Victoria.

On 8 June this year the committee wrote to the Premier advising of the committee's decision to recommend that Mr Andrew Greaves be appointed by the Governor in Council as the new Auditor-General of Victoria for a term of seven years. Mr Greaves has extensive experience in public sector audit at the highest level. He is currently the Auditor-General of Queensland, where he has served since December 2011. Prior to this, Mr Greaves worked at the Victorian Auditor-General's Office for almost nine years, overseeing both financial and performance audits. He also has extensive

experience with the Australian National Audit Office. Mr Greaves is an executive fellow of the Australia and New Zealand School of Government and a fellow of CPA Australia and of Chartered Accountants Australia and New Zealand. He holds a Bachelor of Economics from the Australian National University.

The Governor in Council accepted the recommendation and made the appointment, which was announced by the committee on 19 July 2016. Mr Greaves will commence in the role on 19 September 2016. This report was adopted by the Public Accounts and Estimates Committee at its meeting held on 15 August, this week.

Ms SHING (Eastern Victoria) — Further to the comments made by Ms Pennicuik, I would like to echo the sentiment expressed in the report and in her remarks and to thank the secretariat, who were assiduous in providing us with the necessary information to make the appointment and to finalise the report. It has been a lengthy process, culminating in a letter from the chair of the Public Accounts and Estimates Committee to the Premier on 8 June.

Mr Greaves has been selected on the basis of a very, very thorough selection process, and all members of the committee did a power of work, along with the secretariat and others, to bring this to a conclusion that will hopefully allow everyone to move forward and to equip the office with the resources, support and culture that it requires to comply with the act and all other obligations in that regard.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 30 August 2016.

Motion agreed to.

MINISTERS STATEMENTS

Child protection

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on the Andrews Labor government's continued implementation of the family violence royal commission recommendations and its work in supporting families, women and

children. Yesterday I announced a \$5.65 million statewide funding boost for Child FIRST and integrated family services, which provide vital services to children and families, including support to those experiencing family violence. Funding will be used to develop further partnerships with family violence services and to prioritise family violence responses to Aboriginal children and families. This directly responds to a recommendation in the Royal Commission into Family Violence report, which called for more funding to be provided to integrated family services so they can respond to family violence. In 2015–16 alone Child FIRST and integrated family services provided more than 35 000 cases of support to Victorian families. During that time about 55 per cent of referrals to integrated family services had family violence recorded as a factor.

Last year a Victorian Auditor-General report highlighted a significant increase in referrals to these early intervention services during 2013–14 as well as the increasing level of complexity of cases. Yet the Auditor-General found that the previous government's lack of analysis and systemic planning meant that Child FIRST and integrated family services were failing to provide effective services for vulnerable children and families.

We addressed this immediately in our first budget with a \$48 million boost to Child FIRST and integrated family services, part of the biggest boost ever to the child protection budget. This new funding this year will enable more families to access this critical early intervention service. Our first budget also included resources for an additional 148 child protection workers, the largest ever single increase to the number of child protection workers in this state. Not only are we recruiting more workers; we are addressing the job vacancies that arose under the previous coalition government. Since coming to office we have recruited nearly 300 child protection workers to get on with the job of keeping children safe. Our \$168 million *Roadmap for Reform* is shifting the focus from crisis response to prevention and early intervention, which is a key recommendation of the Royal Commission into Family Violence. Investing in early intervention and family services is critical to tackling issues early on and reducing future demand for child protection and other support services down the track.

MEMBERS STATEMENTS

Australian Renewable Energy Agency

Mr BARBER (Northern Metropolitan) — I am most disturbed to hear about further moves to abolish the Australian Renewable Energy Agency (ARENA). This is an initiative that was set up by the Greens in conjunction with the Gillard government, and the purpose of it is to invest in those most cutting-edge renewable and other energy technologies in order to move forward that transition as fast as we possibly can. Unfortunately, the Turnbull government has been out to abolish it from the get-go. Even more sadly, in the run-up to the election the Shorten opposition was willing to bank the savings from the abolition of ARENA as part of its own savings. Well, here we are back in a new Parliament and we hear there will now be a bill to try to knock off ARENA again.

This is an organisation that has already invested in over \$28 million worth of renewable energy projects here in Victoria, including everything from rooftop microconcentrator solar energy systems to the bioWAVE ocean pilot at Port Fairy. In fact our own state Minister for Energy, Environment and Climate Change put out a press release almost taking credit for that one. I would not be surprised if Greg Hunt has been doing a lot of the same even as he works to get rid of the body.

Another billion dollars could be cut if this bill passes the federal Parliament. I urge all members here in Victoria who want to improve renewable technology to advocate to their federal colleagues for the retention of ARENA.

Gippsland Small Business Festival

Ms SHING (Eastern Victoria) — On 29 July it was my great pleasure to represent the Minister for Small Business, Innovation and Trade, Minister Dalidakis, in opening the Gippsland Small Business Festival in Leongatha. It was a really fantastic event at which we kicked off a month of expo events, seminars, discussions and opportunities for small businesses throughout the region to grow their customer base, look at emerging digital markets and make the most of their product offerings now and into the future. This is one further way in which we are assisting small businesses to do what they do best.

The growth in niche and boutique options and businesses throughout Gippsland is really a fantastic thing to see. It is also great to see that small businesses throughout Gippsland have continued to take advantage

of the events, discussions and assistance available to make sure that they continue to grow. We have committed a further \$4.2 million to keep the Small Business Festival running as well as providing tax-free thresholds to make sure that small businesses can flourish and head in the direction that they want to head in as far as business expansion and development goes.

Dairy industry

Ms SHING — It was a great pleasure to join many locals at the Gippsland dairy farmers support day in Warragul, along with my colleague from the other place Mr Gary Blackwood, to have a non-partisan reflection on and celebration of how we can support those dairy farmers throughout the West Gippsland area who are doing it particularly tough. Congratulations to Bec Olsson and to so many others who made this a real pleasure of a day and provided much-needed support to those families, dairy farmers and communities who are doing it so tough.

Freedom of information legislation

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In question time today the Minister for Families and Children said, ‘I do not have control over the privacy commissioner’. That was an insightful comment, and this view across government no doubt underpins its decision to sack the privacy and data protection commissioner, David Watts, and neuter the office through the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 in the other house.

We have seen the scorched-earth approach of Daniel Andrews in seizing control of government entities like the Country Fire Authority, where the minister, the board, the CEO and the chief fire officer were all forced out. Now it is happening to the commissioner for privacy and data protection, who is being sacked along with the acting FOI commissioner. Both are to have their appointments summarily terminated and the independence and autonomy of their offices neutered by the removal of all resources and by their being brought under a chief commissioner who will control the resources while not being responsible for delivering the outcomes of the two existing offices.

This is a model that has failed in the commonwealth and New South Wales jurisdictions, and it leads to the conclusion that the Andrews Labor government is setting up these integrity bodies to fail in Victoria. David Watts has an international reputation in privacy and data security and sits on the United Nations data privacy group. The fact that Mr Watts was not

consulted by the government about the bill and has now needed to issue a public statement about the serious flaws in the bill should be of great concern to all members of the house. There is now a pattern of bullying and thuggery from the government towards the statutory offices and agencies, and this latest attempt to undermine the state integrity framework should not be allowed to stand.

Aquarena Aquatic and Leisure Centre

Mr LEANE (Eastern Metropolitan) — I was pleased a couple of Saturdays ago to represent the Minister for Sport, John Eren, at the official opening of the Aquarena complex in Lower Templestowe. This is a project that has been going for about seven years, and the outcome has just been fantastic. There is not only a pool; there is a gym, excellent disability access and a therapy pool to that end, along with childminding and a lot of other facilities. I just wanted to congratulate Manningham City Council and all the other partners in this particular development. I especially compliment the workforce that built this particular facility. They built it while the actual pool and some facilities were still operating, which is always a huge challenge when it comes to these sorts of projects. Once again I want to compliment everyone involved and look forward to partnering with Manningham council on similar facilities in their municipality.

Battle of Long Tan commemoration

Mr BOURMAN (Eastern Victoria) — Today marks the 50th anniversary of the Battle of Long Tan during the Vietnam War. D Company of the 6th Battalion Royal Australian Regiment withstood a sustained assault in a rubber plantation in the Phuoc Tuy province of Vietnam. Effectively there were 108 Australians versus somewhere between 1500 and 2500 opposing soldiers. The bravery displayed by those 108 Australians — and some Kiwis, as I learnt today — has become legend, and they have taken their place alongside those that fought in Gallipoli, the Western Front, El Alamein and Kokoda. In fact the bravery shown is typical of Australian soldiers to this day. We have always punched above our weight in a military sense.

With bravery unfortunately comes sacrifice. Eighteen fine young Australians died and 24 were wounded that day, with many more communist soldiers killed and wounded. The details of what happened are recorded in history, but we can never show too much appreciation for our citizens who take up the call and serve in the military and put themselves in harm’s way, sometimes paying the ultimate price. Lest we forget.

Forrest-Apollo Bay Road

Ms TIERNEY (Western Victoria) — Last month I had the pleasure of announcing \$323 000 worth of Andrews Labor government funding for yet another road safety improvement project on the Forrest-Apollo Bay Road. This funding will address a history of run-off-road crashes, near misses and head-on collisions due to the curves along these roads, by installing guide posts, curve alignment markers, curve warning signs and guardrails. Numerous driveways along the road will also be sealed, preventing gravel and debris from being tracked onto the roads. Work is expected to be completed before this year's busy summer period.

Warrnambool mental health and wellbeing forum

Ms TIERNEY — On another note, I was delighted to represent the Minister for Mental Health in Warrnambool last month at a wellbeing service provider forum. The forum was a chance to have a discussion with key figures in the mental health sector in western Victoria regarding the unique circumstances facing farmers in regional Victoria who may be struggling with mental health issues. This discussion came after the Andrews government announced in May an \$11.4 million assistance package to support dairy farmers and their families affected by the global fall in milk prices. Extra counselling services and mental health first aid training is also being provided through a \$1.5 million mental health wellbeing package for dairy farmers.

Mount Moriac Reserve

Ms TIERNEY — On a final note, I wish to thank the Surf Coast shire and local members at Modewarre as well as the state government for providing moneys to revitalise the Mount Moriac Reserve at Modewarre with resurfaced tennis courts, the addition of basketball and netball rings and the creation of an open play space — —

The ACTING PRESIDENT (Ms Dunn) — Time!

Pramukh Swami Maharaj

Mr ONDARCHIE (Northern Metropolitan) — It is with great sadness that I report to the Victorian Parliament and offer my condolences on the passing of His Holiness Pramukh Swami Maharaj, the spiritual head and president of Bochasanwasi Akshar Purushottam Swaminarayan Sanstha, known as BAPS. He was the inspirer of countless people and a great

servant of society. His Holiness tirelessly visited over 17 000 villages, towns and cities, sanctified over 250 000 homes, read and answered over 700 000 letters and personally blessed and counselled countless people. His Holiness was the light of spirituality in many lives and elevated society through a spectrum of humanitarian services — educational, medical, disaster relief, tribal uplift and others — as well as empowering children, youth and adults by inspiring character and love for God and country.

BAPS is global non-government socio-spiritual organisation with more than 9000 representative centres across the globe. One such active centre — better known as a mandir, or a Hindu temple — was opened in March 2012 in my electorate of Northern Metropolitan Region, in Mill Park. I have been both proud and privileged to be able to visit BAPS and be involved in their various events that include, amongst other events, the mandir opening festival, various Diwali celebrations at the mandir, the 2014 and 2015 Victorian Parliament Diwali Annakut and the Festival of Chariots, the Ratha Yatra. I have visited the Melbourne mandir on many occasions, and also the Akshardham in Delhi and the Neasden Temple in London. I joined with my family at the BAPS Shri Swaminarayan Mandir to deeply mourn the departure of the revered guruji. Our thoughts, prayers and love are with you all.

Coal seam gas

Mr PURCELL (Western Victoria) — I would also like to congratulate the Vietnam veterans on the 50-year celebration and the ceremony this morning. However, the matter I raise in my members statement is another battle that has been going on for quite a while. This is in regard to fracking and non-conventional gas exploration and production throughout rural Victoria.

On 7 August I was very pleased to accept the declaration from the Bessiebelle Macarthur area, where 97.3 per cent of the population supported the extension of that ban or the permanent banning of exploration and extraction. I accepted that declaration at Macarthur, which is a small town between Portland and Warrnambool. There were two people in particular who are very heavily involved in many, many hours of volunteer time. One just happens to be my sister-in-law, Pat Purcell from Bessiebelle, and the other is Aggie Stevenson from Byaduk, who organised this event, visited hundreds of homes and put the petition together.

My community in rural Victoria implores the government to stop fracking and declare all of Victoria gas field-free. I had hoped the government report would

have been out today so that I could congratulate them — and I hope I can congratulate them — but alas nothing yet.

Gary Elliott

Mr O'DONOHUE (Eastern Victoria) — In a similar vein to other members, I would like to acknowledge the 50th anniversary of the Battle of Long Tan today, but I would particularly like to acknowledge Gary Elliott, who I have known now for over 10 years. He is the president of the Pakenham RSL, a Vietnam veteran, and he has helped lead many of the commemorations this year. Congratulations, Gary, on everything you have done for the veterans.

Victoria Police Blue Ribbon Foundation

Mr O'DONOHUE — I would also like to acknowledge the great work of the Victoria Police Blue Ribbon Foundation in honouring and remembering the 159 Victoria Police members who have made the ultimate sacrifice, being killed in the line of duty whilst upholding the law and protecting the Victorian community. The foundation's ongoing investment in community projects throughout Victoria, particularly the funding of new and improved emergency facilities in Victorian public hospitals named in the memory of fallen police members, is truly commendable. These projects are long-lasting and fitting tributes.

In March this year I was privileged to attend the moving dedication of the intensive care staff station at the Royal Melbourne Hospital funded by the foundation as a police memorial in honour of Angela Taylor, the wonderful young police officer who tragically lost her life in the Russell Street police station bombing in 1986. It should always be remembered that policing is a dangerous occupation and police members put their lives on the line every day not knowing what may lay behind the next door they knock on or what dangers may await them at the next incident they attend.

I implore members of the house and the general community to get behind and support the foundation and its work. You can do so by purchasing a ribbon in honour of our fallen police on Blue Ribbon Day, which is held on National Police Remembrance Day, this year being on Thursday, 29 September. You can also show your support by attending the annual premier fundraising event, the Victoria Police Blue Ribbon Foundation Charity Ball being held this year on Friday, 11 November.

Battle of Long Tan commemoration

Ms FITZHERBERT (Southern Metropolitan) — I also wish to acknowledge the 50th anniversary of the Battle of Long Tan. This has become a day not just to commemorate the battle itself but also the contribution of all those who served in Vietnam. Especially given the shameful way that many Vietnam War veterans were treated after serving their country, the event that many of us attended at the Shrine of Remembrance this morning was especially poignant. It was an appropriate, fitting and stirring service, with one point of criticism from my perspective, which is that many of the veterans stood for a very long time through what was quite a long ceremony.

St Kilda Mums

Ms FITZHERBERT — I also want to acknowledge St Kilda Mums, an organisation in my electorate that I have spoken of previously, which does an outstanding job in rehoming nursing equipment, clothes and equipment for young children. In the past 12 months, along with Geelong Mums and Eureka Mums, it has distributed throughout Victoria baby goods and gear worth \$2.2 million in second-hand terms, and have rehomed 27 528 items. Recently the organisation won the Victoria Day Award for Community and Public Service. I was also delighted to attend the opening of the new expanded facilities across the road from their original premises in Vale Street, St Kilda. The organisation has paid much of its rent for the next period in advance through crowdfunding. It is an absolute success and a tribute to the local community.

Legislative Council vacancy

Ms BATH (Eastern Victoria) — This year The Nationals celebrate 100 years of unbroken political representation for rural and regional people. Mr Luke O'Sullivan has been selected to represent the people of Northern Victoria Region after Mr Drum resigned to move to federal politics. Section 27 of the Constitution Act 1975 of the Victorian Parliament states that:

The State of Victoria is to be divided into 8 regions each of which is to return 5 members to the Council.

Section 27A states that:

- (1) Subject to this section, if a casual vacancy occurs in the seat of a member of the Council, a person must be chosen to occupy the vacant seat by a joint sitting of the Council and the Assembly.

Daniel Andrews is a bully. Due to the unprecedented, monumental dummy spit by Daniel Andrews, Labor

has blocked Mr O'Sullivan's rightful entry into the Parliament. He is ready to serve his constituents in country Victoria. He duly resigned from his previous position, but he exists in limbo land. He has no staff, no office, no phone, no car and no identity within this place and this Parliament. He has no resources at all. This bears no comparison to Mr Jennings, who is able to execute all his duties due to being fully resourced for his electorate. Only entry into this room is barred, and this can be remedied by the production of documents that should be in the public domain. This is a disgrace. It flies in the face of protocol, which usually sees a new member sworn in at the earliest convenience. This is an all-time low for this Labor government, and shows Daniel Andrews holds country Victoria in contempt.

Ms Pulford — On a point of order, Acting President, I believe Ms Bath was reflecting on the Premier in a way that is inappropriate, and I would seek your ruling on that.

The ACTING PRESIDENT (Ms Dunn) — Order! Minister, if you would not mind clarifying in what way.

Ms Pulford — On the point of order, Acting President, Ms Bath used the expression, 'Mr Andrews is a bully'. I think that reflects on the Premier in an inappropriate way, and I seek your guidance about whether that is an appropriate way to reflect on another member of the Parliament.

Ms Bath — On the point of order, Acting President, Mr Andrews has basically blocked the constitution of this Parliament.

The ACTING PRESIDENT (Ms Dunn) — Order! I am sorry, Ms Bath; that is a debating point. If in fact you did reflect on the Premier as a bully, that is unparliamentary and out of order. However, if you referred to bullying behaviour, I would accept that. I must admit I did not hear exactly the words you uttered, so I provide you with that advice.

Ms BATH — Mr Andrews exhibits bullying behaviour.

The ACTING PRESIDENT (Ms Dunn) — Order! I will accept that. However, if you did initially in your contribution call the Premier a bully, I ask you to withdraw.

Ms BATH — Certainly, Acting President, I withdraw that comment.

NAIDOC Week

Mr EIDEH (Western Metropolitan) — I rise to speak briefly on this year's NAIDOC Week events in my electorate in July. This year's NAIDOC Week was a time for Australians to reflect on and acknowledge the contributions that Aboriginal and Torres Strait Islander people have made to our community. I am proud of our state's commitment to celebrating the history, culture and achievements of Aboriginal and Torres Strait Islander people, and this was evident through the many local events organised by councils and local community groups to show their appreciation and support of Indigenous Australians.

The awards given during NAIDOC Week are testament to the contribution made by Indigenous Australians. This year 10 citizens were awarded for their outstanding contribution to improving the lives of Indigenous people in their communities and promoting Indigenous issues in the wider community. This year's NAIDOC Week theme was 'Songlines: The living narrative of our nation'. Songlines are an important part of the identity of Indigenous Australians. They are a celebration of the journeys that their ancestral spirits made as they created this land, animals and traditions. These storylines have been passed down by elders and shared for generations to further strengthen their connection to the land and sea. This is indeed a very fitting theme to reflect on the rich history and diversity of one of the oldest continuing cultures on the planet. It makes me proud to see such a strong relationship between Indigenous Australians and the rest of our community.

Battle of Long Tan commemoration

Ms LOVELL (Northern Victoria) — Today marks the 50th anniversary of the Battle of Long Tan, one of the most significant battles in Australia's military history. On this day 50 years ago 108 brave Australian soldiers faced over 2000 Viet Cong in the Battle of Long Tan. Eighteen Australians lost their lives in this battle and 24 were wounded. For the Viet Cong the casualties were worse, with 245 deaths and 350 wounded. Australian forces fought in the Vietnam War from 1962 to 1975. Over this period more than 60 000 service men and women served in Vietnam; 521 Australians lost their lives during the conflict, over 3000 Australians were wounded and many more suffered wounds that cannot be seen.

As we commemorate this 50th anniversary our thoughts are with those who will never return, those who served and returned and their families. We also acknowledge the ongoing battle that has seen many of those who

returned take their own lives or continue to suffer to this day.

I was a very young child for most of the years of the Vietnam War, and my memories are few. However, I do clearly remember running to open our front door and seeing a soldier in full uniform standing in front of me. It was our neighbour Wayne, who had been conscripted and was about to leave for training in Queensland. In later years I remember the controversy and the protests that seemed to dominate the television news services. I also remember the troops returning. I remember my parents' outrage that these troops were not welcomed home as heroes and my parents telling us that we should always remember the sacrifices these service men and women made to serve our country.

I am extremely pleased that today our Vietnam veterans are held in the same esteem as those who served our country in conflicts prior to Vietnam and also those who have served in more recent conflicts. Lest we forget.

Minister for the Prevention of Family Violence

Ms CROZIER (Southern Metropolitan) — Just three months ago there was an announcement that the Minister for the Prevention of Family Violence would be co-chairing the steering committee to implement the Royal Commission into Family Violence recommendations. Reports today have now indicated that the minister has had 220 of the 227 recommendations of the Royal Commission into Family Violence taken off her by the Premier, which is more evidence that the Premier has a habit of disrespecting his female colleagues. We have seen that with the sidelining of the former Minister for Emergency Services, Jane Garrett, and now the dumping of the Minister for the Prevention of Family Violence, Fiona Richardson, from this important role.

When ABC's *Australian Story* did a feature piece on Minister Richardson earlier this year you could not safely stand between Daniel Andrews and the television cameras. Daniel Andrews was happy to use Minister Richardson and her family for base political gain, but now that she appears to be of less value to him he has sidelined her in favour of his right-hand man, Gavin Jennings. It is becoming patently clear that Daniel Andrews has a problem with strong women. He waxes lyrical about equality day in, day out, and this demonstrates that he is nothing but a hypocrite if he sidelines a senior female minister in the way that he has done in recent days.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016

Committed.

Committee

The DEPUTY PRESIDENT — Order! I note that on Tuesday the house agreed to an instruction motion moved by Ms Pulford to consider out-of-scope amendments relating to the Biological Control Act 1986.

Clause 1

The DEPUTY PRESIDENT — Order! I call Mr Barber to move his amendments 1 to 6, which all relate to the proposed omission of clause (a) of the purposes clauses, concerning the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. I consider these amendments a test for Mr Barber's further amendments 7 to 13 and 17 to 27.

Mr BARBER (Northern Metropolitan) — I move:

1. Clause 1, lines 4 to 7, omit all words and expressions on these lines.
2. Clause 1, page 2, line 1, omit "(b)" and insert "(a)".
3. Clause 1, page 2, line 4, omit "(c)" and insert "(b)".
4. Clause 1, page 2, line 12, omit "(d)" and insert "(c)".
5. Clause 1, page 2, line 18, omit "(e)" and insert "(d)".
6. Clause 1, page 2, line 26, omit "(f)" and insert "(e)".

I believe these amendments are a test for those substantive issues that I want to pick up relating to clauses 3, 4, 5 and 6. I have also got a couple of brief questions for the minister as well.

The DEPUTY PRESIDENT — Order! Does Mr Barber want to talk about his amendments now before I put the question?

Mr BARBER — Actually just in the way of a question or two for the minister, through you, Chair. In the minister's closing in the second-reading debate she mentioned in relation to this committee that she had consulted some of the recent members of the committee and that there seemed to be little support for continuing the committee, hence the clause that we are dealing with, which aims to abolish the committee, and the purpose of my amendment is to not abolish the committee.

One of the members, who is detailed at section 65(3)(g) of the principal act, is:

... a person whose name is included in a panel of not less than 3 names submitted to the Minister by a body that the Minister considers to be representative of conservation interests ...

Can the minister tell me who the most recent representative on this committee was for conservation interests, please?

Ms PULFORD (Minister for Agriculture) — I am seeking the name of the person that Mr Barber is seeking. I do not believe this should take terribly long, but perhaps while we are tracking that down — and by way of explanation, the reason that is not easily brought to hand is that the committee has not met for three years — I will restate for the record and for members in the chamber for this committee stage what I said on Tuesday evening in the second-reading debate.

My predecessor, Peter Walsh, contacted in 2014 the eight stakeholders with an interest in this and received five letters in response supporting the abolition and certainly no correspondence, I am advised, in opposition to the abolition. I wrote again, in 2015, seeking to satisfy myself that that was still the contemporary state of everybody's view on this, and the department spoke to all members and all nominating bodies, and all have agreed to the abolition of the committee. If Mr Barber is happy for us to keep moving along, I will provide that name as soon as we can possibly do so.

Mr BARBER (Northern Metropolitan) — I think we will inevitably have to move on. I just want to make one further point. I have gone back to some of the members who were on the committee even further back in the years, including Friends of the Earth, who were paying particularly strong interest to the impacts of agricultural chemicals and sprays, and continue to do so. My understanding is that the most recent conservation interest represented under subsection (3)(g) was actually someone from the Landcare sector.

The members of this committee included, according to this section, people who work with agricultural chemical products, representatives of manufacturers of agricultural chemical products, representatives of the aerial spraying industry, a representative of the ground spraying industry, a representative of the interests of consumers and someone who is a representative of local government. While I agree that the Landcare movement is certainly a conservation interest, they are also actually a consumer of sprays; they use agricultural

chemicals to do their work. That is really doubling up in relation to consumers and other people who are directly involved in using it. While technically they might fall under the realm of having a conservation interest, I would have thought a conservation interest would have been represented by people who are worried particularly about the impact of these chemicals on the environment. It is my information that due to the way the committee was run and due to the nature of the committee and the fact that it is clearly stacked with people who have an interest in consuming, manufacturing and using the sprays there was little to be gained back then in Friends of the Earth continuing its involvement.

It seems perhaps your predecessor, Minister, decided to put someone on there who really was just another consumer of the product. If at some point we can get onto the record who the last conservation representative was, that would be handy. However, I think we should proceed and I am certainly intending to proceed with my amendments to retain this committee under the act, which is tested here in clause 1.

Ms PULFORD (Minister for Agriculture) — The name Mr Barber seeks, I am advised, is Mickey Beresford.

Committee divided on amendments:

Ayes, 5

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

Noes, 33

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

Amendments negatived.

The DEPUTY PRESIDENT — Order! I ask Ms Pulford to move amendments 1 and 2 which relate to the proposed insertion of new clauses to amend the Biological Control Act 1986. I consider these

amendments a test for Ms Pulford's further amendments 3, 4, 5 and 7.

Ms PULFORD (Minister for Agriculture) — I move:

1. Clause 1, page 3, line 20, omit "86A." and insert "86A; and".
2. Clause 1, page 3, after line 20 insert—

“(g) to make amendments to the **Biological Control Act 1986** required as a result of the Biological Control Amendment Act 2016 of the Commonwealth.”.

In doing so, just for the benefit of the house I will explain the purpose of these. The house amendments will make a minor change to the definition of 'organism' under the Victorian Biological Control Act 1986, an act which makes provision for the biological control of pest species in Victoria. This act is part of a nationally harmonised framework of biological control legislation, reflecting the commonwealth Biological Control Act 1984. This framework facilitates the biological defence of Australia's agricultural prosperity and biological diversity through a harmonised scheme of biological control legislation across all of Australia's states and territories and the commonwealth. The house amendment makes a small amendment to the definition of organism under the act to enable 'virus' and 'sub-viral agent' to be included in the definition.

The Victorian government, through the national forums of the National Biosecurity Committee and the Agriculture Senior Officials Committee, agreed in May of this year to endorse the national harmonisation approach and to align the Victorian legislation with corresponding amendments in the commonwealth legislation. The commonwealth amendments received royal assent in March of this year.

What this is all about is enabling Victoria to take part in a 20-year coordinated national biocontrol plan for the control of rabbits. It is a nationwide plan scheduled to begin in the autumn of 2017 and involves the release of a new naturally occurring strain of rabbit haemorrhagic disease virus RHDV1-K5. The strain, known as K5, targets invasive European rabbit populations and is not harmful to other species.

Through these national arrangements Victoria has committed to implement this minor definitional amendment by 1 January 2017 in order to participate in the national K5 program. I take this opportunity to extend my thanks to members for agreeing to broaden the scope of this committee stage to enable us to make this very minor but important and timely change.

Mr DAVIS (Southern Metropolitan) — The opposition will support the amendments.

Amendments agreed to.

The DEPUTY PRESIDENT — Order! Now I call on Mr Young to move his amendment 1, which seeks to abolish any advisory committee established under section 86A of the Wildlife Act 1975. I consider this amendment as a test for Mr Young's remaining amendments 2 to 7.

Mr YOUNG (Northern Victoria) — I move:

1. Clause 1, page 3, line 20, after "86A" insert "including abolishing any advisory committee".

Just to explain, this and all the following amendments in my name relate to the same issue, which is the abolition of the Emergency Closures Advisory Committee set out in the act. This is due to the fact that the emergency closures committee is from a time when the Game Management Authority (GMA) did not exist. Now that we do have a statutory authority in the GMA, it is appropriate that that body, which has all the expertise, knowledge and resources to investigate matters previously done by the emergency closures committee and provide advice to the minister, perform those functions.

Mr DAVIS (Southern Metropolitan) — The opposition will support the amendment proposed by the Shooters and Fishers Party.

Ms PULFORD (Minister for Agriculture) — The government will also support Mr Young's amendment. We too have been discussing with stakeholders and members of the emergency closures committee the very matter which Mr Young raises, and I think this is a good improvement to this legislation. I thank Mr Young for moving his amendment.

I might just add for completeness, in addition to Mr Young's comments about how we have the Game Management Authority that is incredibly well placed to serve the government in terms of providing this advice, that if agreed to by the house and the other place this amendment would require the minister to consider the advice of the Game Management Authority prior to publishing a notice under section 86A(1), which is the relevant provision.

Ministers will also receive advice from the Department of Environment, Land, Water and Planning (DELWP) pertinent to the environmental impacts of seasonal conditions. In forming this advice DELWP will continue to meaningfully consult with external experts,

including Birdlife Australia as the recognised society of ornithologists, and of course the government will rely on the advice of the Game Management Authority and continue to engage with the many organisations that have strong views on this issue.

Mr BARBER (Northern Metropolitan) — Just on this amendment made by Mr Young and also I think intermingled with the other changes that are made by the bill itself as to the emergency declarations, I have got a number of questions. Minister, you have been engaging with stakeholders in relation to this proposal to abolish this committee. This committee and the membership on it of the Royal Australasian Ornithologists Union (RAOU), now generally known as BirdLife Australia, are the only source of independent ecological advice, independent of the Game Management Authority, whose job it is to actually promote hunting, and independent of the department and all their various agendas.

The independent advice that at the moment you must consider before you make these emergency declarations comes from BirdLife Australia, and you are voting on the urging of the Shooters, Fishers and Farmers Party to abolish it. What has BirdLife Australia said to you about this proposal to abolish the committee that they sit on?

Ms PULFORD (Minister for Agriculture) — They are supportive of the abolition. The committee, as Mr Young rightly points out, is something of a relic from the arrangements that preceded the establishment of the Game Management Authority, so we have discussed this with the organisations that are required to nominate a representative to the emergency closures committee.

The question about the role of the emergency closures committee is something that certainly came sharply to light for the government and for interested parties earlier in the year. We were managing what can only be described as a very difficult duck season this year. The emergency closures committee was convened; the committee was unable to make a recommendation to government. The government proceeded to act on the advice of the Game Management Authority, and the then Minister for Environment, Climate Change and Water and I received advice from our respective departments on the matter of that emergency closure, but it is a step that does inhibit government's ability to be nimble in responding to quickly changing conditions. The government will, as a result of the amendments that we have presented in this legislation, be able to respond to changing conditions much more quickly, both in the case of emergency closures where

there are numbers of protected birds present and a need to change the arrangements for duck season exist, and similarly in the case of providing opportunities for hunters by reopening more quickly as well.

What we had — and this was brought into really stark relief earlier this year — was an incredibly cumbersome set of arrangements that require notification upon notification and publication in a printed newspaper circulating in the local area affected. Of course not all of these publications are printed on a daily basis, and so we now have a whole lot of other ways that we can use to communicate much more quickly with hunters to advise them of changing circumstances. Indeed I know Mr Barber is aware of that GMA's app, because he has asked me about it in question time on a previous occasion. The purpose of these amendments is to enable a much more nimble response for the benefit of those who participate in duck hunting season and also to make possible changes in arrangements to protect environmental values and to ensure protected species in the same manner.

Mr BARBER (Northern Metropolitan) — Thank you, Minister. We will come back to your amendments and the debacle that was last year's duck season shortly. But just back onto Mr Young's amendments, it would have been better, I think, if you said that you were advised that BirdLife support the abolition of this committee, because then I would have been able to say that you have been wrongly advised. I spoke yesterday to the CEO of BirdLife, who said that they did not want the committee abolished, but they did want major changes to the way this committee operates, because quite clearly it is stacked with shooters. BirdLife are the one group on it that actually represent an independent, ecological interest. Given the timing of those discussions, can I ask you: when did you first decide that you were going to entertain the abolition of the committee? Was it when Mr Young produced his amendments back on Tuesday afternoon of this sitting week?

Ms PULFORD (Minister for Agriculture) — Mr Young presented his amendments and we actually tried to talk to one another late last week, and then Mr Young communicated his desire to seek this amendment to me through an adviser in my office. But I can say that I certainly reflected on the function and purpose of the emergency closures committee at the time that it was unable or unwilling to provide me with advice on a matter where some urgent advice would have been much appreciated. The convening of the committee was required by legislation. I had advice from the Game Management Authority that the emergency closures committee met and did not make a

recommendation to government, so it was certainly very clear to me on that occasion that there were limitations to its effectiveness as a source of advice to me.

Mr BARBER (Northern Metropolitan) — I am just getting the time lines: Mr Young presented the amendments to you I am assuming sometime around Tuesday afternoon, when he shared them with the rest of us, and it was then that you decided that they were a good idea. Following that, you then sought to make contact with BirdLife, which are, as I say, the ecological representative on this committee. Is that the way that the sequence of events has rolled out this week?

Ms PULFORD (Minister for Agriculture) — The committee in its current composition is not serving the purpose that the writers of the legislation would have envisaged. The committee has two vacant positions, and the committee when it last met was unable to provide advice to government, so it was not a set of amendments that the government sought to introduce initially. But when Mr Young proposed this change I was certainly comfortable with it, knowing that the committee is unable to be convened in its current composition and that when it last met — when the government last sought its advice — it was unwilling to provide advice to government.

Mr BARBER (Northern Metropolitan) — Yes, Minister, but your bill was supposed to fix all that. You brought into the lower house, passed it through there and brought up to this house a bill which contained a fix for the very problem that you described. In fact not only did your bill not abolish the committee but it actually added an extra member to the committee to increase its size from six to seven, had a member actually nominated to you and also changed the name from RAOU to BirdLife. Your solution, which was going to fix the problem you had in duck season last year, was actually to change the structure of the committee, not to get rid of it. I just want to be sure that you changed your mind when Mr Young presented his amendments on Tuesday and that then you went to speak to BirdLife to inform them about what it is you are intending to do now in voting for the Shooters and Fishers Party amendments.

Ms PULFORD (Minister for Agriculture) — The government only advised Mr Young that we would support his amendments after discussions with BirdLife. I am sure Mr Young could confirm it was really quite late in the day on Tuesday that I confirmed to him that the government was happy to support his amendments. As I indicated earlier, in my experience

the Emergency Closures Advisory Committee has not been able to provide me with advice to assist in making decisions. On the one occasion on which it was convened in this season it did not make a decision. The purpose of the amendments in the bill that relate to the Wildlife Act 1975 are essentially about modernising and truncating the notice period so that the government is more quickly able to enact closures when that is required but similarly that when circumstances change and areas are able to be open to hunters they are also able to be done more efficiently for all interests in this debate.

Mr BARBER (Northern Metropolitan) — Again, I am still not sure exactly why it is that you have preferred Mr Young's approach over your own, because your bill intends, as stated in the explanatory memorandum, that:

If it is impracticable for the minister to obtain the advice of the advisory committee, the minister may obtain the advice of the Game Management Authority —

instead. So you have given yourself a possibility here with this clause to just simply skip over that step and go on and declare a wetland closed. You seem to suddenly have decided when Mr Young mentioned it to you that, rather than improving the committee and giving yourself more administrative flexibility in relation to the committee, you will actually just get rid of the committee. As I say, it is the only body in this whole scheme of decision-making where you must at least consider the advice they are giving and where an independent scientifically-based ecological group is going to give advice.

If it is in order to deal with a few more of the issues around these amendments before we actually vote on Mr Young's amendments, in relation to your bill, Minister, what was it that was so difficult about the operations of the clauses in the principal act in the run-up to — that is, the week prior to — the opening of duck season last year that has led to this bill itself being presented?

Ms PULFORD (Minister for Agriculture) — The provisions in the legislation as it currently stands require multiple notice periods and really take up to a week to be given effect to, as was the case on a number of occasions in the duck season that we had in 2016 because of dry conditions. It was a difficult season to manage. The government certainly recognises this and I think so too do hunters and those who would prefer that duck hunting did not occur in Victoria. The arrangements as they stand are slow to enact, and when conditions change quickly it is important that closures are able to be given effect to quickly. After some of the

challenges associated with managing this season, I brought these deficiencies to light. I undertook — and I have spoken about this in the house on a number of occasions — to improve the operation of these arrangements.

I understand that Mr Barber would quite prefer that there was no season at all, but what we are seeking to do through these amendments is enable a more efficient and frankly a more modern set of arrangements where people can be notified electronically and where the requirement to publish in newspapers is no longer required. We believe we can much more effectively contact people and contact people quickly to advise them of closures.

I would add to that that circumstances around the emergency closure on the opening weekend were very, very inconvenient for many hunters. I know Mr Young has spoken to me about people he knows who were impacted by this. I recognise that for many people this is a very important weekend — that people plan it a year in advance in family groups or friendship groups. They make their arrangements well in advance, so as the government was seeking to ensure the protections were in place for that weekend we were dealing with a very, very cumbersome set of processes. The very late notice that hunters were given I recognise is well short of best practice.

This is one of the reasons — in fact this is the most obvious reason — why the government chose to improve the operation of these provisions. If the Council is willing on this occasion today, we will be able to give effect to closures in more like two days than five or six or seven, depending on what day of the week publication is required, which in turn depends on what day of the week sightings of birds in wetlands occur.

Mr BARBER (Northern Metropolitan) — So, Minister, in the run-up to this year's duck season opening day, which was a Saturday, on what day were you advised by your advisers, the GMA, the department or whoever that there were 155 blue-billed ducks at Lake Elizabeth? On what day, in that time line that you have been expanding on, were you told that?

Ms PULFORD (Minister for Agriculture) — It was the Tuesday of that week.

Mr BARBER (Northern Metropolitan) — And when did the GMA first know that there were 155 blue-billed ducks at Lake Elizabeth?

Ms PULFORD (Minister for Agriculture) — Late on the Monday.

Mr BARBER (Northern Metropolitan) — And then what was the next step, them having become aware? They then sought to convene the wetlands closures committee — am I right about that?

Ms PULFORD (Minister for Agriculture) — On the Tuesday, after receiving this advice, I spoke with Minister Neville, who had similarly received advice from her department. On the Wednesday I sought that the emergency closures committee be convened. The committee was not convened until quite late in the day on the Thursday, and a closure was enacted on the Friday. Many of the hunters at Lake Elizabeth, I am told, had been in place for a couple of days by the time they got notice, and they were more than a little inconvenienced by the late notice. It was, I think, a very clear example of why we needed to put in place some arrangements to enable the government to make these decisions in a much, much more responsive way.

Mr BARBER (Northern Metropolitan) — Well, how much more responsive could it have been, Minister? The GMA only detected the birds on the Tuesday and, as you say, the hunters had arrived a couple of days early to start shooting on Saturday. Is the problem here the cumbersome process or is the problem here the inability of the GMA to actually know where all these threatened species are across a vast number of wetlands when the birds themselves are constantly moving?

Ms PULFORD (Minister for Agriculture) — The mechanism that was used to close Lake Elizabeth to hunting on that Friday afternoon was not the conventional mechanism that exists in this legislation. It was a notice under a different set of regulations given effect by the Secretary of the Department of Environment, Land, Water and Planning. Had that mechanism not been used, publication in the *Government Gazette* would not have been possible until the following Monday, and it could not have been put into effect until the Tuesday. That is the situation that we faced, and to me that is unacceptably slow. That is why we are seeking to make these changes today.

Mr BARBER (Northern Metropolitan) — Thank you for that information, Minister. I was aware that that was the mechanism used because I actually visited Lake Elizabeth on the Saturday morning and saw the notice. But that was not what I was dealing with. I will support your new clauses in this bill, but I want to get to the bottom of how they will operate.

You say the problem was that hunters were inconvenienced because they were not allowed to go shooting on this wetland that contained 155 blue-billed

ducks which they, who had been there for two days, had not reported but the GMA somehow found out about. The new mechanism you have here, though, does allow you to do an emergency closure for seven days virtually on a whim, on the spot. If you use that measure, and I certainly hope you do use that measure whenever you observe that there are threatened species on a wetland, then the poor little duck hunters are going to be inconvenienced because you will use that mechanism whenever those species are spotted.

I find it amazing that the people who participate in this cruel sport that the vast majority of Victorians oppose still manage to sound both like victims and at the same time entitled to shoot on a wetland where there are 155 blue-billed ducks, a threatened species, present. But the issue would be, would it not, that under this new clause you will be able to snap your fingers and stop shooting for seven days whenever you want to at any stage under one new mechanism and under the other mechanism, if you want to do a larger and more long-running closure, you will actually have to go through a whole range of steps, so you may be removing the cumbersome bit of the old scheme. Personally I believe it was the injunction by Animals Australia on the Friday afternoon that finally spurred you and your fellow minister into action. But certainly in terms of this extra clause here, the seven-day closure, is it not correct that you will be able to do that any time you want to?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his further questions on this. It is not the government's intention to use that mechanism again. The circumstances that we had that week of opening season this year were frustrated by the emergency closures committee not making a recommendation and the short time in which we had to operate while complying with legislation that steps out a number of measures that take many more days than we had available after having been advised of the presence of blue-billed ducks on the Tuesday. That is not the same type of closure. The closure that the secretary of DELWP gave effect to was a closure of the entire wetland rather than just a control over hunting activity on the wetland. So for instance when you were there on the Saturday you were in contravention of that closure.

Mr Barber interjected.

Ms PULFORD — Is that right? Your Facebook page suggested you got pretty close to the fence, Mr Barber, and you know it — but I see the photo got subsequently removed. The point is that to give this the effect that the government needs in terms of managing

these issues it would not be our intention to use the other mechanism, because it is entirely more prohibitive in terms of the access to the wetland for all other purposes. I do not think we need to throw the baby out with the bathwater as such. Whilst that was a mechanism that was available to us — and I can certainly assure Mr Barber that it was something exercising my and Minister Neville's mind a great deal that week, about how we managed this change in the lead-up to the opening weekend, which is of course the biggest weekend by participation numbers and the weekend that is most important to people who participate in duck hunting — the government does not intend to use that measure again. That was an unusual set of circumstances, and we believe the provisions in this legislation will make the arrangements for making such decisions next year and in future years much more streamlined.

Mr BARBER (Northern Metropolitan) — Well, let us look at that clause 26, 'Emergency closure notices'. What it says is:

If the Minister is satisfied that any threatened wildlife or that significant numbers of protected wildlife other than game is under immediate threat of destruction, injury or disturbance from hunting or the presence of hunters, the Minister may, by notice published in the *Government Gazette*—

- (a) prohibit absolutely or regulate or control the taking or destroying or hunting of any particular kind or taxon of wildlife in any area and for any period, not exceeding 7 days, specified in the notice ...

So is it not the case that if the same situation arose and on the Tuesday you found out that there were 155 blue-billed ducks on Lake Elizabeth, you could in fact ban all hunting on that wetland at any moment of your choosing, assuming you could get out a copy of the *Government Gazette*. You could do it Tuesday afternoon; you could do it Wednesday morning; if you found out about the ducks on Friday morning, you could do it on Friday, and there would be no shooting on Saturday. Is that the way this new clause will operate?

Ms PULFORD (Minister for Agriculture) — Yes. That is precisely what it is designed to enable.

Mr BARBER (Northern Metropolitan) — Well, I really hope you use it liberally, Minister, because as well as the lawyers picnic that you were going through at that particular time last year, you were no doubt getting monstered by the shooters lobby, who were having a complete tanty about this whole matter, when the real issue should have been that there were 155 threatened ducks on that wetland and that shooting was not appropriate. So I am glad to hear you say that

in the same circumstances with the same facts you would use this new law to achieve the same result.

Just one more question. As you noted, I was at the wetland itself, and I was at other wetlands on that day. Have you yourself yet visited a wetland where shooting is occurring on duck hunting opening day or at any time during the season?

Ms PULFORD (Minister for Agriculture) — No, I have not.

Committee divided on amendment:

Ayes, 33

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

Noes, 5

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

Amendment agreed to.

Amended clause agreed to.

Clause 2

The DEPUTY PRESIDENT — Order! I call on Ms Pulford to move her amendment 3, which has been tested by her earlier amendments.

Ms PULFORD (Minister for Agriculture) — I move:

- Clause 2, line 24, after “Act” insert “(other than Part 8)”.

Amendment agreed to; amended clause agreed to; clauses 3 to 8 agreed to.

Clause 9

The DEPUTY PRESIDENT — Order! We are now dealing with clause 9. I call Mr Barber to speak on his amendment 14, which seeks to omit clause 9. I understand this is a separate issue to his previous

amendment and is a test for his further amendments 15 and 16.

Mr BARBER (Northern Metropolitan) — As I said during the second-reading debate, I think public attitudes and changing practices in this area are moving along quite fast at the moment, and therefore the difficulty that this clause poses is that it will in fact slow down any necessary changes that could be made at the time of relicensing because licensing will occur every four years rather than every three years. I believe a lot is going to change in the next few years, and for that reason we are voting against this clause.

Ms PULFORD (Minister for Agriculture) — Just briefly, we will be seeking for this clause to stand part of the bill. To respond to Mr Barber, again in part restating some comments from the second-reading debate, in 2015 there were 147 active licences. These are research licences with well-established organisations that are consistently compliant. This is a red tape reduction to enable a smoother operation of longer term ongoing studies. We are not seeking to remove the options for a one, two or three-year licence; they are more appropriate for shorter term studies. This is just to provide a further option.

I would add to that that there is a code of practice that exists. Indeed these arrangements are overseen by an animal research ethics committee. I understand Mr Barber's desire that there be close monitoring of this kind of research, and I absolutely agree that there must be close monitoring of this kind of research, but this is to make simpler the operation of long-term ongoing studies. It is a simple change, but I am confident that the protections are absolutely in place to ensure that standards that we would all expect are complied with.

I would also add to that just for context that we are currently consulting on fee increases for this type of research licence and intend to continually improve the auditing process. This is obviously an area of great interest to the community, but I think Mr Barber is unduly concerned about a very, very minor red tape reduction. It will not result in any reduction in oversight of this kind of research.

Mr DAVIS (Southern Metropolitan) — As much as it pains me to say so, on this occasion we are persuaded by the government's arguments. In that sense we will not support the amendment.

Committee divided on clause:*Ayes, 33*

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

Noes, 5

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

Clause agreed to.**Clauses 10 to 25 agreed to.****Clause 26**

The DEPUTY PRESIDENT — Order! I call Mr Young to move his amendments 2 to 5 to clause 26, which have previously been tested by his amendment 1.

Mr YOUNG (Northern Victoria) — I move:

- Clause 26, page 18, line 6, omit "Subject to subsection (1B), before" and insert "Before".
- Clause 26, page 18, line 8, omit "of— " and insert 'of the Game Management Authority.'.
- Clause 26, page 18, lines 9 to 16, omit all words and expressions on these lines.
- Clause 26, page 18, lines 26 to 30, page 19, lines 1 to 5, omit subclause (4) and insert—

"(4) Section 86A(5) of the **Wildlife Act 1975** is repealed."

Amendments agreed to; amended clause agreed to.**New clause**

The DEPUTY PRESIDENT — Order! I call Mr Young to move his amendment 6, which proposes the insertion of a new clause to follow clause 26 and has been tested by his earlier amendments.

Mr YOUNG (Northern Victoria) — I move:

- Insert the following New Clause to follow clause 26—

'A New section 107 inserted

At the end of Part XII of the **Wildlife Act 1975** insert—

"107 Transitional provision, advisory committee— Primary Industries Legislation Amendment Act 2016

Any advisory committee established under section 86A(5) immediately before the commencement of section 26 of the **Primary Industries Legislation Amendment Act 2016** is abolished and its members go out of office on the commencement of that section 26.'

New clause agreed to.**Clause 27**

Mr YOUNG (Northern Victoria) — My amendment 7 seeks to omit clause 27. I invite members to vote against the clause.

Clause negated.**New heading and new clauses**

The DEPUTY PRESIDENT — Order! I call Ms Pulford to move her amendment 4, which proposes the insertion of new clauses relating to the Biological Control Act 1986 to follow clause 27 and has been tested by her earlier amendment.

Ms PULFORD (Minister for Agriculture) — I move:

- Insert the following Part heading and clauses to follow clause 27—

'Part 8— Amendment of Biological Control Act 1986**AA Definitions**

- In section 3(1) of the **Biological Control Act 1986** insert the following definition—

"*prescribed organisms* means organisms that are—

(a) live organisms; or

(b) viruses or sub-viral agents—

but does not include live vaccines or resistant cultivars;".

- In section 3(1) of the **Biological Control Act 1986**, in the definition of *kind*, after "organisms," insert "viruses or sub-viral agents;".

- (3) In section 3(1) of the **Biological Control Act 1986**, in the definition of *organism*—
- (a) in paragraph (b), for “paragraph (a);” **substitute** “paragraph (a); or”;
- (b) after paragraph (b) **insert**—
- “(c) a virus or sub-viral agent;”.
- (4) In section 3(1) of the **Biological Control Act 1986**, the definition of *prescribed live organisms* is **repealed**.

BB Biological control

In section 4 of the **Biological Control Act 1986**, for “live” **substitute** “prescribed”.

CC Consequential amendments

In sections 19(1), 20(1), 24(1), 28(1)(b), 29(1)(a), 32(2)(a) and 35(3) of the **Biological Control Act 1986**, for “prescribed live organisms” **substitute** “prescribed organisms”.

Mr DAVIS (Southern Metropolitan) — As I flagged with the minister, I am seeking some assurances about this clause and specifically about the prescribed organisms, the biological organisms, and the protections that exist there. I am seeking an assurance from the minister that there will not be any untoward consequences of the use of these biological mechanisms.

Mr Barber — Apart from a lot of dead rabbits, you mean?

Ms PULFORD (Minister for Agriculture) — I thank Mr Davis for his question, and I note Mr Barber’s interjection. No strain of calicivirus has ever been recorded in any literature as occurring in or having an effect on any species other than its intended target.

Amendment agreed to; new heading and new clauses agreed to.

Part heading preceding clause 28

The DEPUTY PRESIDENT — Order! I call Ms Pulford again to move her amendment 5, which is a consequential renumbering to the part heading preceding clause 28, having been tested by her amendment 1.

Ms PULFORD (Minister for Agriculture) — I move:

5. Part heading preceding clause 28, omit “8” and insert “9”.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can I ask the minister to clarify for the purpose of the record, following on from Mr Davis’s question, the species she is referring to?

Ms PULFORD (Minister for Agriculture) — Yes, certainly. I referred to this when I introduced my amendment earlier in the committee stage. This is part of a 20-year coordinated national biocontrol plan for rabbits. The strain known as K5 targets invasive European rabbit populations. As I confirmed in the second reading and in the committee stage earlier today, it is not harmful to any other species. It is entirely designed as a rabbit control mechanism.

Amendment agreed to; amended part heading agreed to.

Clause 28

The DEPUTY PRESIDENT — Order! I ask Ms Pulford to move her amendment 6, which seeks to amend the repeal date of the amended act.

Ms PULFORD (Minister for Agriculture) — I move:

6. Clause 28, line 3, omit all words and expressions on this line and insert—

“This Act is **repealed** on the first anniversary of the first day on which all of its provisions are in operation.”.

Amendment agreed to; amended clause agreed to.

Long title

The DEPUTY PRESIDENT — Order! I ask Ms Pulford to move her amendment 7, which is a consequential amendment to the long title and has been tested by her amendment 1.

Ms PULFORD (Minister for Agriculture) — I move:

7. Long title, omit “and the **Wildlife Act 1975**” and insert “; the **Wildlife Act 1975** and the **Biological Control Act 1986**”.

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Report adopted.

Third reading

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a third time.

In doing so, I thank all members for their contribution to the second-reading debate and the committee stage on this legislation, which will improve the operation of a number of acts and continue to support the growth and prosperity of agricultural industries as well as a number of other areas of administration.

Motion agreed to.

Read third time.

**ROAD MANAGEMENT AMENDMENT
(BUS STOP DELIVERY POWERS) BILL
2016**

Second reading

Debate resumed from 9 June; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr O'DONOHUE (Eastern Victoria) — This bill that is before us now is a relatively straightforward bill containing just 13 clauses, and its principal purpose is to validate the power from 2 April 2012 of Public Transport Victoria (PTV) to install and modify bus stop infrastructure and bus stops and to end a temporary arrangement whereby PTV acted as agent to the Secretary of the Department of Economic Development, Jobs, Transport and Resources in carrying out these functions. This is an administrative oversight whereby PTV had mistakenly assumed that it had the legislative authority to install or modify bus stops and supporting infrastructure under division 4B of the Road Management Act 2004.

This bill has a retrospective commencement date of 2 April 2012. I know the Scrutiny of Acts and Regulations Committee is particularly alert to retrospective legislation, and as a house we should always be very careful about retrospective validation of actions that have taken place, and issues associated with that retrospective validation should be examined thoroughly and carefully. I congratulate the shadow minister, the Deputy Leader of the Liberal Party in the other place, David Hodgett, who has done such a thorough examination of this bill. Notwithstanding the retrospective nature of this legislation, the coalition will not be opposing this bill because it is, as we understand,

a tidy-up in effect to remedy an administrative oversight.

Regarding the bill itself, the key clauses are clause 1 and clause 12. Clause 1 states:

The purpose of this Act is to amend the Road Management Act 2004—

- (a) to enable the Public Transport Development Authority to exercise certain powers and perform certain functions and duties in relation to bus stop infrastructure and bus stopping points; and
- (b) to validate the purported exercise of such powers and purported performance of such functions and duties.

Not surprisingly, as stated in clause 2:

This Act comes into operation on the day after the day on which it receives Royal Assent.

Clause 12 I will just read into *Hansard*, given its centrality to tidying up this administrative oversight. Clause 12 is:

New clause 3 inserted into Schedule 10

After clause 2 of Schedule 10 to the Principal Act insert—

“3 Road Management Amendment (Bus Stop Delivery Powers) Act 2016

- (1) If during the period commencing 2 April 2012 and ending 14 September 2015 the Public Transport Development Authority or a person on behalf of that Authority purported to perform a function or duty or exercise a power of the Secretary under Division 4B of Part 4 by installing bus stop infrastructure or designating a bus stopping point, the Public Transport Development Authority is taken to have had the same functions, duties and powers as the Secretary had to do so under that Division.
- (2) If during the period commencing 2 April 2012 and ending 30 September 2015 the Public Transport Development Authority or a person on behalf of that Authority purported to perform a function or duty or exercise a power of the Secretary under Division 4B of Part 4 by removing, relocating or modifying bus stop infrastructure or removing or relocating a bus stopping point, the Public Transport Development Authority is taken to have had the same functions, duties and powers as the Secretary had to do so under that Division.”

So that is the retrospective validation of those functions. Mr Hodgett advises that in the bill briefing he asked questions about how much public expenditure was involved during this period. As I understand, bus stop

works can vary from around \$1000 or so for very minor works up to \$15 000 for the installation of a shelter, concrete pad and timetable poles. I understand at the bill briefing the departmental officials did not have a figure as to how much work had been conducted in an ultra vires way, for want of a better term, and so I would seek that that be put on the record by a member of the government. Failing that, I will take the bill into committee and ask those questions, to flag that in advance.

I suppose I also just want to make some comments about the placement of bus stops. The location of bus stops in dedicated lanes, which has the effect of slowing other vehicular traffic, I understand is done to prioritise the movement of public transport — and that is a worthy goal and a goal I think we all understand. But there is the counter point that vehicular traffic is stopped and congestion is increased when there is not a pull-off space for a bus so that that lane of traffic can continue in an uninterrupted, unimpeded fashion.

I know when the coalition came to government in 2010 that that was an issue of contention with VicRoads and the other authorities at the time. I understand that since the election of the Andrews government there have been bus stops installed along busy arterial roads such as the Nepean Highway. I am thinking of through the sand-belt area there. Bus stops have been installed without a left-hand egress to take a bus off the lane of traffic so when a bus stops to pick up a passenger or for a passenger to alight from the bus, all the cars behind it are then stopped. While the premise of giving public transport priority is a worthy one and one I think we all understand, I seek some guidance from the government, from the minister, that a rigorous analysis has been done to ensure that congestion is not being made worse by the construction of these bus stops, particularly on very busy arterial roads such as the Nepean Highway, where there are so many traffic lights already and so many causes to delay and interrupt the flow of traffic.

The other issue that concerns me about these stops that are in the left-hand lane and not off the road is the road safety implications. So the third issue is that I would seek from the minister or a government speaker — otherwise I will take the bill into committee and interrogate these issues through the committee process — some understanding of the road safety implications of these bus stops and whether there have been many collisions occurring where basically vehicles have rammed into the back of buses that have stopped on principally arterial or on other roads. Because as we know, regrettably there are many distractions now for drivers from mobile phones and social media. Of course that is illegal and should not

occur, but regrettably it does. Someone who is looking at their phone and driving down the Nepean Highway at 80 kilometres an hour with a bus fully stationary in front of them but is not aware of that could find themselves rammed up the back of that bus in an accident. Now, I do not know whether that has happened or not, and I would seek some information from the government on whether that has happened.

Regrettably we are going the wrong way with the road toll. I saw assistant commissioner Doug Fryer's remarks earlier this week that if we maintain the current trajectory, we will be back above 300 or thereabouts fatalities for the year, which is alarming and concerning. So whilst being perhaps slightly extraneous to the bill before us, it does deal with the issue of bus stops and their location and the interface between other traffic and that conflict between prioritising public transport, road safety and creating congestion for other road users. I would seek some feedback from the government on those issues: how much public expenditure has been undertaken during this ultra vires period; how many bus stops are planned to be installed in the way I have described, in a lane of traffic rather than a dedicated bus stop pad that takes the bus off from the traffic; and what traffic analysis and road safety implications have flowed from those stops, or what analysis has been done by government or government agencies in relation to those issues? As I say, they are important issues.

In a broader context, as Melbourne continues to grow the competition for space on our road network and public transport network intensifies, and it is a challenging decision for any government about what to prioritise. But, as I say, I have had feedback from constituents who live in the Mornington Peninsula area of my electorate who use the Nepean Highway to commute, and they tear their hair out, they say, at the buses stopping in front of them in that left-hand lane. I have concerns for the road safety implications, given the increase in the road toll. So there are issues.

At a time when reliability on our rail network is intermittent at best, speaking for me personally, my electorate had the debacle of the Gippsland rail line shambles from earlier this year. It was just nothing but an unmitigated shambles and disaster for commuters from the Latrobe Valley — from Warragul and Drouin — from Pakenham and some from further east even, Rosedale and the like. I noted advice from Metro Trains just now that buses are replacing trains on the Frankston and Stony Point lines due to a signalling fault. The Stony Point line punctuality and performance really needs a serious look at. It is simply not good enough. Buses seem to replace trains more often than

the trains run, and to have that sort of reliability does not encourage public transport use.

To encourage public transport use to free up space on our roads and reduce congestion, public transport must be reliable, dependable and work efficiently; otherwise people will not use it. There is no point turning up on the Stony Point line to get to work in the city with a connecting train from Frankston and finding the train is not running and the bus might be there or might not be there. It is just simply not good enough and simply unacceptable. I think the Stony Point line is the poor cousin of the rail system, and it really needs some investment, but I do not hold much hope under this government. Investment on the Mornington Peninsula has not been a priority for this government. Investment through Gippsland has not been a priority. In fact hardly a cent has been spent in some parts of my electorate by this government, despite the significant population growth.

In summary, this is a relatively straightforward bill that corrects and validates the legislative authority to install bus stop infrastructure dating from 2 April 2012. As I say, while the Parliament should be very reluctant to pass retrospective legislation, the opposition will not oppose this bill on the basis of the information and material that the government has put forward. But I would welcome a response from the minister or a speaker from the government about those questions, otherwise I will ask them in committee.

Ms DUNN (Eastern Metropolitan) — I rise to speak on the Road Management Amendment (Bus Stop Delivery Powers) Bill 2016. This bill is an obvious necessity to patch up a regulatory loophole created with the establishment of Public Transport Victoria (PTV) in 2012. It is somewhat embarrassing for the government and its predecessor that it is coming four years after PTV assumed responsibility for bus stops and related functions, but let us put that to one side for one moment.

I speak as a member for Eastern Metropolitan Region. Considering the east has been waiting for over a century for Doncaster rail to be built, buses are the main form of public transport in that region. In fact buses play an enormous role in the metropolitan region, in the outer suburbs, in the interface regions of our city and in rural Victoria. When it comes to bus stop infrastructure there is a higher order problem in that bus routes do not meet community needs, leading to low uptake and little realised benefit from the public investment on many routes.

I am now going to speak from a very localised perspective in relation to bus services in the Dandenong Ranges, an area where the installation of bus stops comes with huge challenges given the nature of the topography of the area. The services in the Dandenong Ranges are particularly poorly designed — large diesel buses ply their trade on routes that make no sense when it comes to the needs of the local community and hence have little patronage. There is a focus on radial services from Melbourne in place of services that connect neighbouring communities. Schoolchildren in the region are ferried to school by private services because the public system does not adequately service school areas. Senior citizens and people with a disability are particularly disadvantaged with this dearth of good bus services.

Some community groups have been calling for a revamp of the public transport system in Yarra Ranges and with that, bus services, and of course bus stops that support those services. One example is the Efficient Public Transport for the Dandenongs and Outer East community group. This group has been seeking input from the community on improved bus routes and higher frequency services between town centres, connecting with train lines where possible. They have done an enormous amount of work, and I do want to commend both Elissa Sutherland and David Francis for the work they have put into this particular group. They have, off their own bat, consulted with the community about what is important in relation to public transport in the Dandenongs and in the outer east. In the broadest terms, the feedback they have got is that there are a number of key elements that would actually make the bus network usable and that commuters and drivers say need fixing.

The first is the frequency of bus services. They are calling for 10 to 15-minute bus frequency on primary routes during peak hours, reflecting the needs of commuters at different times of day. They are calling for buses that connect to train services. For many years I was a local government councillor and I have to say that in my nine years in local government a constant message I received from the community was that buses do not connect with trains. And here we are, 11 years on, dealing with community members and still we do not have buses that connect with train services.

This group are calling for buses that run seven days a week and higher frequencies to accommodate the needs outlined to the local community, as well as buses that run later into the night to support community connection and local economies. Additional bus services need to be added to routes that are experiencing overcrowding. There are several routes in the outer east where buses are routinely unable to pick

up commuters because they cannot actually get on the buses in the first place, let alone stand at the bus stops and be accommodated by those bus stops. Buses should aim to connect suburbs and villages near each other in a network fashion and not create situations where commuters who want to travel to a suburb nearby are forced to travel long, circuitous routes to get to that nearby destination. In new growth areas new bus routes need to develop and of course, with that, bus stops need to be installed to support that system.

In the Dandenong Ranges, of course, there is an element of tourism, and tourists need to be accommodated in a renewed bus system. There needs to be better bus services to major employment and retail precincts, such as the major shopping centres in the region, and that requires a major rethink. Public bus services need to improve significantly to recapture the patronage of school students and older Australians, and by doing that it will in fact benefit the entire community. More energy-efficient bus services that utilise electric solar technologies, used for over a decade in buses in many other countries, should be utilised here. It would be a good long-term investment in public transport. And of course there is a need for greater attention to the surrounding pragmatic issues. That goes to bus shelters on busy routes and of course footpaths — decent footpaths — to allow people to actually get to the bus stop.

It is very fortunate that the Efficient Public Transport for the Dandenongs and Outer East community group have been working with the public advocacy group, Public Transport Not Traffic (PTNT), which also put as one of their key focuses buses, particularly better cross-town buses — frequent, direct and electric. PTNT note that poor bus services across Melbourne are forcing people into their cars, clogging roads with congestion and placing household budgets under strain as residents deal with the cost of maintaining two or more vehicles. They note that buses should be the glue in our public transport network, connecting people to trains and trams as well as other key destinations, not meandering through our suburbs once an hour.

Public Transport Not Traffic are calling for better cross-town buses that are frequent, direct and electric, running seven days a week to connect people to places that matter. It will get people out of their cars onto sustainable transport, meaning less traffic, less pollution and more liveable communities.

Buses are an extraordinarily important part of our public transport network and with that the bus shelters that support that network. When we look at buses, the reality is that the infrastructure to run buses is already

there and we certainly have no shortage of roads in metropolitan Melbourne in order to run buses so that is not an issue. Public Transport Not Traffic are calling for electric buses similar to those that have been deployed overseas, which proves that the technology is ready to go and they could be easily built here in Victoria, and in fact are built in Victoria, but I will talk to that later. It gives us an opportunity to lead the way in cleaning up our transport system and creating jobs in our economy.

I want to talk a little bit about buses and the Eastern Transport Coalition (ETC), which is a group of seven municipalities in the east of Melbourne. Their reason for being is to advocate for better public transport for their municipalities. They have some detailed information in relation to bus services and the needs of the east. They note that for many residents in Melbourne's east and south-east buses are the only public transport available within a reasonable distance to their homes. Unfortunately a lack of coordination between services, inadequate frequency, insufficient coverage and already congested roads mean the existing network is often uncompetitive and unattractive when compared to car travel.

The coalition notes that the metropolitan bus service review was established in 2010 to address these issues. They also note that less than 10 per cent of those recommendations have been implemented. I recall the bus service review; it was extensive and it was expansive. In fact it had a lot of good recommendations in terms of improving our bus service network and with that of course the infrastructure to support those bus services. It is very unfortunate that so few of those recommendations have been implemented to date.

The Eastern Transport Coalition is calling for more frequent bus services, particularly in the mornings, evenings and on weekends; additional feeder services to railway stations during peak times; express bus services running along major routes; and a review of all bus routes and stops to provide minimum service levels to all metropolitan residents. The tragedy is that at the moment all of metropolitan Melbourne cannot access buses that provide minimum service levels, so sometimes I do question how Melbourne does get its title of most livable city when there are such needs out there, particularly in relation to public transport, and buses which of course underpin that.

The Eastern Transport Coalition called for improved accessibility to bus stops, including hard-stand waiting areas, footpaths and crossing facilities, especially where stops are located on highways and arterial roads. I can think of a situation in the City of Monash where,

although a bus shelter does exist — and I cannot confirm or deny whether it was created by PTV at a time when it had the authority to do so or not — the tragedy is that residents wanting to access this particular bus shelter — —

Mr Ondarchie — Acting President, this is a very important bit of legislation, and I draw your attention to the state of the house.

Quorum formed.

The ACTING PRESIDENT (Mr Ramsay) — Order! Just before Ms Dunn continues, can I get a clarification: she is speaking on the Road Management Amendment (Bus Stop Delivery Powers) Bill 2016, is she not, in relation to powers for the PTV to build bus stops, rather than bus services?

Ms DUNN — Yes, I am. I do confirm that I am speaking on the Road Management Amendment (Bus Stop Delivery Powers) Bill 2016, which of course goes to giving power to the Public Transport Development Authority to lawfully install and maintain bus stop infrastructure and bus stopping points and lawfully conduct related activities. Of course bus stop infrastructure and bus stopping points underpin the bus services system, so if we do not have stopping points and we do not have bus shelters, then we do not have — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Ramsay) — Order! Could I have a bit of quiet in the chamber, please? I am finding it hard to hear Ms Dunn's contribution.

Ms DUNN — Thank you, Acting President. Of course if we do not have that infrastructure underpinning a service, we do not have a service at all.

Going back to the Eastern Transport Coalition, and through you, Acting President, I am pleased to see that the importance of this bill has been recognised by other members in the house. The ETC has called for buses equipped to carry bicycles on board and improvements to the process of amending bus routes, particularly regarding community engagement, to ensure appropriate and transparent consultation.

Looking at the short-term actions that could be undertaken, I am pleased to see that if this bill actually does get carriage, and I am certain it will get carriage, I can probably say fairly confidently that it will enable the Public Transport Development Authority to look at the issues of ensuring bus stops are safe, accessible and

offer a suitable level of comfort and shelter; providing supporting infrastructure, such as pedestrian crossings on highways and major arterial roads, to allow safe access to and from bus stops; accelerating a program for upgrading bus stops to be compliant with the Disability Discrimination Act 1992, particularly to allow easy wheelchair access to shelters as well as entry to buses; installing seats at stops where there is inadequate space for a shelter; and providing a detailed plan on how bus services across Melbourne will be expanded or altered to meet minimum service levels, improve coordination with trains, trams and SmartBuses and improve public transport coverage.

Do not ever deny the fact that bus stops are important parts of infrastructure to communities. I just want to draw the house's attention to a bus stop that was dearly loved by its community. It was so loved that its community kept a 24-hour vigil sleep-out at it just to ensure it did not face destruction. That is the bus stop in Emerald that is actually placed outside the Emerald Community House. What is extraordinary about that bus stop is that it was actually a project that came out of the bushfire recovery program. There was a public arts project. Interestingly in the case of that bus stop, it did not seem to have a home: PTV did not seem to think it was an asset of theirs, and the local government did not seem to think it was an asset of theirs. They actually sorted that out.

The bus stop was looking at its demise, it would seem, triggered by the posting of signage; the bus stop was used as a way to distribute community information. That is what made this bus stop extraordinary. It was more than a bus stop. It was a beautiful public art installation and a way for the community to disseminate information. However, that all seemed to become very controversial when the #LetThemStay hashtag appeared on that bus stop; that is when things went pear-shaped for that shelter. What was extraordinary was the love and affection attached to that bus stop by the local community. We should never underestimate how incredibly important bus shelters are to their communities. I am sure, should this bill pass, that the community will be pleased to know that in fact the Public Transport Development Authority can now actually lawfully install and maintain bus stop infrastructure.

I do wonder, in relation to buses generally, about the \$100 million bus package and how much of that will be applied in a meaningful way to bus shelters and how many bus shelters we will see installed, improved and maintained, because I have to say there are a lot of bus shelters in need of a bit of tender loving care. It would be nice to see that package applied in a meaningful way

not only to existing bus shelters but to new bus routes, because we certainly need new bus routes across the metropolitan region. I will talk to that a little bit, because I think what is important in this is that not only does it give authority to Public Transport Victoria but it is actually important that they apply their new-found authority in relation to bus stops to new bus routes that would actually service communities not only across metropolitan Melbourne but also across the state.

I just want to draw the attention of the house to a particular region of metropolitan Melbourne that is crying out for some new bus shelters, whether that be on existing bus routes or new bus routes, and that is the interface councils region of the state. It is a group of councils that form the transition between the urban regions of Melbourne and the rural areas of Victoria. Some of them are our highest growth areas; others are some of the green wedge areas and some of the most attractive areas on the fringe of metropolitan Melbourne.

The interface councils in their budget submission last year talked about the need for funds to implement the high-priority bus route improvements that they had identified through the Public Transport Victoria interface engagement program. They highlighted that there is a pronounced underprovision of public transport services in interface areas. The provision of bus services falls largely below what is considered a minimum service level. Each interface council has identified areas of residential land, including established areas, that are not served by a bus route. I recall that in the suburb of Rowville, an estate that has actually existed for over 30 years, there is no access to bus services, let alone Rowville rail, of course, which was promised in 1969.

In relation to the interface councils, the facts are as follows: the interface council residents have access to 1.5 public transport routes per 10 000 population — half the rate for Melbourne metropolitan residents, who have access to 3 public transport routes per 10 000 population. One hundred thousand residential interface council households do not have a bus route within 400 metres; 150 000 residential interface council households are not serviced by a bus route that operates at minimum service levels. Over half the subdivisions completed in the past five years have no bus service. Based on the current service levels, by 2026, 63 per cent of residential interface council households will not have a bus route within 400 metres of their property.

This is really critical legislation that is before us because we want to ensure that with all that growth that is going on there is access not only to bus service routes

but to the infrastructure that supports those routes, because the reality is we need to ensure that there are shelters there so people have the opportunity to have a positive experience in relation to public transport. The shelters are really important in relation to providing shelter from weather, a seat for weary legs and somewhere to wait for your bus as it comes by. I have to say at the moment the wait is too long on some routes.

The interface councils highlight that the Auditor-General's report *Developing Transport Infrastructure and Services for Population Growth Areas*, which was tabled in the Victorian Parliament in 2013, reaffirmed the inadequacy of transport services in interface areas and called for urgent investment. The report states:

... the state has failed to deliver the transport infrastructure and services needed to support rapidly growing communities.

The interface councils strongly support the need for a whole-of-government approach to the coordination and delivery of bus services, and the Greens certainly support their call. As such, the interface councils have been working extensively with local bus operators and Public Transport Victoria to identify short and long-term priority bus route improvements and to improve bus service levels within each municipality. They have come up with a range of proposed improvements. They have an incredibly useful document called the PTV interface engagement program report. There are of course summaries available of that. I am not of course going to go to the extent of reading out every single improvement, but, members, it is worth a read to understand the significant needs in the interface areas.

What is important is some of those easily implemented adjustments that improve access to important services or facilities at very low or no cost through to significant new or upgraded services to meet the growing needs of newly developed estates, which in some instances would be partly funded through efficiency gains. Interface councils also acknowledge the \$100 million budget allocation to bus services and ask that a portion of this fund is invested into their proposed improvements to significantly increase the level of access interface residents have to bus services to generate a substantial return on investment in the immediate future.

Given the car dependence of people in those regions it is an extraordinary priority. If we are to encourage people to get out of their cars and get onto buses, it is very important that we look to providing the services before people get so wedded to their cars they do not

think of other options like public transport. The benefits will include reduced road congestion, improved public transport use and frequency and less reliance on additional cars as the primary mode of transport, which most people cannot afford. An investment in the identified bus route improvements will also strongly support and strengthen Victoria's bus networks.

Back to buses generally, I want to highlight that essentially what we have on our roads at the moment are the noisy, loud, smelly diesel beasts that currently ply their trade energy-inefficiently and create air pollution, including dangerous particulates. It is time that Victoria's public buses went electric. Electric buses are quiet and clean, do not shudder with gear changes and avoid the noise and air pollution of the old diesel buses of the existing network. Electric buses would be a massive boon not only to local communities but to tourism across our poorly connected regions.

The good news story in all of this is that Victoria builds electric buses. There is a plant being established in Lara by the company Avass to build 9-metre and 12-metre electric buses. Being electric, these buses can be recharged using renewable energy purchased from grid-connected wind or solar farms and through dedicated recharging stations with solar panels. Imagine that — not only solar-powered bus stops but solar-powered buses. What an amazing way forward for public transport in Melbourne. We could lead on that happening right here in Victoria. Certainly, along with ensuring there is capability for the provision of bus stops, we should see bike racks on all buses, because if we are about really encouraging multimodal transport, we need to make sure that people can take their bikes with them. Not only that, we need to make sure that bicycle Parkiteers are installed at all bus interchanges across Melbourne.

When we look at a solar-charged electric bus network we see it would be a win-win for Victoria's manufacturing industry, the health of the community and the growing tourism sector, and certainly a win for the environment. In terms of the bill, it looks not only to retrospectively apply the authority and powers in relation to the installation of bus stop infrastructure or the designation of bus stopping points but also to give authority for the removal, relocation or modification of bus stop infrastructure or the removal or relocation of bus stopping points. The bill seeks to amend the Road Management Act 2004 to enable the Public Transport Development Authority to exercise certain powers and perform certain functions and duties in relation to those bus stop infrastructure matters I just referred to, and it certainly validates the exercise of those powers and the

performance of those functions and duties by the Public Transport Development Authority.

The Greens will be supporting this bill. We would call on the state government to expedite the proposal not only to just give authority but to revamp Victoria's bus network and to support the desperate call of communities across Victoria for improved bus services and, with that, improved bus stops and stopping points as well.

Mr ELASMAR (Northern Metropolitan) — I am glad to see the opposition and the Greens supporting the bill, and they should, because it is a good bill. Primarily this amendment is a housekeeping bill. It seeks to validate past actions concerning the allocation, construction and maintenance of bus stops and changes to bus stop locations in Victoria currently being performed by Public Transport Victoria (PTV). Presently the authority to carry out this function is vested in the Secretary of the Department of Economic Development, Jobs, Transport and Resources. The bill codifies and places this important function within the legitimate province of the Public Transport Victoria portfolio.

While this bill may appear to be a minor piece of legislation, it is important that this jurisdictional change occurs. The current administrative system is unwieldy and time consuming, as consultation between or within both agencies can lead to delays and inefficiencies in the decision-making process. The bill will legitimise past actions of PTV, which rightly or logically has carriage of this function and has been doing it for years; so it makes sense to put in place proper procedures to enable PTV to continue to operate in the best interests of bus users.

Buses are integral to our public transport system, and the locations of bus stops are often hotly debated within the community. It is impossible to please everyone, and I know PTV consults widely with the community prior to decisions being taken. I am confident it will continue to do so into the future. Elderly people, in particular, who can no longer drive are very aware of the distances between bus stops and their own desired destinations. The Treasurer apportioned a \$100 million bus package in the 2015–16 state budget. This was not allocated lightly. It demonstrates to the travelling public that this Labor government is very serious about improving access and options for bus users. It recognises the importance of a growing and ageing population.

In November 2011 PTV was established, and it began operating in April 2012. While it undertook to perform nearly all the functions of the former director of public

transport and former Department of Transport, it lacked the authority to maintain and construct bus stops. It is this omission that this bill seeks to remedy. Not only will bus stop works be legitimate, but they will be more effective, timely and streamlined processes. The bill will provide a proper legal framework and enable PTV to continue its important role in this increasingly necessary function on behalf of all bus users in Victoria. I commend the bill to the house.

Mr HERBERT (Minister for Training and Skills) — On behalf of the minister acting for the Minister for Roads and Road Safety I might take this opportunity to thank all speakers on this bill and on the government's behalf address as best I can some of the questions that Mr O'Donohue raised in his contribution. I preface my response with the fact that Public Transport Victoria (PTV) obviously has different processes to determine routes and bus stop locations. I think they are the same processes that operate now as did operate under previous governments. So there has not been a change in the processes that Public Transport Victoria uses to determine routes and bus stops.

I think one of the questions asked was how a bus stop location is chosen in order to minimise congestion impacts and minimise safety risks. I am advised that there are a number of steps in planning a route. After transport needs have been assessed and prioritised — obviously you want to put them where people need to go; that is obviously a clear thing — there is consultation with local government, community groups and the public more generally on determining what routes should be established, where they should be and where the priority needs to be. Obviously everybody would love a bus going everywhere, but it is all within limited amounts.

The impacts of a new bus service on road service levels are considered at this point. So when that consultation with local government, community groups and the public occurs around planning bus routes it is at that point where the discussions occur around the bus services, the impact, where the bus stops should be, and of course that also includes important aspects of road safety. There are obviously trade-offs, so I am advised. Congestion impacts and safety risk impacts need to be considered against the benefits associated with new bus services, including congestion reduction effects associated with those new stops.

I remember back when I was the member for Eltham I had an issue with a few bus stops in Fitzsimons Lane, to be perfectly honest, and along Main Road, Eltham, near the Fitzsimons roundabout. I did ask similar questions about the process of this.

Mr O'Donohue interjected.

Mr HERBERT — I got a very similar answer, if that is any consolation to Mr O'Donohue. There was a question about what are the processes. It is part of the same thing — designating bus stop points and installing bus stop infrastructure. I think that was the nuance on that first question. I am advised that in the planning stage, after the route planning phase is finished — that is, the one I just talked about: working out the route after public consultation — the network planners at PTV supply the network service change team with indicative bus stop locations based on spacing of approximately 400 metres along the route, with allowances for where local attractions are located: schools, hospitals, nursing homes, shopping centres.

So the planners work out within 400 metres where there are some options and also where the best catchment will be for other stops spaced at approximately 400 metres apart close to side roads, so that bus users in an area do not have to walk too far from the bus stop, and there is a range of factors like that. They then physically select the site. Physical site selections, the preferred locations, will have been identified during the planning phase. That information is used by the network service change team in conjunction with the bus operator.

At this point the bus operator comes in with the local road authority — VicRoads or a local government agency — in combined discussion to select the practical and safe locations for the stops that correspond to the preferred locations selected at planning. So they do planning, have a look at their local areas, do consultation first and within 400 metres put in some option stops where they think they are going to hit those major areas such as schools or it might be an aged-care centre or a shopping centre. They then sit down with VicRoads and the bus operator and talk about those identified stops. Clearly there would be issues, I would think, and a bus operator might say, 'Well, it's going to be hard to turn a bus of this type in this particular location', and VicRoads will have their views.

The bus stop site selection process is undertaken in a bus, with the above parties in attendance. They actually go around in the bus to where the sites are going to be with everyone in it to see how it is going to operate and where that site will be. The objective is to pick safe and practical locations for the stops that take into consideration many aspects: safety, traffic movement, bus stop accessibility, parking volume impact, affected resident impacts and the cost to upgrade to Disability Discrimination Act 1992 compliance standards. I have no idea what the costs are in terms of that, but clearly

some are going to require upgrading or new facilities. At that point they have had the consultation, they have gone around and the planners have planned the best places. They have spoken to local authorities, they have got them in a bus, they have actually travelled around and checked that it actually works.

In regard to notification, letters are sent to affected residents to let them know of the proposed bus stop installation. I think we have all probably had the experience of someone getting a bus stop put outside their house. Everyone wants a bus stop; no-one wants it outside their property. There is then a complaint resolution process. Any complaints received are then considered — I understand they are considered by PTV — acted on, feedback is given to the complainant and a final determination is made. I hope that answers that component of it.

Another aspect is to do with expenditure. I can advise that from 2 December 2014 to 14 September 2015, \$9.05 million was invested in infrastructure for 19 new bus stops; \$5.43 million under the previous government and \$3.62 million under the Andrews government to date. Under the entire term of the previous government \$253 million was expended on new and extended services, and to date under our government there has been \$214 million expended on new and extended services.

I think I have one more bit of information for Mr O'Donohue in regard to his fourth and final area, which is to do with bus stop safety. What I have to say here is that due to concerns raised, including those voiced in Parliament, PTV is about to undertake a full safety audit of all stops over the next year.

I thank the advisers and public servants in the box for that very detailed information. I hope it is of use to Mr O'Donohue. I fully commend the bill to the house.

Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).

Debate adjourned until later this day.

CROWN LAND LEGISLATION AMENDMENT BILL 2016

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Special Minister of State) on motion of Ms Pulford.

Leave refused for second reading forthwith.

Ordered that second reading be made order of the day for next day.

LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Pulford.

Leave refused for second reading forthwith.

Ordered that second reading be made order of the day for next day.

LOCAL GOVERNMENT AMENDMENT BILL 2016

Introduction and first reading

Received from Assembly.

Read first time for Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) on motion of Ms Pulford; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr DALIDAKIS (Minister for Small Business, Innovation and Trade), Ms Pulford tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (charter), I make this statement of compatibility with respect to the Local Government Amendment Bill 2016 (bill).

In my opinion, the Local Government Amendment Bill 2016, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the bill is to amend the Local Government Act 1989 (act) to prevent councillors being disqualified during the current term for failure to make a compliant declaration that they will abide by their council's councillor code of conduct. The declaration requirements were introduced by the Local Government Amendment (Improved Governance) Act 2015.

Human rights issues***Human rights protected by the charter that are relevant to the bill***Taking part in public life

Section 18 of the charter establishes a right for an individual to participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office, without discrimination.

The bill amends section 76C of the act to repeal the requirement for councils to approve a revised councillor code of conduct within four months of the commencement of the Local Government Amendment (Improved Governance) Act 2015 and the related requirement for councillors to make a declaration stating that they will abide by the councillor code of conduct approved at that time. Councils will still be required to review and amend their councillor code of conduct within four months of a general election and councillors will still have to make a declaration witnessed by the council's chief executive officer.

These amendments promote the right to take part in public life by ensuring that councillors will not be disqualified from office during their current term as a result of inadvertent failure to comply with recently introduced technical and procedural requirements.

The Hon. Philip Dalidakis, MLC
Minister for Small Business, Innovation and Trade

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).**

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Last year Parliament passed the Local Government Amendment (Improved Governance) Act 2015 which contained important reforms to the councillor conduct framework for Victoria's councils.

Councils were required to review their councillor codes of conduct earlier this year and make any amendments necessary to ensure that they contained key components of the new councillor conduct framework, including an internal resolution procedure for alleged contraventions of the

councillor code of conduct. These internal resolution procedures are intended to strengthen councils, empowering them to resolve conduct issues internally, and are an integral part of ensuring that standards in the sector are lifted.

All councillors are required to make a declaration that they will abide by their council's councillor code of conduct within a month of their code being amended. The declaration must be witnessed in writing by their council's chief executive officer. This is to ensure that all councillors are aware of their conduct obligations and adopt appropriate standards of behaviour. Councillors who fail to make a compliant declaration will be disqualified on 1 September 2016.

The Local Government Investigations and Compliance Inspectorate has recently been conducting an audit of councils for compliance with these new requirements. The reforms have had the desired effect in that the vast majority of councils appear to have reviewed their councillor codes of conduct and their councillors have made declarations as required. However some councils have raised concerns that their councillors may not have complied with the technical requirements of the legislation despite many making good faith attempts to comply. Administrative errors and failure to comply with technical requirements, such as the requirement that councillor's declarations be witnessed by their chief executive officer, will lead to unintended and arguably disproportionate consequences for a number of councils if the act is not amended.

The bill will amend the Act to ensure that councillors who have inadvertently failed to make a declaration will not be disqualified from holding office on 1 September 2016. Instead all councillors, whether newly elected or re-elected, will have an opportunity to comply with the legislation following general elections.

Any councillor who fails to comply with the legislation at that time, including any councillor who deliberately refuses to make a declaration, will be disqualified and unable to continue in their role as councillor.

I commend the bill to the house.

Debate adjourned for Mr DAVIS (Southern Metropolitan) on motion of Mr Ondarchie.**Debate adjourned until Thursday, 25 August.****MELBOURNE COLLEGE OF DIVINITY
AMENDMENT BILL 2016***Introduction and first reading***Received from Assembly.****Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Pulford.****Leave refused for second reading forthwith.****Ordered that second reading be made order of the day for next day.**

**OWNERS CORPORATIONS AMENDMENT
(SHORT-STAY ACCOMMODATION) BILL
2016**

Introduction and first reading

Received from Assembly.

Read first time for Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) on motion of Ms Pulford.

Leave refused for second reading forthwith.

Ordered that second reading be made order of the day for next day.

**POWERS OF ATTORNEY AMENDMENT
BILL 2016**

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Pulford.

Leave refused for second reading forthwith.

Ordered that second reading be made order of the day for next day.

**ROAD MANAGEMENT AMENDMENT
(BUS STOP DELIVERY POWERS) BILL
2016**

Second reading

Debate resumed from earlier this day; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Ms PULFORD (Minister for Agriculture) — It is my pleasure to join the debate on this legislation, which seeks to improve the arrangements that exist for bus stops. This is an issue of great importance to everyone who uses them and indeed the many communities where issues arise around the location of bus stops.

Mr O'Donohue has been seeking through this debate to receive further information on a number of questions, and I note my colleague Mr Herbert has addressed many of these for Mr O'Donohue. So just for the record and in response to a query from Mr O'Donohue about whether the government is confident that there is a net benefit in having bus stops on arterial roads in a lane rather than in a dedicated off-road bus stop I can

provide the following information. Ideally this would not occur, but in some situations it is better to accept — —

Ms Pennicuik — On a point of order, Acting President, I would just like some clarification regarding the conventions of speaking order in debate and the summing up of a bill by a minister — whether it is in accordance with the standing orders for a further minister to then speak on the bill. I just seek clarification.

The ACTING PRESIDENT (Mr Ramsay) — Order! I have been advised by the clerks that Ms Pulford is the minister and it is her bill, and she is entitled to a right of reply and summing up. Mr Herbert was not the minister who had carriage of the bill when he was making his contribution.

Ms PULFORD — As a member.

The ACTING PRESIDENT (Mr Ramsay) — Order! As a member, yes.

Ms Pennicuik — Further on the point of order, Acting President, if I may, I seek clarification on the minister that has carriage of the bill. The past practice that I have always been aware of is that one minister sums up — that is, the minister that has been allocated the bill. So I am just clarifying if it is possible then for all ministers to get up and speak at the end of a debate.

The ACTING PRESIDENT (Mr Ramsay) — Order! I have been advised it is possible, Ms Pennicuik. Ms Pulford, to continue.

Ms PULFORD — As I was indicating in summing up on this bill and in relation to the exchanges that have occurred across the chamber on a number of issues in response to matters raised during the course of the debate, I would just like to conclude by providing some further information to assist Mr O'Donohue with his query. As I was saying, ideally this would not occur, but in some situations it is better to accept this instead of not providing a new service. A case-by-case assessment is required, and as my colleague Mr Herbert did indicate, there is an established process for planning routes, assessing these trade-offs and making decisions. I can provide that information in response to one of the many of Mr O'Donohue's queries in relation to this matter.

I conclude by thanking all members for their contributions to the debate on this important issue that affects so many communities in Victoria. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Metropolitan Remand Centre

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Corrections. It relates to the way that prison officers at the Metropolitan Remand Centre (MRC) have been dealt with subsequent to the prison riot in June last year, described by the corrections commissioner as the worst in Victoria's history.

I have received representations from several prison officers who say they feel they have been let down by prison management and by Corrections Victoria in dealing with their welfare issues post-riot. As I am sure the minister would appreciate, the riot was a very traumatic and difficult experience for those hardworking officers who were there on the day when it took place. In hindsight we are extremely lucky that more injuries were not sustained or indeed that lives were not lost.

The action I seek from the minister is that he provide me with an outline of the processes that have been implemented following the prison riot at the MRC to ensure that the welfare of prison officers is looked after, taken seriously and dealt with for those who have issues associated with the experience of the riot.

Early childhood education

Ms SHING (Eastern Victoria) — The matter that I raise is for the Minister for Families and Children, and it relates to early childhood education and giving our kids the best start in life. For kids to miss out on early education due to financial crises, stress or difficulty is very detrimental to their development and opportunities in the longer term. I make specific reference to the Andrews Labor government's announcement on 3 August of a boost to a support package from \$4.5 million to \$6.7 million for new programs to

support dairy farmers, who have been under enormous pressure since the milk price drop and since the opening price announcements towards the conclusion of the last financial year. The package includes \$1.4 million in support for dairy farming families to receive 15 hours of free or low-cost kindergarten in the year before school for 2016.

Eligible dairy farming families will qualify for the dairy kindergarten fee subsidy initiative, which provides access to free or low-cost kindergarten for 15 hours a week for those kids in the year before school for this current year to ensure that they can continue to benefit from the critical developmental phase that they are in without cost being a barrier at a time when families in the dairy sector and in affected communities are doing it really tough. There are a number of challenges being faced by rural communities in and around Gippsland and more broadly in regional Victoria at the moment, and the dairy kindergarten fee subsidy builds on other supports that have recently been made available, including the drought kindergarten financial support.

The action I would seek from the minister is that she visit some kindergarten families who have been affected by the milk price drop, now that their cheques have dried up and the costs continue to accumulate, and discuss the benefits of the package as far as they relate to the ongoing education of their kids and the needs that they face now, which do not actually change in any regard despite the fact that the financial impost, barriers and difficulties being faced by these families are mounting and are of enormous consequence.

Aurora estate, Epping

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Planning, and it relates to the Aurora estate in Epping north in my electorate of Northern Metropolitan Region. In September 2003 the then Labor government came out through VicUrban with quite a detailed plan of what they were going to do in developing this estate in Epping north.

It is interesting that today we have been talking about bus stops, because one of the things that has been happening in the Aurora estate is that they built all these bus stops but failed to provide the buses. So there was no bus timetable for the people who bought homes in Epping north, yet they provided the bus stops. The Labor government also said in their plan of 2003 that they would:

Extend the transport corridor from Lalor railway station to provide a public transport linkage between Aurora and the

Melbourne central activities district, passing close to Epping Plaza and the Northern Hospital.

On the plans it shows a railway station at Epping north. This all started in 2003, and many of the residents bought into the Aurora estate with the expectation that they were going to get buses and a new station at Epping north — and the document says there could be an extension to Donnybrook. This was not just a one-off edition of VicUrban's plan under the Labor government; there were a number of editions. There was a 2003 edition, a 2006 edition, a 2007 edition and a 2008 edition.

Interestingly enough, the members who serve those areas, including Ms Mikakos and Mr Elasmarr, along with Ms Halfpenny and Ms Green in the lower house, have been absolutely silent on their failure to fulfil the commitments they gave to the people of Aurora all the way back in 2003. It was the Labor government that said they were going to do all these things for the people in the Aurora estate, and they have not delivered a cracker — not a single cracker.

The action I seek on behalf of the people —

Mr Finn interjected.

Mr ONDARCHIE — Not a cracker, Mr Finn. The action I seek from the minister is that he provide me and the people of Aurora an outline of when he and this government intend to fulfil the Labor Party commitments that they gave in 2003, 2006, 2007 and 2008 to the people of Aurora.

Doctors in Secondary Schools

Ms SYMES (Northern Victoria) — I direct my adjournment matter tonight to the Minister for Education, and the action that I seek is that the minister accept the expression of interest for a GP to be placed in Benalla P-12 College. Before the last state election, the government committed funding so that GPs were able to attend up to around 100 Victorian schools to provide medical advice and health care to many of those students who are most in need. It is a fantastic initiative, and it is one that will be welcomed by the Benalla community.

After the tragic death of Maxim Avdyugin at Easter time, the Benalla community has mobilised to ensure that the community is working together to address mental health and suicide prevention measures for the town. As part of the health and counselling providers, Benalla College, local government and community members have all come together to create Benalla Connect, which involves everyone working together to

ensure that people in need of assistance know where they can get help. As a result of the leadership of Benalla mayor Justin King, working closely with the state government, there is also now a dedicated Benalla Connect website and a specific phone line where you can access help and get localised information about the services available. We as a government have committed to continue this close relationship with Benalla to ensure that the most adequate and available support is there for those in need.

I was also very pleased recently to be advised that North East Health Wangaratta has been selected as a trial site for the assertive outreach pilot in which Benalla residents are in the catchment area. Anyone in Benalla who develops serious suicidal thoughts or has made a suicide attempt will have access to the specialised support at that critical time through the Wangaratta trial. Unfortunately recent comments made by a local member in the area talking about locations that have been deliberately excluded from this initiative are particularly unhelpful. Politicising the issue of suicide prevention is a poor way to assist some of our most vulnerable Victorians.

As many people know, Benalla is my home town. I understand the community well, and I have spoken to members of the school community, health providers and even parents of young people who sadly have lost their children to suicide, and none of them are happy with this type of negative approach to this delicate area issue. What they are really supportive of is campaigning for a GP at Benalla College. They think that this is probably one of the best ways to address mental health issues in our young people in this town. I implore the minister to look favourably upon the application of Benalla College for this vital service.

The PRESIDENT — I would be pretty confident that is going to be announced, perhaps next week.

Christmas carols in schools

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Education and it is regarding his office's blatant refusal or sheer inability to clarify the government's policy on the singing of Christmas carols in government schools. My request of the minister is that he provides me with written advice that unequivocally states whether religious or praise-based carols can be sung in Victorian schools without restriction. On 6 June the minister sent me a letter in response to petitions I tabled regarding the Christmas carol ban in Victorian schools.

In his response the minister said, and I quote:

The department ... has publicly available advice confirming that students in Victorian government schools can learn about Christmas, sing carols and make Christmas decorations.

This sounds great. However, principals have disputed this statement saying that they can only do that, without restriction, if the students are participating in a subject that teaches about a broad base of religions that may include Christianity, Islam, Judaism, Buddhism et cetera, and it must be taught by a teacher employed by the state, not a volunteer. So the school would have to factor this subject into their curriculum and allocate a teacher to it — something the schools say they do not have the resources to do. The schools have informed the coalition that if they do not have a broad-based religion subject, that the department guidelines issued to schools do allow the singing of some carols but also specifically prevent them from singing religious or praise-based carols that welcome the birth of Christ, which is the foundation of Christmas celebrations. Therefore the schools are left with the option to sing commercial-based carols such as *Jingle Bells*, *I saw Mommy Kissing Santa Claus*, *Santa Baby*, *All I Want for Christmas is You* or Cyndi Lauper's *Christmas Conga*. But they are specifically prevented from singing *O Come All Ye Faithful*, *Silent Night*, *Hark the Herald Angels Sing*, *Joy to the World* or *Away in a Manger* because they welcome the birth of Christ. I am sure parents will be lining up to thank the government when their children come home singing, 'Bonga, bonga, bonga, do the Christmas Conga' — and yes, I am being sarcastic.

Back to the guidelines. I actually do want to help my schools and community to understand clearly what the government's directives are, particularly if they are free to teach lessons about Christmas, make decorations, celebrate Christmas in traditional ways and sing praise or religious-based Christmas carols without restriction. When I received the minister's letter I went searching on the internet for this publicly available advice, but unfortunately, despite an extensive search, I was unable to find it. My staff contacted the minister's office on 14 June for guidance, and we were advised that the information was on the department's website and that a caucus liaison officer would help us to find it. We continued to contact the minister's office on an almost weekly basis for nearly two months without result. Then, when we contacted the office on 29 July, we were told that we could not be provided with an answer unless we put our request in writing.

Interestingly, this week we received the religious education fact sheet contained in a link that was dated 30 June — 24 days after the minister's letter

proclaiming the public availability of this advice. Unfortunately the fact sheet still does not make it clear whether religious or faith-based carols can be sung without restriction.

Ms Mikakos — On a point of order, President, I am just wanting a clarification about the action that the member is seeking. I am just wanting to ensure that the member was in fact in accordance with the standing orders in terms of calling for a specific action of the minister.

The PRESIDENT — Order! Yes. She was seeking information. That was all right. On this occasion it was fine.

You Yangs sand quarry

Mr DAVIS (Southern Metropolitan) — My matter tonight is for the attention of the Minister for Planning. It concerns the potential expansion of sandmining just near the You Yangs on the way to Geelong. Many of us know the You Yangs and know the importance of that area. It is a very important and iconic tourist area and remarkable in the preservation of parts of it. The vegetation is important, and the fauna is important.

There is long-established farmland in and around it and a number of those farmers have gone to some considerable effort through Landcare programs and others to build up the vegetation and faunal support, including particularly certain fauna movement corridors. However, the expansion that is proposed of the sandmining facility there does threaten significantly the major tourist industry that has developed at that area in the immediate vicinity of the You Yangs. If the sand quarry goes ahead, all these opportunities will be lost.

I make the point here that there is a long history with this, and the proponents of the quarry have what I think are overly close links to the planning department of the City of Greater Geelong. I am concerned about the capacity of the City of Greater Geelong to manage this planning process alone. I know there is support being provided through a panel process, but I am concerned about the capacity of the City of Greater Geelong to make truly independent decisions.

I am heartened by the involvement of the commissioners through this process, so what I am seeking for the minister to do is look very closely at his options to communicate to the community in that area and more broadly through the process that these local tourist options and the local tourist industry are important and cannot be put at risk. Neither the local

environment nor the tourist industry should be put at risk in any process here.

If it is necessary for the minister to move to a section 20(4) exemption in that process and bring it in for his decision-making, so be it, but he needs to look at all options that would see proper protections and a strong planning process behind this. We need to be absolutely certain that there will be no impact on the local terrain, the local flora or the local water flows. There is already — and I have observed this; I have looked at this closely myself — the impact on watercourse, with the loss of lakes and the loss of significant watercourses. The minister needs to act. He needs to look at all options and consider the option of a section 20(4) exemption.

Early childhood education

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Families and Children, the Honourable Jenny Mikakos. I am aware that as of 1 January this year new ratios of 1 to 11, down from 1 to 15, were introduced to raise the quality of education and care for our kindergarten-aged children. This is a very important step for children and their learning outcomes.

The first five years of life are the most vital, and we know that increased educator ratios benefit children's education outcomes. Our government has provided a range of supports to kindergartens in my electorate to transition to the improved ratios. I am pleased that the Andrews Labor government is delivering up to \$83.7 million over four years to support the implementation of improved educator to child ratios. I know that raising the quality bar of early years education and care is a key part of transforming Victoria into the education state. I ask the minister to update me on the progress on the new ratios in my electorate and the impact this is having, both on the workforce and in benefits to children.

Dairy industry

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Agriculture, and it is in relation to the current dairy crisis where Victorian dairy farmers, particularly those clients or customers of Murray Goulburn and Fonterra, are suffering significant financial challenges with the offered milk price this season and the previous season. This is particularly in relation to the clawbacks that both these companies are seeking now from their customers.

The issue I want to raise is around the dairy concessional loans. The federal government rebadged \$500 million of drought loans, and there was such a poor uptake of those concessional loans that I was somewhat intrigued to see why it would shift that money across, rebadge it and make dairy concessional loans specifically for those customers of Murray Goulburn and Fonterra. Again we have seen the same thing: a very poor uptake. Minister Pulford stated that there have only been six approved applications out of 3000 dairy farmers here in Victoria, two-thirds of which are clients of Murray Goulburn and Fonterra, and 62 dairy farmers are waiting for approval. I firstly ask: are these loans what the industry actually needs in relation to support? I would question whether in fact concessional loans are of much help at all to the industry.

What I would also say, though, is that the hardship provisions, or the household assistance support through Centrelink, is a much more desirable support mechanism for those who immediately need some cash and food on the table — up to \$500 a week.

Ms Shing interjected.

Mr RAMSAY — That is true, Ms Shing. Unfortunately the application process is so complicated and requires some online activity such that many of the dairy farmers in my area are unable to access the application process, far less do it. My question would be that whoever the responsible authority is, whether it is the state government or the federal government, they make the application process much easier for the household support assistance program and to not so much focus on the concessional loan program.

I will cite an example. Paul Castle, a small dairy farmer, financially challenged, has been waiting three months to even get household support assistance. That is the matter I want Ms Pulford to attend to immediately — dairy farmers like Mr Paul Castle, who has waited three months just to access basic household support of \$500 to put food on the table — and to try to make that mechanism easier for dairy farmers to access.

The PRESIDENT — Order! I am at a loss to understand whether this is a state or federal program, because you in your contribution indicated it could be either.

Mr RAMSAY — If a point of order is easier, President, my understanding is that the federal government provides the finance and the Victorian government administers it, so my question to the Minister for Agriculture is: why is the administration of

the federal government funding so complicated in respect of the household assistance support program?

The PRESIDENT — Order! That is a question, but in other parts of Mr Ramsay's contribution he asked for the thing to be speeded up, so it was a bit contorted.

Watergardens railway station

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the Minister for Public Transport, and it concerns a major problem at Watergardens railway station. It is a major concern, particularly for people with disabilities and for elderly people as well. The lifts have broken down at this particular railway station some 43 times in the past two years. You can well imagine that makes it extremely difficult for people with special needs to access the platforms. There is only one ramp for people to use, and it is on the opposite side of the platform. It often takes five to seven days for lifts to be repaired.

As a result of the constant breakdown of these lifts, the Melbourne Metro Rail Authority and Public Transport Victoria (PTV) have been forced to supply maxi taxis for special needs commuters who have no other way of using the train to get to their doctors and hospital appointments and other appointments as well. This, as you would imagine, is creating an enormous amount of difficulty for my constituents in the Watergardens area. I find it just astonishing that we have a lift there that has broken down so often. I just do not understand how the PTV could allow such a situation to exist.

So I ask the minister to direct the PTV to build an additional ramp to service both sides of the station and make a commitment to ensure that maintenance of lifts and repairs are carried out in a timely manner. For people to have to wait for up to a week for a broken-down lift to be fixed seems to me to be quite insane. That is just ridiculous. I ask the minister to direct her attention as a matter of urgency to this. It might seem like a less than serious matter for her, but let me assure you that for my constituents, many of whom have disabilities or are aged, it is a major obstacle to having a reasonable quality of life. It is a major obstacle to them enjoying the life they should be allowed to enjoy. I ask the minister to direct her attention to this and ensure that the additional ramp is built at Watergardens and also ensure that the lift, when it does break down, is fixed in a rapid manner.

Immunisation

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. I

am glad she is in the house this evening because maybe she can dispatch the concern that I am going to raise this evening. It relates to the no jab, no play policy and legislation that has been brought in by the current government. I for one am very supportive of immunisation. I think it is a very effective way to deal with preventable diseases and in particular childhood diseases such as measles, pertussis, chickenpox, mumps — and the list goes on.

Nevertheless, there have been some concerns raised with me by various kindergartens about enrolment obligations and the no jab, no play policy. I note in the frequently asked questions fact sheet that has been put out by the Department of Health and Human Services it talks about the policy, which came into effect on 1 January 2016, that applies to the enrolment of a child in long day care, kindergarten, family day care or occasional care, saying that parents and carers have to provide the service with an immunisation status certificate that shows their child is up to date with vaccinations for their age, is on a vaccine catch-up schedule or has a medical condition preventing them from being fully vaccinated. It also goes on to state in this frequently asked questions information guide:

Resources have been developed for immunisation providers and early childhood education and care services to ensure that simple, clear documents are available to facilitate enrolment.

However, I do believe there is some confusion with some centralised enrolment bodies and also with some kindergartens — particularly those kindergartens that have committees of management — about who has the responsibility for the enrolments and the follow-up on the no jab, no play legislation by collecting the immunisation information. There is, as I said, some confusion about this, and I think it needs to be cleared up. So I am just wanting to get some clarification from the minister. Whose responsibility is it? Is it up to the centralised enrolment body to ensure that those children have the various requirements that I have spoken about to enable them to be enrolled in the kindergarten, or is it the responsibility of the volunteer parents in those various kindergartens that might be managed by a committee of management?

The PRESIDENT — Order! Can you rephrase it as an action rather than a question, please.

Ms CROZIER — Thank you, President. The action I seek is that the minister please provide advice on who has the responsibility to adhere to the policy — whether it is the enrolment body or whether in fact it is the actual committee of management that needs to see that vaccinations are adhered to and the policies are adhered to for enrolment purposes.

East Gippsland students

Ms BATH (Eastern Victoria) — My adjournment matter is directed to the Minister for Education and is in regard to improving access to information on further education and career opportunities for rural students. The action I seek from the Minister for Education is that he work with secondary colleges in East Gippsland, particularly Orbost Secondary College, to facilitate remote outreach programs for career planning and advice to improve educational outcomes for country students.

Recently I visited Orbost Secondary College and met with students, the year 12 coordinator and assistant principal Rob Clay to discuss how students were feeling about the next step in their educational pathway. The concern highlighted to me was that these students were at a distinct disadvantage compared to city students in the amount of exposure and experiences they had had in regard to educational information sessions. A round trip to Melbourne for these students is approximately 9 hours by bus, and as a result of Orbost's location secondary students often miss out on accessing educational opportunities such as course information days, open days, study revision lectures and career expos. I was told that there is need for a much more flexible system of delivering information sessions, such as via poly conferences and web links and with mini career expos in locations that are more easily accessed by these rural students and closer to their homes.

My colleague the member for East Gippsland in the Legislative Assembly, Mr Tim Bull, has long been a champion for increasing educational opportunities in East Gippsland and ensuring that country students are not left behind. We know that a major inhibitor to rural students' aspirations and educational outcomes is distance. Many of these students I spoke with commented on the high cost of university for rural students, and they particularly associate living away from home as the major inhibiting factor for accessing further education. Students confirmed that it is difficult for them to broaden their horizons in terms of career opportunities when access to information is often limited to a career course handbook, something which is so very different for their city counterparts.

In *Deferring a university offer in regional Victoria — Final report* of 2014 it was found that young people from non-metropolitan areas defer their university offers at twice the rate of their metropolitan counterparts, with nearly 40 per cent failing to take up an offer in the year following deferment. This report also found that young people in regional Victoria have

the greatest need of career and course guidance and social and financial support in the first two years after leaving school. This is also when the financial pressures and travel barriers are most keenly felt. So I would be grateful if the minister could undertake the action that I referred to earlier.

Responses

Ms MIKAKOS (Minister for Families and Children) — I am very pleased this evening to have received a number of adjournment matters from Mr O'Donohue directed to the Minister for Corrections; from Mr Ondarchie directed to the Minister for Planning; from Ms Symes directed to the Minister for Education; from Ms Lovell directed to the Minister for Education; from Mr Davis directed to the Minister for Planning; from Mr Ramsay directed to the Minister for Agriculture; from Mr Finn directed to the Minister for Public Transport; and from Ms Bath directed to the Minister for Education. I will refer all of those matters on to the relevant ministers for response.

On the matters that were directed to me, I propose to respond to those now. Ms Shing raised a matter with me which related to families affected by the dairy crisis, and of course Ms Shing is well aware of these issues, given that they do relate to many farming families in her own electorate, in areas such as Gippsland but also other parts of her electorate, which really do make a large contribution to the dairy industry in our state. I can inform the member that recently the Andrews government announced a range of further supports for our dairy farmers relating to a package of \$6.7 million for new programs to assist our dairy farmers in responding to this crisis. This is a boost to the original \$4.5 million package that was provided some time ago.

As part of that package I am very pleased that our government is providing \$1.4 million for dairy farming families to receive the 15 hours of free kindergarten per week in the year before school. I am aware, of course, that some families may have already paid some fees in enrolling their children early in the year, and those families will be able to seek a refund by contacting the relevant early years service. Therefore, it is really important that we do get that message out to those families who are eligible to seek that assistance, whether they have already paid fees or are going to be paying further fees during the course of this year.

I would be very happy to visit with Ms Shing some kindergarten families in her electorate who have been affected by the dairy crisis to assist in providing them with further information about how they can access this particular financial assistance. We know that our dairy

farmers are doing it really tough at the moment — I have enormous sympathy for their plight — and it is so critically important that children are not disadvantaged because of the financial circumstances of their parents and particularly that they can access those critical early years services.

As we know, children are just at that formative stage of their brain development at that early age, and therefore they will get the benefit of being able to participate in these services. Of course we have taken a similar approach in relation to drought issues as well, having provided drought assistance to drought-affected families across 11 local government areas already. So I would be happy to have my office contact Ms Shing and make some arrangements around a visit.

Mr Eideh also raised a matter with me, and it related to the issue of the ratios. This is a very exciting development for our early years services in Victoria, with the new ratios coming into effect from the start of this year. This is a change from the previous ratio of 1 to 15 and is now moving to 1 to 11 to provide essentially more one-on-one attention for children and young people in kindergarten service.

What I can advise the member is that there has been very enthusiastic uptake of the new ratios right across the state, including in Mr Eideh's electorate, and I think that he may be particularly interested to know that the new ratios have actually led to 890 jobs in terms of new teacher and educator positions being established. Those have obviously benefited local people who would have been employed in those early years services in his own electorate, so I am sure Mr Eideh would certainly welcome that.

As I said in answer to Ms Shing earlier, it is just so important that children get that access to a quality early years service, particularly disadvantaged children. The research has shown us that disadvantaged children in particular make the most gains from participating in a quality early years service, and in fact research has shown that can be equivalent to a disadvantaged child having a tertiary-educated mother. So we have had some very positive outcomes in Western Metropolitan Region as well as right across our state.

The final matter was a matter from Ms Crozier, and she referred to the government's introduction of the no jab, no play policy through legislation that was initiated by our government. This was really a very concerted effort to drive up immunisation rates in our state and to achieve herd immunity by making sure that children are up to date in their vaccinations when being enrolled in both kinders and other early years services. We did

make sure that there was a package of material that went out to our early years services to inform them of their obligations in terms of checking the immunisation status of children who are enrolled.

In fact, as I explained during the course of the bill debate, most of the children participating this year were in fact enrolled last year, which was before the commencement of the legislation. Therefore they would not have been subject to all of these requirements. So a lot of children in our sessional kindergartens would have had their enrolment arrangements finalised last year, predating the commencement of this legislation. This is more likely to be an issue in relation to long day care providers, where there might be children coming into a kinder during the course of this year, but that is not to say there are not of course children who enrol and are accepted in our sessional kinders throughout the year.

Nevertheless, the issue that Ms Crozier has raised is one that I undertake to look into further. She did not indicate who the central enrolment provider is in this case. We do have in some cases local councils that can be providing that central enrolment and in other cases it may well be an agency, but I am very happy to work with Ms Crozier to address the specific concern that this particular central enrolment agency does have. I am happy to have a further discussion with her and get some further details of that, because I certainly would want to ensure that my department provides that particular agency with the most appropriate information to ensure that it is fully complying with the requirements of the legislation.

I did stress during the course of that bill debate that we did say that this year — because, as I have said, most children did get enrolled last year — was essentially a transitional year in terms of making sure that our early years services would put their proper arrangements in place. We have already seen an increase in our immunisation rates in this state, and that is something that we should all be very pleased with. So — —

Mr Ondarchie — On a point of order, President, I am just seeking some clarification: is the minister at the table summing up the adjournment matters or is this a ministers statement? I am just not quite sure, because it seems to be going on for a long time.

Ms MIKAKOS — On the point of order, President, Mr Ondarchie comes in here and complains about not getting answers, and then he gets a very fulsome answer and he is not happy. I know I am keeping him from his dinner, but I had concluded.

I also have received written responses to adjournment debate matters raised by Mrs Peulich on 8 June, Ms Fitzherbert on 9 June and Mr Ramsay on 22 June.

The PRESIDENT — Order! On that basis, the house stands adjourned.

House adjourned 7.08 p.m. until Tuesday, 30 August.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form provided to Hansard and received in the period shown.

24 June to 18 August 2016

Animal welfare

Question asked by: Ms Pennicuik
Directed to: Minister for Agriculture
Asked on: 9 June 2016

RESPONSE:

The Government greatly values the RSPCA Inspectorate's work investigating and prosecuting animal welfare cases including the RSPCA's work investigating and closing down illegal puppy farms. I am aware of the recent property 'raids' undertaken by the RSPCA in Longwood to which the Honourable Member for Southern Metropolitan Region refers.

I am advised that the RSPCA currently has 44 properties of interest that are at various stages of investigation. Reports are received either through the public making animal cruelty complaints or reports with the RSPCA, through requests for assistance from local councils, or through the RSPCA's tip-off program. Preliminary investigations, including intelligence gathering, commences once a report is lodged. Reports are triaged and prioritised for response in conjunction with the relevant local council.

Since 2015, the RSPCA has conducted 13 inspections on properties of interest where illegal breeding has been alleged and which have involved the RSPCA's Special Investigations Unit (SIU). Out of these 13 inspections, 5 could be considered large scale 'raids', involving teams of RSPCA personnel, Victoria Police and local government. The SIU team is comprised of inspectors, veterinarians, and veterinary nurses who systematically assess the health and living conditions of all dogs/cats on the premises. Local councils also form part of the investigation team. Local councils investigate and enforce relevant planning legislation, domestic animal legislation, and local laws.

I am informed that ten of the RSPCA's current investigations are in the brief preparation stage in relation to possible breaches of the Prevention of Cruelty to Animals Act 1986. The RSPCA is also providing support to local councils with prosecutions under the Domestic Animals Act 1994 through the sharing of information and evidentiary materials.

I am also informed that since 2015, four prosecution cases have been finalised by the RSPCA.

Legislation to implement the Andrews Labor Government's election commitment will be introduced to the Parliament following the winter recess.

Kindergarten asbestos management

Question asked by: Ms Crozier
Asked on: 23 June 2016
Directed to: Minister for Families and Children

RESPONSE:

The new Victorian Asbestos Eradication Agency (VAEA) is a whole of government initiative that will be implemented by the Department of Treasury and Finance.

As indicated in the Minister for Finance's media release on 21 March 2016, this agency is expected to be formally established in 2016-17. The new agency will have responsibility for coordinating the removal of asbestos from Government buildings, including kindergarten facilities. The precise scope of the new agency will be advised in due course.

Local government, community-based and private operators own and operate the great majority of early learning centres. Approved providers of early childhood education and care services are required to take every reasonable precaution to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury. This includes the management of asbestos.

Under the Occupational Health and Safety Act 2004 (OHS Act) and Occupational Health and Safety Regulations 2007 (OHS Regulations), every workplace must record any asbestos containing materials in an asbestos register. As part of the regulations, all workplaces must identify asbestos where practicable through labelling. Relevant workplace managers are responsible for the implementation of these measures.

Any early learning centres in Department of Education and Training owned buildings are subject to the Department's asbestos audit program. In some cases, a school may operate a kindergarten on its site, or a kindergarten may own or lease facilities on Department land. Where the Department is the owner provider, it is the Department's responsibility to manage and monitor asbestos present in the buildings as per the OHS Act. The Department also provides some advice and support to other early learning centres on their legislative requirements.

I will continue to work with the Department, local providers, and the new VAEA to ensure the ongoing safety of Victorian children in early learning centres.

Elevated rail proposal

Question asked by: Mr Davis
Directed to: Minister for Agriculture
Asked on: 23 June 2016

RESPONSE:

Any resident who backs on to the corridor is able to organise viewing the 3D modelling as it relates to their residence.

For privacy reasons they are not able to view the modelling as it relates to other residents.

If any resident wishes to view the 3D modelling they should contact the Level Crossing Removal Authority.

Tarrengower Prison

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 23 June 2016

RESPONSE:

The decision to redirect \$51.9 million in funding from infrastructure projects in medium and minimum security prisoners was made on the basis that sentenced prisoner numbers had stabilised while demand for front end, remand beds has increased. It has been critical to restore the Metropolitan Remand Centre following damage caused in the June 2015 riot.

The existing infrastructure at Tarrengower is able to manage current demand. Programs to reduce recidivism are available at both the Dame Phyllis Frost Centre and Tarrengower Prison to assist women as they re-enter the community.

Problem gambling

Question asked by: Ms Hartland
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 23 June 2016

RESPONSE:

I am informed that the VCGLR has approved automated table games for operation at the Melbourne casino and that as at 30 June 2016:

- Crown is operating 12 fully-automated table games (known as FATGs) linked to 250 player terminals (maximum allowed)
- Crown is operating 12 semi-automated table games (SATGs) linked to 386 player terminals.

I am advised that the report Ms Hartland is referring to was prepared by the VCGLR.

The Minister for Consumer Affairs, Gaming and Liquor Regulation has not received a copy of the report as it contains protected information as defined under the Gambling Regulation Act 2003. Ordinarily, the Minister would not be provided with protected information unless such information is required for the purposes of performing a function under the GRA.

Corrections system

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 16 August 2016

RESPONSE:

Corrections Victoria is continuing to work closely with Victoria Police and the Magistrates' and County Courts to ease pressure on police cells. At 7am on Tuesday, 16 August 2016 there were 255 prisoners in police cells, down from the peak of 372 in November 2013.

The Justice Legislation (Evidence and Other Acts) Amendment Bill 2016 which is proposed to come into effect in October, will facilitate the use of audio visual technology by explicitly describing when court appearances in person or via video link are permissible, thereby reducing the number of prisoners required to be transported to court.

Corrections Victoria deals with prisoner attendance at court on a daily basis and endeavours to make alternate arrangements where physical attendance is not possible. Specific data on the number of prisoners who were not presented at court is not collated by Corrections Victoria.

Right to farm

Question asked by: Ms Bath
Directed to: Minister for Agriculture
Asked on: 16 August 2016

RESPONSE:

Planning laws need to keep pace with changes to farming. The Government is making sure rules around farmland underpin one of Victoria's most vital industries.

Competing land use pressures and residential living in rural areas has caused problems for farmers across industries, and local government has struggled to apply planning definitions to animal husbandry permits.

That's why the Andrews Government appointed an advisory committee to examine how the planning system can better support Victorian farmers and agriculture.

The Animal Industries Advisory Committee submitted their final report to the Minister for Planning and me within the timeframes set out in their Terms of Reference. With the assistance of our departments, we are carefully considering the Committee's recommendations, which address a wide range of complex issues.

The government wants to ensure Victoria's planning system can manage the growth of animal industries in a sustainable way. The planning process must ensure developments are well located and environmental and amenity risks are managed properly.

A government response will be released with the committee's report soon.

Right to farm

Question asked by: Mr Ramsay
Directed to: Minister for Agriculture
Asked on: 16 August 2016

RESPONSE:

I thank Mr Ramsay for his question.

The Member alluded to me having personally intervened in planning matters previously. This is not the case. Rather, the Government appointed an advisory committee to examine how the planning system can better support Victorian farmers and agriculture.

To the best of my knowledge, I have not been contacted by Mr Larcombe in relation to the acquisition of his Mount Duneed property.

Operation Cosmas

Question asked by: Mr Finn
Directed to: Minister for Training and Skills
Asked on: 16 August 2016

RESPONSE:

The specific data to respond to this request is unable to be provided without a significant diversion of Police resources. A detailed response to this question would require a number of records to be manually searched.

The shadow spokesperson for Police met with the Chief Commissioner of Police as recently as the 3rd of August to discuss a range of issues, including police responses to youth offending, which encompasses the work of Operation COSMAS.

The Office of the Police Minister will continue to facilitate future periodic meetings between the shadow spokesperson and the Chief Commissioner of Police to be updated on this and other issues.

Firearms licences

Question asked by: Mr Bourman
Directed to: Minister for Training and Skills
Asked on: 16 August 2016

RESPONSE:

I thank Mr Bourman for his question and would like to correct the record in relation to my response given in the House yesterday. I stated that as of early July there were 219 005 licensed firearms in Victoria, where in fact it should have been 219 005 firearm licence holders.

In response to the split of these licences as issued by their genuine reasons, I can advise that Victoria Police have been able to provide the top 20 genuine reasons as at 30 June 2016. I have also been advised that this data was extracted in July 2016 for an internal report. Due to the timeframes placed around this request, Victoria Police has been unable to provide an updated data set and therefore the data is subject to change.

Genuine Reason	Total number reasons attached to current licences*
Hunting	152 075
Sport/Target Shooting	44 485
Primary Producer	43 048
Supervised Longarm Category A & B	6868
Target Shooting	4023
Security-Employee	1326
Historical Collection	698
Paintball	514
Thematic Collection	482
Prison Guard	474
Class 1 Handguns	452
Commemorative Collection	332
Class 2 Handguns	328
Supervised Longarm Category C (shotgun)	320
Class 3 Handguns	301
Performing Arts and Re-enactments	298
Clay Target (Medical)	267
Veterinary Purposes	250
Class 4 Handguns	169
Victorian Government Department Employee	160

International drivers

Question asked by: Mr Purcell
Directed to: Minister for Regional Development
Asked on: 16 August 2016

RESPONSE TO SUBSTANTIVE QUESTION:

Any overseas licence holder, who does not hold a permanent visa, may drive in Australia on a current overseas licence for an indefinite period, provided the licence is in English or is accompanied by an English translation. This is allowed under the 1949 United Nations Convention on Road Traffic — Geneva, to which Australia is a signatory. This is a reciprocal arrangement that also allows Victorians to drive in many overseas countries on their Victorian driver licence.

A review of collisions by the Australian Transport Safety Bureau found that overseas drivers were not over represented in injury crashes when compared with Australian born drivers. The Centre for Accident and Road Safety Queensland concluded that international visitors do not represent a significant road safety problem in Australia.

VicRoads, a number of other government agencies, tourist forums and car hire companies provide information for foreign drivers about driving in Australia and what is unique about driving here.

VicRoads provides information through its website and includes information that addresses the key risks for overseas drivers, keeping left, fatigue and disorientation. As well information on road rules and rules is provided including those specific to Victoria like our famous hook turn.

VicRoads also links to safety information for tourist driving along the Great Ocean Road. This information provides specific details about the road, travel times, hazards, fatigue and braking distance amongst other tips.

The Transport Accident Commission, the Commonwealth Department of Infrastructure and Regional Development and other Australian licensing authorities include information for drivers from overseas.

The Victorian Government has no current intentions to investigate the use of international licences at this time.

Foster carers

Question asked by: Ms Springle
Directed to: Minister for Families and Children
Asked on: 17 August 2016

RESPONSE:

The Andrews Labor Government is committed to making a difference to the lives of all children. Since coming to Government, we have been working to better support everyday people, from all walks of life, who offer their hearts and their homes to children and young people in need.

Finding suitable foster carers for children and young people is an ongoing challenge; a challenge that the previous Coalition Government ignored.

Despite losing more foster carers from the system than were entering, the former Coalition government had no strategy or coordinated approach to attracting, recruiting and retaining carers. This function was undertaken by each individual foster care agency in Victoria.

Last year, I announced \$3.2 million towards a foster care recruitment and retention strategy. This has enabled 26 foster care agencies in Victoria to come together for the very first time under one centralised approach to the attraction and recruitment of foster carers.

The campaign has attracted over 1000 new enquiries (a 173% increase) from people interested in providing foster care. The process of assessment and suitability of these people is underway.

The Andrews Labor Government's first budget provided \$31.4 million over four years to improve financial support for carers — the first increase in a decade. Increased payments began from 1 January 2016.

The 2016-17 Budget further invested \$16.2 million to provide increased support for carers and children. This initiative addresses barriers to the recruitment and retention of foster, kinship and permanent carers by providing additional funding to support the children with the most complex needs.

The Government is committed to home based care in Victoria and work in this area did not start or end with the launch of Fostering Connections, it is ongoing work.

Youth justice centres

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 17 August 2016

RESPONSE TO SUPPLEMENTARY QUESTION:

The process by which ministers are advised of category one incidents is the same as under the previous Coalition Government.

As operational decisions, instances of isolation are administered at an operational level and governed by an escalating authorisation level. An instance of isolation does not constitute a category one incident.

As I have already explained to the Member, I am advised that this young man did not spend ten days in an isolation room.

As part of a separation management plan, I am advised that this young person had multiple periods of isolation in his bedroom, with access to an ensuite bathroom and toilet as well as a TV and intercom.

During this time the young man continued to have access to his normal routines — including meals, education, health services, recreation and programs and daily contact with some peers.

The Children Youth and Families Act 2005 prohibits the use of restrictive practices including isolation and physical force unless there is an immediate risk that a young person will harm themselves or others and all other means to maintain safety have been exhausted.

The Victorian youth justice system is held accountable through a range of oversight and monitoring processes, including regular visits to the precincts by the Victorian Ombudsman and the Office of the Commissioner for Children and Young People.

Earlier this year our government passed legislation to strengthen the oversight powers of the Commissioner for Children and Young people.

The Commissioner now receives all reports of critical incidents in Victoria's youth justice centres.

The Commissioner can choose to initiate own motion inquiries, which she has done in this situation. I welcome the Commission's inquiry and my department will provide every assistance to the Commission in undertaking this work.

Youth justice centres

Question asked by: Ms Crozier
Directed to: Minister for Families and Children
Asked on: 17 August 2016

RESPONSE TO SUPPLEMENTARY QUESTION:

The Children Youth and Families Act 2005 (the Act) provides for the privacy of information relating to young people who fall within its jurisdiction. This includes young people within the Victorian youth justice system.

The Act also clearly prohibits the use of restrictive practices including isolation and physical force unless there is an immediate risk that a young person will harm themselves or others and all other means to maintain safety have been exhausted.

While detailed records are kept in relation to all young people in youth justice centres, including use of isolation, the release of this information could lead to the identification of this young person or compromise the security and safety of staff and young people, both prohibited under the Act.

The Victorian Commissioner for Children and Young People has initiated an own motion inquiry into the use of isolation, separation and lockdowns within Victorian youth justice centres. I welcome the Commission's inquiry and my department will provide every assistance to the Commission in undertaking this work.

Metropolitan Remand Centre

Question asked by: Mr O'Donohue
Directed to: Minister for Corrections
Asked on: 17 August 2016

RESPONSE TO SUBSTANTIVE QUESTION:

The Metropolitan Remand Centre has already been repaired to its pre-riot condition.

Further to the Government's announcement in late 2015 of a \$52 million investment, a further capital investment of \$23 million was provided through the 2016-17 State Budget to increase the scope of works.

Works are on track to upgrade the full remand functionality including further infrastructure works to ensure an effective safe and secure environment for remand prisoners. These works provide for additional amenity to support a new operational model for a population of 954 prisoners.

As such, the rebuild of the Metropolitan Remand Centre is on track for completion in mid-2018.

Western Institute of Technology

Question asked by: Ms Fitzherbert
Directed to: Minister for Training and Skills
Asked on: 17 August 2016

RESPONSE TO SUBSTANTIVE QUESTION:

As part of the Government's Quality Blitz a review was conducted on the organisation's delivery of Building and Construction.

The Department advises me that they have only just received the final report and the findings are being analysed. Once the Department has assessed the report, they will provide me with the outcomes of the review.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Department interacts with contracted providers in a range of ways, including meetings, correspondence and assurance activity. The Department met with the RTO in 2012 and has performed assurance activity at the RTO each year since 2013.

Whilst personnel of the Western Institute of Technology may have been present at functions I have attended, since I have become a Minister I have not formally met with the CEO. I will await the outcome of the review conducted by the Department before making comment on the organisation.

TAFE boards

Question asked by: Mrs Peulich
Directed to: Minister for Training and Skills
Asked on: 17 August 2016

RESPONSE TO SUPPLEMENTARY QUESTION:

All TAFEs have embraced the Andrews Government's more open and transparent governance processes which have restored democracy to TAFE boards.

The amended Education and Training Reform Act, 2006, requires that each board, after being appointed, elect an on-going chair, and co-opt additional directors.

The Act does not specify in which order this must occur. As such TAFE Boards began this process on July 1 2016.

