

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 12 April 2016

(Extract from book 6)

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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.

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The Honourable Justice MARILYN WARREN, AC, QC

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Legislative Council committees

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

Legislative Council standing committees

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

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

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

participating members

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

Joint committees

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, Ms McLeish and Ms Sheed.

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

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

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

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

Scrutiny of Acts and Regulations Committee — (*Council*): 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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

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

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Tuesday, 12 April 2016

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

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

ROYAL ASSENT

Message read advising royal assent on 5 April to:

**Aboriginal Heritage Amendment Act 2016
Crown Land Legislation Amendment (Canadian
Regional Park and Other Matters) Act 2016
Land (Revocation of Reservations) Act 2016.**

QUESTIONS WITHOUT NOTICE

Family violence

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Based on the minister's most recent governmental advice, what is the estimated cost to implement all recommendations from the Royal Commission into Family Violence relevant to her portfolio?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. Can I say at the outset how proud I am of our Premier, who has taken such a strong leadership role on this important issue of family violence and has initiated Australia's first Royal Commission into Family Violence. I think this report is absolutely groundbreaking, and I take this opportunity to thank the three commissioners who did an incredible piece of work taking evidence from individuals working within government and in the community sector and from victims and survivors of family violence themselves. They have really delved into the detail and have produced a report that includes 227 recommendations, runs for a couple of thousand pages and is very considered in its detail, in respect of not only its recommendations but also the findings that it makes around the issue of family violence.

I also want to say that the report itself finds and acknowledges in very strong terms the very profound impact that family violence does have on children. It is something that I think many of us here would have well understood even before this royal commission, but I think that the royal commission evidence — the evidence that it considered — and the findings very strongly reinforce the community's understanding around the profound impact that family violence does have on children.

We have seen that impact in the child protection system. We have had a significant increase in child protection reports in recent years off the back of changes to reporting and processes by Victoria Police, under something that was initiated by former Chief Commissioner of Police Christine Nixon in terms of the way Victoria Police responds to these issues. Of course that has meant that family violence has been a driving factor in terms of why more and more children and more and more families are coming into contact with our child protection system.

We are, as a government, looking at the recommendations in this report with the due attention and the consideration that they deserve, because it is a very significant report and it does require a considered approach by government. We know that the issue of family violence, which has been a scourge in our society probably for the time that humanity has existed on this earth, is something that cannot be turned around in 12 months or in a short period of time. It is going to take —

Ms Crozier — On a point of order, President, my question was quite specific, and it related to the estimated cost in relation to the minister's portfolio areas. I realise that she has been giving some context to the report, but I ask that she answer the question and I ask you to bring her back to the question.

The PRESIDENT — Order! Certainly the minister has been relevant to the question in terms of providing context on what was a very significant report that has been brought down. Whether or not the minister actually has at hand an estimate of cost is quite another matter, but she certainly has 44 seconds in which to still address that matter if she has those costs to hand.

Ms MIKAKOS — Thank you, President. As I was explaining, this is a report that is going to require a significant amount of effort by government and the community to change community attitudes around family violence. I have to say that I am disappointed that we do not have bipartisan support in terms of

implementing each of the recommendations — the 227 recommendations — of this report.

The Premier has indicated that our government will implement all of the recommendations of this important royal commission. We are doing a lot of work in respect of that, and we will be responding to this in this year's state budget because we know this is an issue that deserves immediate attention.

Supplementary question

Ms CROZIER (Southern Metropolitan) — President, clearly the minister has no idea of the cost to her portfolio area, and I would ask you to ask her to take it on notice.

A number of the recommendations relating to the minister's portfolios were recommended as priorities, with an implementation date of within 12 months. The minister has not provided a cost to implement all of her portfolio area recommendations, but I ask: what is the breakdown cost of implementation of those priority recommendations with an implementation date of within 12 months?

Ms MIKAKOS (Minister for Families and Children) — As I indicated to the house and to the member, I have advised the house that our government has committed to implementing all of the recommendations of this royal commission — something that the coalition is yet to do.

Honourable members interjecting.

Ms MIKAKOS — Something that you are yet to do! This is about a royal commission that Ms Wooldridge referred to as a lawyers' picnic.

We warmly welcome the recommendations and the report of the Royal Commission into Family Violence, and we will be responding. Ms Crozier should watch this space.

Melbourne Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Have members of the Apex gang or Islander 23 gang been identified within the Parkville youth justice centre within the last 12 months?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question about the issues around the management of our youth justice precinct and our youth justice system. The member has come into this house in the past, including today, and

made assertions around our youth justice system. Can I say that the member is clearly not aware that there were incidents during the time that Ms Wooldridge — her current leader — was the Minister for Community Services. In fact there were incidents involving young people climbing up on the roof of the youth justice Parkville facilities during the time that Ms Wooldridge was the minister. But those opposite clearly have a very blindsided view about these issues, because they have only taken an interest around issues to do with the Parkville youth justice facility now that they are in opposition.

We take the view that it is important that young people in the youth justice system, whether they are in the community or whether they are in the precinct in Parkville, or in Malmsbury for that matter, need to be rehabilitated and need to have an appropriate response and to feel the full force of the law — but they do need to be rehabilitated. The best way to do that is to work with them to ensure that they have access to our education system, that they get into jobs and that they are productive members of the community. We are facing all the cuts, and Minister Herbert and others in our government are working to restore our education system to make sure that disadvantaged young people get the opportunities that they need.

I can say to the member that when it comes to operational issues in Parkville, they are a matter for the management of our youth justice system. Of course it looks to work with Victoria Police to identify the histories and the backgrounds of these individuals to make sure that they are appropriately managed when they are within the youth justice system. Ms Crozier needs to have a conversation with Ms Wooldridge about what has happened in the past around these issues. She seems to think that this a new phenomenon — —

Ms Crozier — On a point of order, President, clearly the minister was straying from my question, and I would ask you to bring her back to the specifics of the question that I asked.

The PRESIDENT — Order! I think that I have actually exercised a fair degree of tolerance to this response in so much as I think that, as was conveyed by an interjection, the minister was debating this matter to some extent, particularly in referring to the past. The question was quite specific, and I would ask the minister to consider a response directly to that matter that was raised.

Ms MIKAKOS — Thank you, President, for your guidance. These are not new issues. The young people

in our youth justice system are young people who show very challenging behaviour. Whether they might have some loose affiliations with other individuals in the community is not something that the coalition should be promoting, because these young people in fact might take it as a badge of honour to be seen to be part of some loose affiliation in the community. I can say to you that the management of the youth justice system works to manage these young people in an effective way, and that goes to looking at the histories and the backgrounds of these young people and making sure that there is an appropriate response in how it manages these young people whilst they are incarcerated in the youth justice facilities.

Supplementary question

Ms CROZIER (Southern Metropolitan) — On 15 March a Victoria Police representative said the expansion of gangs was perpetuated through ‘stints in the Melbourne juvenile justice centre in Parkville’. What actions is the minister taking to address the gang cultures at Parkville, and have the Muir reviews had any recommendations relating to gang culture?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. It is good that she is now interested in the Muir review. This is a review that is still underway. It is looking at the background of and the circumstances in which these recent incidents have occurred. But I make the point that we had incidents in the Parkville precinct during the time that the coalition was in office. I do seek briefings from those who are in charge of the operational decisions on these matters, and they have provided me with advice about the issues and how they are responding to them.

Child protection

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. This week we have seen the sad and untimely death of a 15-month-old child. Can the minister advise whether the commissioner for children and young people will conduct a child death review into Sanaya Sahib’s tragic death?

Ms MIKAKOS (Minister for Families and Children) — I think it is rather unfortunate, President, that the member has chosen to ask a question about this very, very sensitive matter at this point in time. I want to express my personal sympathy to all those who loved this child. This is an absolute tragedy that has occurred, and we are at a point where the police are still investigating this matter. They are still investigating this

matter, no-one has been arrested and I think that it serves absolutely no public purpose to be raising these issues at this point in time that may well prejudice police actions in this matter and subsequent prosecutions. I think it is very unfortunate that the member has chosen at this point in time to ask about this particular matter, given the fact that we still have a police investigation underway as we speak.

Supplementary question

Ms CROZIER (Southern Metropolitan) — What investigation will the minister and her department be undertaking into the safety, wellbeing and untimely tragic death of Sanaya Sahib?

Honourable members interjecting.

The PRESIDENT — Order! To tell you the truth, I am uncomfortable about this line of questioning in so much as there is a police investigation underway and it is not established who has been the perpetrator of this outrageous and very, very sad murder. The minister’s office might not be involved at all, because the minister’s office or the commissioner would usually be brought in if there was a pattern of abuse that had led to this sad occurrence. A police investigation is quite a different matter and is quite a defined process, and is not one that would necessarily involve the minister or her department. So I have a little difficulty with this particular line of questioning. Let me think on it.

Ms Wooldridge — On a point of order, President, which perhaps will assist you, the question in no way goes to the police investigation. In fact the first question was a very simple, straightforward question in relation to the commissioner for children and young people, who does regularly conduct child death reviews, and that is a process that often happens in parallel with anything else that goes on. The supplementary, similarly, was about the welfare and safety of a child and a very tragic death. These things often happen in parallel. It is entirely appropriate that that would happen, because there may be actions the department needs to take sooner rather than later to ensure the safety and wellbeing of other children. These do not happen consecutively; they happen simultaneously.

The PRESIDENT — Order! My discomfort with the question is that it reflects very much on the mother, her immediate family members and potentially the father when it has not been established by the investigation thus far that there has been anything untoward by any of those people. The minister’s office would not become involved in that matter unless one of that field of people were seen to have been involved

over a period leading to this death. I believe that the police investigation has primacy in this. I am thinking about it.

Food safety

Mr DRUM (Northern Victoria) — My question is to the Minister for Agriculture. I refer the minister to her answers in question time on 24 February when she said her intended changes to regulations for the sale of some meat products in Victoria were a ‘pretty direct consequence of representations from the industry’. Last month Ian Feldtmann, the Victorian Farmers Federation’s livestock president, said the meat industry was taking unprecedented action in objection to the minister’s PrimeSafe exemption proposal, and stakeholders from across the supply chain met to urgently discuss concerns. Is the minister now aware that Victoria’s meat industry has significant opposition to her proposed meat regulation changes?

Ms PULFORD (Minister for Agriculture) — I think we are all very pleasantly surprised that Mr Drum has joined us today, and I congratulate him on the preselection. We certainly wish him the same kind of success in federal politics that he has had in football, coaching and indeed in state politics. We are all pleased that he will be with us for a little bit longer.

I note some of the comments from other members of the Victorian Parliament who are boosting for the five Liberal Party members who are still very much in this race — Mr Ramsay among them. We do always watch on with the greatest interest while the Liberals and The Nationals fight over their — —

The PRESIDENT — Order! I ask the minister to get to the question.

Ms PULFORD — I will. I am sorry; I could not resist.

The PRESIDENT — Order! I am sure Mr Drum has had experience with cheerleaders in the past, but he does not need another one now.

Ms PULFORD — I am just so very pleased that Mr Drum is still here, and I look forward to Ms Bath’s ascension to the leadership of The Nationals in this place in due course.

The PRESIDENT — Order! The minister is defying a direction, which was to get to the question and to stop talking about Mr Drum’s extracurricular activities.

Ms PULFORD — Thank you, President. I am aware that there was a meeting with a number of participants and leaders in the meat industry; indeed representatives of my department were in attendance at that meeting. Some concerns have been expressed, but have been expressed without substantiation, about a possible change to the treatment of packaged meat, which is currently subject to a risk assessment. So I am not sure that there is any great cause for alarm.

Of course food safety will be first and foremost in our thinking. If we can support and foster innovation and growth of jobs in small businesses in the meat industry, then we will do that. But of course safety has to come first, and as I have indicated in the house on previous occasions and indeed in other forums, we will very carefully consider this. I will take advice from my department on this matter and of course continue to discuss these matters with many members of the industry. I might also add that I have had meetings with some of the people who were at this meeting in the time since the meeting Mr Drum referred to, and this was not an area of enormous concern but rather one where we have a commitment to an ongoing dialogue.

Supplementary question

Mr DRUM (Northern Victoria) — I refer again to the minister’s answers in Parliament in February and to the Victorian Farmers Federation’s livestock president’s clear concerns that reflect the position of Victoria’s meat industry more widely. I ask the minister: did she mislead Parliament in February with her answers, or was she simply unaware of the industry’s views?

Ms PULFORD (Minister for Agriculture) — I thank Mr Drum for his further question on this matter. There are a range of views in the meat industry about the role and function of PrimeSafe and about the way in which it supports small business, supports innovation and indeed works with larger, more established businesses. Of course the preservation of Victoria’s excellent reputation as a source of clean, green and highest quality produce is first and foremost in our thinking always. I am of course keen to support the growth of small businesses and jobs in small businesses right across Victoria, particularly in regional Victoria. And if there are ways in which modest changes to packaging can be made in a way that poses clearly no risk to public safety, to the strength we have in global markets, then of course we will explore those.

Child protection

Supplementary question

The PRESIDENT — Order! I have given further consideration in these few moments to Ms Crozier's supplementary question. As I have indicated, I am uncomfortable. I guess the key discomfort that I have with the supplementary question as I understand it is that it links the tragic history of this young child with the events of the last couple of days, and I am not sure that there is a proven link between that tragic history at this point and the actual event — the murder. Despite being uncomfortable with that, the only basis upon which I would really be able to rule it out would be if it did not come within the minister's jurisdiction in terms of addressing that question.

I am satisfied to the extent that the supplementary question asks about the safety and wellbeing of the child, and that is a matter of, perhaps, the system's treatment or support of that family over a period. Whether or not the minister chooses to go further than commenting on that aspect is for the minister to determine. I will allow the supplementary question to stand.

Mr Jennings — On a point of order, President, in relation to questions such as this, it will be the government's view that the government will not answer any question which it believes prejudices the investigation of a police matter and that no further correspondence will be entered into on behalf of the government in relation to that matter.

The PRESIDENT — Order! I will still call the minister. I can understand that statement to the house. The opposition or other members may well consider that, but I will still proceed to call the minister.

Ms MIKAKOS (Minister for Families and Children) — I have nothing further to add to the response that I have already given in relation to this matter.

Food safety

Mr DRUM (Northern Victoria) — My question is again to the Minister for Agriculture. I refer to industry feedback about her proposal to exempt farmgate meat sales from PrimeSafe regulation. Hazeldene's chicken farm has said the minister's proposal will 'jeopardise the strong reputation the industry has and the high standards in food safety that our customers expect'. Radfords abattoir in Warragul last week said:

There are a lot of issues worrying the industry from a contamination outbreak, the whole industry will suffer, prices of livestock will be driven down and people will stop eating meat from retail outlets such as butchers and supermarkets.

In addition to Hazeldene's chicken farm and Radfords of Warragul, is the minister aware of other meat processors and abattoirs who share concerns about her PrimeSafe exemption proposal?

Mr Herbert interjected.

Ms PULFORD (Minister for Agriculture) — I am glad Mr Herbert still has confidence in the supply chain. That is excellent. We would like all members of the house to enjoy Victorian produce at least three times a day.

I thank Mr Drum for his further question. Echoing a little of what I said in answer to his earlier question, there is a proposed change. That is being considered. It came about as a consequence of a review that came about as a consequence of representations from industry. Of course there will always be views expressed by industry and other stakeholders about any change, and of course any change made on any food safety question needs to be done with an abundance of caution, as this will be.

This is something that the department is currently preparing advice for me on. It is the subject of a detailed examination of the risks, and if there are risks that genuinely exist, then that will inform our thinking. However, if it is considered to be perfectly safe for farmgate sales to occur in the way that sales currently can occur for meat processed in a PrimeSafe-licensed facility and packaged, as is currently sold at farmers markets, then we will proceed. But I reassure Mr Drum again that we will proceed with great caution and we will continue to discuss these matters with industry.

Supplementary question

Mr DRUM (Northern Victoria) — On the minister's answer, I again refer to industry feedback about the PrimeSafe exemption proposal. Is it now government policy to proceed with this proposal at any cost? With the industry giving repeated serious warnings to the minister about increased risks to human health and export markets because of food poisoning outbreaks, is it her policy to proceed with this at any cost or is she going to listen to some of these industry concerns?

Ms PULFORD (Minister for Agriculture) — If Mr Drum is going to cut it in Canberra, he is going to have to do a whole lot better than that. Mr Drum's question completely denies the answer that I gave to the

substantive question. It is more ridiculous than his questions usually are. I said that we will be informed by the evidence. I will be informed by the advice, and we will continue to discuss this with industry. Obviously the answer to his question is no, and he really needs to stop being so ridiculous.

Abbotts Road, Dandenong South, level crossing

Mrs PEULICH (South Eastern Metropolitan) — My question is for the Leader of the Government, and I ask: the Labor member for Dandenong in the Assembly, Gabrielle Williams, recently said that the Level Crossing Removal Authority ‘has mucked this up’ in relation to the Abbotts Road level crossing removal. Is it still the Andrews government’s intention to permanently close Abbotts Road at the rail line, as detailed as part of the community consultation?

Mr JENNINGS (Special Minister of State) — I thank Mrs Peulich for her question. I certainly would not want to necessarily attribute comments to my colleague in the other place, the member for Dandenong, without actually verifying that they were in any shape or form an accurate quote, and I would not want to speculate on the particular circumstances and the potential to further confuse the issue. If in fact Mrs Peulich’s intention is to try to create divisions in the government, that will not occur. If her intention is to confuse the electorate about this important project, I am not going to provide any information that is not at hand. I will seek advice about both those matters, and I am happy to provide that answer subsequently.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — I find that answer interesting given that it is also the minister’s electorate. The Labor member for Dandenong also stated that she has ‘got Minister Allan’s assurance that what was put forward is not the position of government’. Did the government approve the Level Crossing Removal Authority flyers prior to their distribution to the local community?

Mr JENNINGS (Special Minister of State) — My answer to the supplementary question is exactly the same form and content as my substantive answer.

Medical treatment consent

Dr CARLING-JENKINS (Western Metropolitan) — My question is directed to Ms Mikakos in her capacity representing the Minister for Mental Health, Martin Foley, and concerns the administration of electroconvulsive therapy (ECT) without informed consent. One advocate became so

concerned about the increasing incidence of ECT administered to his son that he appealed directly to the United Nations Committee on the Rights of Persons with Disabilities. A reply from the director of the human rights treaties division directed, and I quote:

Under ... the Convention on the Rights of Persons with Disabilities ... the state party has been requested [to] take all necessary measures to ensure the suspension of the forced ... (ECT) to Garth Daniels, while his case is under consideration by the [UN] committee.

While I recognise that it is not Victoria which is a direct signatory to the UN convention, this is still a serious directive. Despite this, Mr Daniels continues to be given ECT against his express wishes. What will the minister do to ensure that serious directives such as this are addressed at a state level?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. As the member said in her question, it is obviously not appropriate for me to go into the specifics of a particular case; I need to respect the privacy of the individual concerned. However, I make the point to the member that acute mental health treatment is complex and difficult, and supporting a loved one during compulsory treatment can be both distressing and a difficult experience.

The minister responsible, Minister Foley, of course is not directly involved in intervening in any individual’s treatment. He needs to rely on the expertise and the knowledge of medical professionals who make these clinical decisions. I understand that decisions regarding treatment for a patient under a compulsory treatment order are clinical decisions made by professionals in the patient’s best interests and in consideration of all available options. There are a number of important accountability mechanisms which govern the use of ECT for compulsory treatment patients, the most important being the oversight provided by the Mental Health Tribunal, which is an independent statutory body.

I reassure the member that the Victorian government takes the issue of human rights very seriously. Our track record on this issue is very strong, and I think we have just seen that very recently through the Premier’s commitment to resettle 267 asylum seekers in offshore detention here in Victoria and to give them a chance of a safe home living in our state. This government will continue to show leadership on issues of fundamental human rights, including for the protection of children, even in the face of a federal government that is too cowardly to do so.

The member is correct that Victoria is not a direct signatory to any international conventions, although we respect and appreciate the role which the United Nations plays in upholding the rights of all people, including Victorians. This is a complex issue that the member has raised. The minister responsible will of course be guided by advice that he receives from his department, but I understand that the department is taking very seriously the issue of the UN correspondence in respect of this particular matter. Obviously the minister will continue to receive further advice on this matter to ensure that in all complex cases, including this one, there are appropriate accountability measures in place at all times.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for her answer. I appreciate the fact that no comment can be made on individual cases and I also really appreciate the fact that it is very difficult to answer on behalf of a minister in the other place, so I thank the minister for that. I will note that this is only one story amongst a list of complaints in this area which have been raised with me. I wonder: is the minister concerned with the precedent the application to the UN and the subsequent reply from the director of the human rights treaties division, which was given within two days of receiving the complaint, sets? That is, if the mental health system in Victoria continues to disappoint patients and their advocates, is the minister concerned that more Victorians will take their concerns directly to the UN Committee on the Rights of Persons with Disabilities and apply for intervention? If so, what measures will the minister put in place to review current practices here in Victoria to prevent this from occurring?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. As I indicated to the member in the response to her substantive question, we do take this issue of human rights very seriously. There is of course nothing to prevent a member of the public from contacting the appropriate United Nations body and putting forward a complaint. However, we do have various oversight mechanisms and accountability mechanisms within the legislative regime here in Victoria, including the Mental Health Tribunal.

I understand that the department is actually looking at this piece of correspondence and taking it very seriously at the moment, and I am sure that once it has done that there will be an appropriate response back to the organisation that has generated the correspondence. Of course the individual involved also has the ability to

examine courses of action under our Victorian law as well.

State Emergency Service funding

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Emergency Services, represented in this house by Minister Dalidakis. Recently I visited the State Emergency Service (SES) unit in Warragul to witness some training for road accident rescues. I met with a team of dedicated volunteers who were giving up their own time to assist those in need. The SES is a critical part of the response to emergencies in this state, not to mention a critical part of police work, with the SES providing resources for line searches, as well as searches for missing persons, just to mention a couple of those functions. Funding for the SES comes from both local and state governments. Recently a number of SES branches have had local councils withdraw their funding, leaving a shortfall for what is an already overstretched function. My question to the minister is: will the government make up the shortfall in the funding to SES units to ensure they can still deliver the exceptional service on the shoestring that they already do?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. Let me start by saying that I absolutely concur with the member's comments in his question about the wonderful service that the SES provides, not just in rural and regional Victoria but across metropolitan Melbourne and right across the state. Touch wood, my family has not had to use the services of the SES, but I do know that if such an occasion arose, it would be well served because of the dedication of the volunteers and the people who participate, very selflessly, in terms of giving of both their time and, more importantly for many of them, their skills.

What I would like to reiterate to the member is that this government obviously supports the work undertaken by the SES. In fact just last week my colleague Ms Shing met with Alistair and Gel, who run the SES unit that Mr Bourman has referred to, and has in private praised their work and contributions as well as those of their colleagues and fellow volunteers. I make that very clear. Importantly, in relation to funding very specifically, the Victorian government provides funding through a municipal subsidy that is actually paid to the councils, and that payment is then expected to be matched by a council co-contribution. Under current arrangements the councils are also primarily responsible for the provision of the VICES unit facilities and accommodation, and I am advised that the units' future sustainability will depend upon retaining

or improving current levels of support from local councils or of course securing an alternate source of additional funding.

To the member on his very specific question I say that the government is currently reviewing how the VICSES units are funded to ensure that these arrangements are sustainable well into the future.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for his answer, which answered my supplementary question as well.

Footscray Hospital

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Families and Children on behalf of the Minister for Health. Over the weekend the government announced \$17 million for Footscray Hospital, which:

...will make sure those areas of the hospital that need the most work will get the urgent fix they require to continue to provide safe and high-quality care to patients.

It then went on to specify that south block's three wards, which include 77 beds, will benefit from these funds. However, we know that south block until recently had six wards and 150 beds, so it appears that this funding is not going to the areas that most urgently need it. In fact the hospital and the government have already given up on those three wards and the 73 beds that have been closed. This money is going to keep the remaining wards open. Can the government confirm that this is correct?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. It is a very specific question, but I can advise the member that she is correct that on Sunday the Andrews Labor government announced \$17 million in funding for planning and urgent works to fix up the south block at Footscray Hospital. This is a significant announcement because it means more support for the Footscray Hospital than we saw over the four years of the previous government. The former government neglected the western suburbs and allowed this hospital to fall into disrepair, and I know that the Minister for Health is a very passionate advocate for the needs of the western suburbs, and I am aware that she recognises that the wards and the facilities at Footscray do not meet modern standards and community expectations.

So this \$17 million cash injection will make sure that those areas of the hospital that need the most work will get the urgent fix that they require to continue to

provide safe and high-quality care to patients. Important planning work for the future will be undertaken to make sure that we have the right services and infrastructure in place in Melbourne's west so we can best meet the demands of our rapidly growing community, particularly with the growth that we are seeing in the western suburbs.

I add also that the member would be well aware that the Minister for Health also made another significant announcement on the weekend, and that related to \$335 million to tackle the issue of elective surgery waiting lists. It is a record amount, and that of course will benefit the community in the western suburbs as well, and I think that was a very significant announcement that will go a long way to tackling the waiting lists both in the west and across our state in relation to elective surgery.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I thank the minister for her answer. The issue about the elective surgery is going to be quite difficult for Western Health if it has no actual beds to which to transfer people from surgery. I take up the issue of neglect. This has been an issue for at least 20 years at this hospital, because it would not be in the state it is now if Liberal-Nationals governments or the Labor governments had actually done something about it. It is also a hospital that I have had to frequently use as I am somewhat accident prone. The staff are fantastic; the emergency room is a disgrace. Where is the money going to come from to actually do the work that is required to upgrade the emergency room, and does this government have, as the previous government seemed to have, a policy that if you do not live in a marginal seat you do not get health care?

Ms MIKAKOS (Minister for Families and Children) — That was a very wideranging supplementary question from Ms Hartland that covered a range of issues. I can advise the member that at Footscray it is essential that we do the proper planning to determine what that community needs in light of substantial growth, and that is what the government is going to do through this \$17 million investment. But there are other very important investments across the western suburbs, with the \$200 million Joan Kirner Women's and Children's Hospital as well as the \$85 million expansion at Werribee.

Our government is making significant investments for the health services that the western suburbs need, and this comes on the back of \$1 billion in cuts from the former coalition government to our Victorian hospitals.

An honourable member interjected.

Ms MIKAKOS — A \$1 billion cut by the previous state government, and let us not forget the \$17 billion of cuts the Abbott government made as well, of which Malcolm Turnbull has only given back a pittance most recently.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have written answers to the following 109 questions on notice: 25, 4759, 4821–38, 4886, 4889, 4894, 4898, 4900, 4902, 4903, 4916, 4928, 4929, 4947, 4958, 4959, 4960–5, 4967, 4969, 4970, 4971, 4973, 4975, 4977, 4978, 4979, 4980, 4981, 4982, 4983, 4986, 4988, 4989, 4990, 4991, 4992, 4994, 4995, 4997, 5003, 5027, 5028, 5031, 5032, 5035, 5043, 5066, 5074, 5078, 5079, 5080, 5081, 5085, 5086, 5093, 5097, 5098, 5108, 5109, 5111, 5114–22, 5124, 5127–35, 5145, 5160, 5161, 5166, 5171, 5179, 5189, 5270.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In regard to questions posed today, I indicate that I will ask for a written response from Ms Mikakos in respect of Ms Crozier's first question of the day, both the substantive and supplementary questions, in regard to the costs of implementing the recommendations of the family violence commission. I recognise that these costs will still be perhaps being measured — and that may well be the answer — but I certainly think that in terms of the supplementary question there is perhaps more opportunity to have a scope of costs there. The minister can advise, as information might be available to meet those questions. I will make that two days because it is more than just the minister's portfolio.

Ms Wooldridge — No, it's just her portfolio.

The PRESIDENT — Order! The total cost, which is a whole-of-government response?

Honourable members interjecting.

The PRESIDENT — Order! All right; one day — but, you know, it is one day or two days, really. At any rate, yes, the question was posed to the minister's portfolio only.

In regard to Ms Crozier's second question about whether or not gangs or gang members have been

identified at the training centre and whether or not the Muir reviews had made any recommendations or observations on gangs in respect of the training centre, covering both the substantive and supplementary questions, I seek a written response to those.

In regard to Mrs Peulich's question to Mr Jennings about the Abbotts Road crossing, both the substantive and supplementary questions, Mr Jennings has advised that he will consult with the Minister for Public Transport and perhaps the member for Dandenong in the Legislative Assembly and establish a written response to that. That will be two days.

In respect of Ms Crozier's question to Ms Mikakos — the third question — I just make a brief comment on that. We were advised by the Leader of the Government of the government's attitude to this type of question. I indicate that in respect of the opposition or any member's opportunity to pose a question of the nature we had today there is certainly not a problem in terms of sub judice, because at the moment no person has been identified as the culprit and there are no proceedings against any individual, so it certainly does not offend any sub judice premise. We are certainly not at the investigation stage, which is where I understand the matter is to be, as we sit here this afternoon.

I am also not persuaded that this sort of question would have any impact at all on the conduct of investigations. It would be my view that the police would not have any interest at all in what Parliament's position is on this matter in terms of pursuing their investigation, so I do not think that this type of question would be likely to have any adverse impact on investigations. I am mindful, however, that speculation in a question that goes to the sort of matters that are before us now, tragically, and speculation about what may or may not have contributed to a particular event is not in the public interest in my view. Although it, as I said, would not have any impact on the investigation of matters, it might well colour some media coverage of matters and be quite detrimental in that sense.

I am not in a position to rule out such questions. The government and the minister are obviously in a position to answer those questions as they see fit, but I certainly would suggest that members do need in these sorts of very tragic circumstances to be very careful about the way they pose some of these questions and the timeliness of some of them and to understand what they are seeking to establish by posing that question.

I accept Ms Wooldridge's comment and agree with her that events such as the tragic death of this young child could in fact require very urgent review of systems or

support to ensure the safety and wellbeing of others. In that context I think a question could well be constructive, but we need to be very careful about how we pose these questions and how we consider these matters, particularly at a stage of investigation where the facts, in my view, are yet to be established.

Mr Jennings — On a point of order, President, in accordance with your consideration of this matter and the point that you concluded on, if a member chose either through a 90-second statement or through an adjournment matter to seek that the minister review any process or procedure that may be relevant to this matter, this would be a call to action and would be appropriate in that form. But question time is not that time, and I would suggest to you that if that is the intention of any member of the chamber, they should not use question time for that purpose. I would suggest to you that the only reason the question was asked was to add to speculation, and in my view this does prejudice the ability of the police to complete their investigation and indeed does prejudice the court process that deals with the consequences of that investigation, because prejudicial material and speculation would be put in the public domain. That is why I indicate, on behalf of the government, that the government does not believe that that form of question is in the public interest in any shape or form.

The PRESIDENT — Order! I thank the Leader of the Government for those comments. Can I indicate that on this occasion I would seek a written response on both of those questions, but I expect that the responses might well be as outlined by the Leader of the Government, and it is clearly the government's prerogative to answer thus. There are other procedural aspects of the house that could well go to exploring system and support issues, but Mr Jennings's comments also in a different way go to making a similar comment to one I made in the remarks I just made about the importance of us as members of Parliament being very careful about speculative questions in matters of this very serious nature. They are due in one day — both of those matters.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question today is for the Minister for Public Transport in the other place, and it concerns the government's ongoing push to put its sky rail project in place — a project that nobody voted for at the state election and a project that will see very high construction with massive noise. What I ask the

minister today is: will she come clean and release the noise studies? How can the community make a proper assessment of this project without the noise and vibration studies? These should be in the public domain. These studies should be available to the community and they should be available to the councils. What I seek today from the minister is a date on which she will release these studies, which should be in the public domain now and should form part of a proper panel and environment effects statement process.

Eastern Victoria Region

Mr BOURMAN (Eastern Victoria) — My constituency question today is for the Minister for Environment, Climate Change and Water. Some concerned constituents have come to see me about a composting facility being proposed for Labertouche. The concerns raised generally go to the environmental impacts of such a facility, given that composting involves various bacterial organisms that may be harmful to people and livestock. I recognise that steps will be taken by the proponent of the facility, but to help to allay the concerns of some of the locals can the government confirm that an environment effects statement has been prepared and will be released for that facility?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is for the Minister for Education, the Honourable James Merlino, and it relates to the Andrews Labor government's tech school program. The Andrews Labor government is committed to making Victoria the education state, yet to do this every Victorian needs to have access to an excellent education, and this is the goal of the tech school initiative. Can the Minister for Education provide me with an update on the rollout of this program and how the program will benefit people in Western Metropolitan Region?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Acting Minister for Police. I have received correspondence from the Casey City Council, which is very concerned about the lack of police and the need for a further police station in the City of Casey. As the correspondent points out, the City of Casey has seen unprecedented growth over the last five years. The current population is 286 000, and it is projected to grow to 459 000 by 2036. The correspondent cites a Tooradin and Coastal Villages

Commerce Committee forum that expressed significant concerns about police numbers, police resources and crime in that part of the City of Casey. I ask the Acting Minister for Police to respond to the concerns raised by the City of Casey about the need for extra police and an extra police station in the City of Casey.

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My constituency question is for the Minister for Public Transport, and it is in regard to train services in Northern Metropolitan Region. A constituent wrote to me voicing the need for additional train stations to be built in Epping North and Wollert. The family bought their house in Wollert in 2011 and were told that train stations were coming soon, as was promised in the Melbourne 2030 plan. The family are still waiting for the stations, and they are required to embark on outrageously long daily commutes from their home to their workplaces in South Melbourne and Carlton. A bus service has been introduced to meet train connections, but it is completely inadequate and often late, and it rarely meets the connection. Will the Minister for Public Transport assign urgent public transport funding to help relieve congestion in this fast-growing northern corridor?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Health. In recent weeks constituents have contacted me with horror stories about unreasonable wait times that sick or injured children are being forced to endure because of capacity limitations in the emergency department at Goulburn Valley Health (GV Health).

I have been told that an eight-year-old boy was forced to wait 12 hours for surgical stitches to a large gash on his head. After presenting at 11.00 a.m. his surgery was scheduled for 5.00 p.m. but did not happen until 11.00 p.m. He was fasting for 12 hours. A 10-year-old girl was forced to wait 5½ hours in pain with suspected appendicitis before she was seen. Another patient informed me that their daughter's appendix actually burst whilst she was waiting for appropriate treatment. Yet another family made a makeshift bed out of toys in the kids playroom while they waited for 9 hours for their teenage daughter to be seen.

Will the minister ensure that the 2016–17 state budget includes funding for at least stage 1 of the redevelopment and expansion of GV Health's Shepparton hospital, with a commitment to fund a rolling series of stages so that patients are not forced to

wait untreated for unreasonable lengths of time because of the capacity limitations of the current hospital?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Public Transport. The minister, I am sure, is aware of the high degree of interest in her proposed sky rails in the southern and south-eastern suburbs of Melbourne. I am standing here today to inform the minister that interest is also growing in the north-west of Melbourne. Concern is growing in Moonee Ponds and Essendon about what exactly the government will do to replace the level crossings at Puckle Street, Park Street and Buckley Street. Will the minister rule out sky rail as a means of replacing these level crossings?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Public Transport, and it is in regard to the Domain tunnel. My question is: does the planning to date of the Melbourne Metro project include use of data analytics? By this I mean has, for example, phone data been used to track not just where passengers get on and off public transport but the real destinations of passengers?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Roads and Road Safety, and I ask the minister if VicRoads has prioritised the upgrade of Barwon Heads Road between the Lower Mount Duneed Road roundabout and the Barwon Heads Airport. Day after day accidents occur on this road due to a lack of turning lanes into the airport entrance, even though easements have been made available by the owners to provide those turning lanes. We also have a high volume of traffic and the poor condition of the road: the asphalt foundations have been compromised by regular flooding, and there is wear and tear of the pavement on the edges. There is also a significant bike track on this stretch of road, and again there is no provision for coexistence between cyclists and motorists. We have a potpourri of risky behaviour by both cyclists and motorists and also the heavy traffic turning into the airport, so I ask the minister to prioritise that road for an upgrade and turning lanes.

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I have asked the minister a number of questions on several occasions about his preparedness to meet with those traders and residents who have been affected by the removal of level crossings within Southern Metropolitan Region, in particular traders near North Road, Ormond. In fact last sitting week, because the minister had not yet been to visit the traders as promised, I asked the Premier to step in and do so.

Last week the minister did go down and meet with the traders in the Bentleigh Assembly electorate who are affected by the level crossing removals. During the minister’s visit I understand he indicated that a stimulus package would be made available. My question to the minister is: could he outline the details of the stimulus package, including how much it will be, when it will be rolled out and whether he guarantees that anyone who has been impacted by and suffered financial loss as a result of the removal of the level crossings will be included in the package?

PETITIONS

Following petitions presented to house:

Christmas carols in schools

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the government has imposed a ban on singing traditional Christmas carols in Victorian government schools.

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews government reverses this decision and allows students attending government schools to sing traditional Christmas carols.

By Ms LOVELL (Northern Victoria)
(264 signatures).

Laid on table.

Elevated rail proposal

To the Legislative Council of Victoria:

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

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

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

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

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

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

Laid on table.

Elevated rail proposal

To the Legislative Council of Victoria:

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

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

that affected local communities were not properly consulted in the development of these plans, with many only hearing about it for the first time in a recent article in the *Herald Sun* and subsequent media coverage; and

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

We therefore call on the Daniel Andrews Labor government to hold off announcing a preferred tenderer until such time as thorough consultation with affected communities has been undertaken and the depth of the community’s opposition to any sky rail proposal is properly taken into account in its transport planning.

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

Laid on table.

COMMISSION OF INQUIRY INTO GREATER GEELONG CITY COUNCIL

Report

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade), by leave, presented report.

Laid on table.

Ordered to be published.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 5 of 2016*, including appendices.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

Minister's order of 30 July 2015 giving approval to the granting of a lease and licences at Victoria Royal Park Reserve.

Minister's order of 11 March 2016 giving approval to the granting of a lease at Mordialloc-Mentone Beach.

Minister's order of 31 March 2016 giving approval to the granting of a licence at Lakeside Stadium Reserve.

Gambling Regulation Act 2003 — Amendment of the Category 1 Public Lottery Licence, 17 March 2016.

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

Ararat Planning Scheme — Amendment C32.

Bass Coast Planning Scheme — Amendment C134.

Boroondara Planning Scheme — Amendments C178, C235 and C237.

Brimbank Planning Scheme — Amendments C161 and C162.

Colac Otway Planning Scheme — Amendment C89.

Corangamite Planning Scheme — Amendments C39 and C42.

East Gippsland Planning Scheme — Amendments C121 and C127.

Glen Eira Planning Scheme — Amendments C139 and C140.

Glennelg Planning Scheme — Amendment C57.

Greater Bendigo Planning Scheme — Amendments C193, C214, C216 and C218.

Greater Geelong Planning Scheme — Amendment C280.

Latrobe Planning Scheme — Amendment C94.

Mansfield Planning Scheme — Amendment C38

Mildura Planning Scheme — Amendment C85.

Moira Planning Scheme — Amendment C83.

Moyne Planning Scheme — Amendment C55.

Stonnington Planning Scheme — Amendments C224, C226 and C228.

Wellington Planning Scheme — Amendments C85 and C88.

Whittlesea Planning Scheme — Amendment C194.

Yarra Planning Scheme — Amendment C213.

Statutory Rules under the following acts of Parliament —

Geothermal Energy Resources Act 2005 — No. 15.

Magistrates' Court Act 1989 — No. 17.

Supreme Court Act 1986 — No. 14.

Victorian Energy Efficiency Target Act 2007 — No. 16.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 11, 12, 15, 16 and 17.

Legislative Instrument and related documents under section 16B in respect of the Domestic Animals Act 1994 — Order exempting holders of certain scientific licences from various provisions of the Domestic Animals Act 1994, dated 22 March 2016.

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

Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 — Parts 1 to 7 — 5 April 2016 (*Gazette No. S86, 5 April 2016*).

Justice Legislation Amendment Act 2015 — Part 7 — 6 April 2016 (*Gazette No. S186, 5 April 2016*).

ROYAL COMMISSION INTO FAMILY VIOLENCE

Report

The Clerk, pursuant to section 37 of the Inquiries Act 2014, presented report.

Laid on table.

Ordered to be published.

ACCOUNTABILITY AND OVERSIGHT COMMITTEE

Victorian oversight agencies 2013–14 and 2014–15

The Clerk presented government response.

Laid on table.

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter from the Attorney-General in relation to the Advanced Lignite Demonstration Program:

I refer to the Legislative Council's resolution of 10 June 2015 seeking the production of:

any agreements in relation to the Advanced Lignite Demonstration Program between the state of Victoria and —

- (1) Coal Energy Australia;
- (2) Ignite Energy Resources; and
- (3) Shanghai Electric Australia Power & Energy Development Pty Limited (SEAPED).

I also refer to my letter to you of 14 April 2015, noting the limits on the Council's power to call for documents. Those limits centre on the protection of the public interest. In that letter, I set out factors which the government would consider in assessing whether the release of documents would be prejudicial to the public interest.

In response to the Council's resolution, my letter of 10 September 2015 indicated that the government had assessed the agreements against the factors listed in the letter of 14 April 2015, and produced the agreements to the Council with certain redactions made on the basis of executive privilege.

The government has now further assessed the agreements. By way of further response to the Council's order, the government now produces the agreements inclusive of the agreed terms and schedule 2. The government's response now provides the Council with information about the milestones, timing, reporting and payments arising under those agreements.

Notwithstanding the production of this additional information, the government continues to claim executive privilege in relation to the material in schedules 3 and 4 of the agreements, and such material has been redacted, accordingly. The government has determined that the release of the redacted material in schedules 3 and 4 of the agreements would be prejudicial to the public interest on the basis that its disclosure would materially damage the state's financial or commercial interests.

The agreements also contain the names and contact details of individuals. In the interests of personal privacy, those names and contact details have been excluded.

Ordered that letter be considered next day on motion of Ms Pennicuik for Mr BARBER (Northern Metropolitan).

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 13 April 2016:

- (1) order of the day 8, second reading of the Infant Viability Bill 2015;
- (2) order of the day 29, resumption of debate on motion relating to the continuing failure of the government to comply with certain orders for the production of documents;
- (3) notice of motion 225 standing in the name of Ms Lovell relating to funding for the redevelopment and expansion of Shepparton hospital; and
- (4) order of the day 1, resumption of debate on the Corrections Amendment (No body, no parole) Bill 2016.

Motion agreed to.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Reporting date

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

That the resolution of the Council of 6 May 2015 requiring the Family and Community Development Committee to inquire into and report by 31 May 2016 on services for people with autism spectrum disorder be amended so as to now require the committee to present its report by 30 June 2017.

Motion agreed to.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Reporting date

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

That the resolution of the Council of 6 May 2015 requiring the Environment, Natural Resources and Regional Development Committee to inquire into and report by 31 March 2016 on the sustainability and operational challenges of Victoria's rural and regional councils be amended so as to now require the committee to present its report by 31 March 2017.

Motion agreed to.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Reporting date

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

That the resolution of the Council of 16 September 2015 requiring the Family and Community Development Committee to inquire into and report by 30 June 2016 on perinatal services be amended so as to now require the committee to present its report by 8 December 2017.

Motion agreed to.

MEMBERS STATEMENTS

Janet Cummings

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to pay tribute to Janet Cummings. Janet was born in Liverpool, England, and after moving to Australia in 1962 she met her husband, Ron, and went on to settle on the Mornington Peninsula to raise a family. A concern about inadequate preschool access led Janet to stand for council. After a campaign in which no door was left unknocked, Janet was elected in a landslide to the then Shire of Hastings.

Janet brought a practical perspective to municipal affairs and a desire to get things done. At the end of her council term Janet chose to retire; however, her interest in public affairs remained. After leaving council Janet continued to deliver for her local community, working as an electorate officer, initially for Peter McLellan, followed by David Lean and Cameron Boardman. For more than 16 years Janet was my electorate officer.

Although she never sought elected office beyond her council term, Janet would have been an outstanding member of Parliament in her own right. She combined great integrity and character with strong political nous and a strategic outlook. Janet was always interested in other people. In the electorate office she helped hundreds of people with often complex problems and was absolutely tenacious in chasing down departments, agencies and ministers to get things done.

Janet was a remarkable person who gave endlessly to those around her. She was warm and compassionate and a person to rely on. For me Janet was fiercely loyal and absolutely trustworthy. She was an honest counsellor and sounding board and above all a wonderful friend. Sadly Janet died on 3 April after a long illness. I express my condolences to Ron, to Janet's children, Aaron and Lauren, and to her grandchildren. Janet will be sadly missed.

Anzac Day

Mr EIDEH (Western Metropolitan) — I rise to speak on the importance of Anzac Day, as well as of Vietnam veterans and Vietnamese veterans. Anzac Day, which is next week, marks the landing of Australian and New Zealand troops on the shores of Gallipoli in 1915. It is our very own national day of remembrance for those who have courageously served and died in war.

I had the honour of attending a statewide commemoration service in February to mark the 50th anniversary of the Battle of Long Tan and to honour our 98 fallen Vietnam veterans interred in Victoria. This service was held at the Altona cemetery and was part of a statewide simultaneous vigil held at the gravesites of Vietnam veterans buried in Victoria.

The Vietnam War was Australia's longest military engagement in the 20th century, and as such many of us have been touched by the hardships and trauma brought about by war. Despite the horrific experiences of this war, a Vietnamese-Australian friendship was formed, and over time we have seen the Vietnamese community thrive in Australia. The Vietnamese community has contributed so much to Victoria, especially in my own electorate.

This year the Melbourne Anzac Day March will be led by Vietnam veterans. This is a well-deserved and fitting tribute, and I commend this government on providing Victorians young and old with a chance to pay their respects to the honourable men and women who have sacrificed so much in all wars, conflicts and peacekeeping missions.

I am proud to be part of a government which has joined the Victorian branch of the Vietnam Veterans Association of Australia, responsible for a range of activities, including a \$250 000 upgrade of the National Vietnam Veterans Museum at Phillip Island, a Vietnam War history competition and other commemorative events statewide. It will be an opportunity for all to remember and reflect on the impacts of the Vietnam War and to pay tribute to the great sacrifices made, which is what our Vietnam veterans deserve.

Standing Committee on Legal and Social Issues

Ms SPRINGLE (South Eastern Metropolitan) — Since we last sat in this chamber, members of the Standing Committee on Legal and Social Issues end-of-life choices inquiry participated in a study tour of overseas jurisdictions that have laws allowing for various models of assisted dying, including the Netherlands, Switzerland, Montreal, Ottawa and Oregon.

Through an extensive schedule of meetings with stakeholders, including medical associations, right-to-die organisations, bioethicists, palliative care operators, hospices, departments of health and justice, academic researchers, lawyers, educators, advocates, legislators, doctors, nurses and other health-care professionals, we were offered a level of insight and understanding into this area that could never have been achieved otherwise. I am of the opinion that any recommendations produced from this inquiry will be the better for it. I would like to thank the Parliament for this opportunity and for its commitment to evidence-based, thorough investigations, which I hope will translate into findings that reflect not only best practice but a model that suits the cultural context for the Victorian people.

I would also like to offer my profound thanks to our amazing secretariat team without whose tireless work we would not do this topic any justice. In particular I would like to acknowledge Lilian Topic, whose guidance through not only this trip but the entire inquiry has been nothing short of excellent. Lastly I would like to commend my fellow committee members, who have brought a tremendous amount of goodwill to our investigations and engaged thoroughly and meaningfully with the issue.

Shepparton infrastructure funding

Ms LOVELL (Northern Victoria) — An article that appeared in the *Herald Sun* of 3 April headed 'A great divide we must close' stated that country Victorians are being left behind, with damning new data revealing the

divide between them and their city counterparts. At the same time I note that the Treasurer, Tim Pallas, is pushing for equality in the distribution of federal funding, referencing the fact that Victoria represents 25 per cent of the Australian population and therefore should receive more federal infrastructure funding.

In Shepparton we would also argue that we deserve our fair share of funding. Shepparton needs investment in our hospital, public transport services, roads and CBD. We need investment in job creation, with a particular focus on our youth. We need and deserve to have our quality of life and living outcomes improved to at least be comparable with other regional cities and Melbourne.

The great divide continues to grow between Melbourne and Shepparton. From 2001 to 2011 Melbourne's median household income increased by \$149 to reach \$1333 per week. In Shepparton median incomes increased by just \$11, to \$914 per week. This was the lowest income increase nationally.

In Melbourne you can expect to live to 85 but unfortunately in Shepparton to just 81. Shepparton is in desperate need of investment in health, public transport, jobs and other services. I agree with Mr Pallas's sentiment: equality should be the name of the game. So he needs to acknowledge that not only is 25 per cent of Victoria's population in regional Victoria but Shepparton is in desperate need of investment. Mr Pallas's upcoming budget needs to do a lot better for Shepparton and regional Victoria than his last budget, which saw him allocate just 2.9 per cent of the state's infrastructure funding to regional Victoria.

Greek National Day

Mr ELASMAR (Northern Metropolitan) — On 22 March it was my great pleasure to attend, along with several of my parliamentary colleagues, the Hellenic Museum located in the city, to celebrate the national day of Greece. The Consul General, Ms Christina Simantiraki, graciously hosted the event outside in the gardens, and it was a lovely evening. There was music, as well as fine speeches, and all in all it was a very enjoyable night. Minister Mikakos and two other MPs of Greek extraction from the other place undoubtedly enjoyed celebrating their country of origin's national day.

Greek National Day

Mr ELASMAR — On another matter, on 26 March I was pleased to represent the Minister for Multicultural Affairs, Robin Scott, and to lay a wreath on his behalf

at the Australian Greek Ex-servicemen's Association anniversary of the 25 March 1821 remembrance day. The event was held in my electorate at the town hall in Preston. The occasion commemorated the Greek War of Independence of 1821 and was well attended. Each year the descendants of these brave men and women, who struggled for freedom from oppression, memorialise the ultimate sacrifices made by their ancestors.

Russell Street bombing anniversary

Mr O'DONOHUE (Eastern Victoria) — During the last sitting week I had the privilege, together with other members of this place and with the Premier, the Leader of the Opposition and other members of the other place, the Chief Commissioner of Police and senior members of force command, to attend the 30th anniversary ceremony of the devastating 1986 Russell Street bombing — an event that changed Victoria forever. There was a moving memorial ceremony to pay tribute to and honour the life of Constable Angela Rose Taylor.

The bombing, now viewed as an act of domestic terrorism never seen before in our state, injured 22 people and ultimately cost Angela Taylor her life. The dedication of the intensive care staff station at the Royal Melbourne Hospital in honour of Angela is a fitting and lasting tribute to a dedicated police officer whose life was tragically cut short. May Angela's passion for life and dedication to serving the community never be forgotten.

I would also like to take this opportunity to congratulate Victoria Police for their professionalism and sincerity in the way that they commemorated this 30th anniversary and the courage of the Taylor family, who were present and spoke at the ceremony.

Leadbeater's possum

Ms DUNN (Eastern Metropolitan) — I rise to speak about the rediscovery of the Leadbeater's possum. A significant date has passed since we last sat in the Parliament — and that is 3 April. It was 55 years ago that Eric Wilkinson and other botanists rediscovered the Leadbeater's possum after it was thought that it was extinct. I am delighted that I could attend the picnic organised by the Friends of Leadbeater's Possum up in Cambarville and listen to Eric Wilkinson talk about that rediscovery 55 years ago. So significant was that rediscovery that the Leadbeater's was subsequently named as Victoria's faunal emblem.

The day included many talks from many learned people. It is worth noting that representatives from the Australian National University (ANU) were there, who have in fact researched the Leadbeater's possum for more than 30 years now. We did visit an ANU research site as part of the day, and what is critical in that is the importance of what is known as 1939 regrowth. Currently logged and woodchipped to make copy paper, it is important that this stand of forest remain intact and standing because the 1939 regrowth forest is in fact the future home of Leadbeater's when the trees mature and develop hollows. Sadly, if the regrowth gets chipped to make paper, they simply will not be doing that. What else is critical is the importance of the understorey and an intact forest. I was delighted to be able to attend, and I thank the Friends of Leadbeater's Possum.

Wonthaggi ministerial round table

Ms SHING (Eastern Victoria) — On 1 April I was delighted to welcome the Deputy Premier, James Merlino, along with Minister Lisa Neville, Minister Jaala Pulford, Minister John Eren and Minister Jill Hennessy, to Wonthaggi to have a series of roundtable discussions with the community across a range of different ministerial portfolios. This was a very successful event, which was coordinated with the assistance of the Bass Coast Shire Council and the mayor, Jordan Crugnale. It has resulted in a number of people being able to get direct access to ministers to convey their concerns, positions and feedback about what is working and what is not working and what needs to be done by government in delivering responsibly in relation to its election commitments. Thank you to all who were involved. It was a very successful day. I am looking forward to significant results coming from it.

Loch Sport skate park

Ms SHING — Last week I was pleased to be able to represent the Minister for Regional Development, Jaala Pulford, at the opening of the Loch Sport skate park, at which we were privileged to celebrate the contribution of people such as Bec Webb and her daughter Shai Anne, who raised \$10 000 between them, to add to the \$80 000 from the Victorian government and the \$94 000 from the Wellington Shire Council.

Gippsland Regional Sports Complex

Ms SHING — It was also a pleasure last week, on Wednesday, 6 April, to announce a \$650 000 Community Sports Infrastructure Fund grant for the regional sports complex at Sale. This will provide

additional support as part of a \$1 million donation from the John Leslie Foundation and significant Wellington Shire Council donations to make sure that we get a facility up and running by the end of next year that will allow regional and global competition to come to the area.

Weekend to End Women's Cancers

Ms FITZHERBERT (Southern Metropolitan) — The Weekend to End Women's Cancers will be held in Melbourne on 16 and 17 April. The event centres on a 60-kilometre walk, but it is indeed much more than that. The weekend benefits the Peter MacCallum Cancer Centre and in particular is about fighting breast and gynaecological cancers. Proceeds raised will support research and clinical care. I note that funds will help Peter Mac's clinicians and researchers to improve cancer detection and to find gentler and more personalised treatments for women with cancer. Each participant commits to raise a minimum of \$2000, and many raised much, much more than this. I acknowledge all of those who are participating in and organising this great event and wish them well in the weekend ahead.

Country Fire Authority Pakenham Upper station

Mr MULINO (Eastern Victoria) — I rise to congratulate the Pakenham Upper fire brigade on the rebuild of its station. The brigade has been in operation for over 70 years. It currently has 28 active members and is a very important part of the community. It provides assistance in relation to bushfires and year-round services for a rapidly growing community, and it is one of many Country Fire Authority brigades that provide services in relation to road trauma first response. When you compare the current facilities to the old station, which did not even include toilet facilities, you can see how important they will be for the brigade.

IYU Recreation Reserve

Mr MULINO — I would also like to congratulate the community in Pakenham for the progress on the IYU soccer reserve. This is a major sporting facility which has been provided with funding as part of the Interface Growth Fund. The fund will provide over \$3.5 million to fast-track this facility, which will ultimately include four soccer fields — two junior, one senior and a synthetic. The soccer club that currently bases itself there currently has over 300 members, which could easily double, given population growth in the area.

Lillydale Lake Playspace

Mr MULINO — Finally I would like to congratulate all in the community who have worked towards the Lillydale Lake Playspace. I was at the launch of the beginning of construction for that, with the Deputy Premier, last week. It is a \$1.4 million project, \$1 million of which will be provided from the Victorian government. As the father of a two-year-old, I know how important it is to have two-year-olds and others burn off energy for the sanity of parents throughout the state. I think this will be an amazing facility, which is supported by the council, the state government and the community more generally.

National Forum for Women and Girls with Disability

Ms CROZIER (Southern Metropolitan) — I had the great pleasure last Wednesday to attend the Women With Disabilities Australia National Forum for Women and Girls with Disability, which was held here in Melbourne. It was the first time a national forum of this nature had taken place. The Honourable Michaelia Cash, the federal Minister for Women, was in attendance and gave the keynote address to the forum. Indeed it was the federal government that provided the funding for it to take place.

There were a number of extraordinary women who have overcome so many physical disabilities and other areas of disability in attending the conference. I want to put on record my great admiration for their courage in overcoming so many barriers to attend and put their voices towards the issues that are very important to them. Some of the areas that were spoken about at the forum included the very important economic participation and empowerment of both women and girls who have disability, violence against women and girls with disability, sexual and reproductive rights, leadership and participation, and other areas that affect women with disabilities. They were all discussed in this very informative and beneficial forum, and I would like to congratulate the organisers for bringing it all together.

Royal Commission into Family Violence

Mr MELHEM (Western Metropolitan) — I rise to speak on the 13 months of hearings conducted by the Royal Commission into Family Violence. The 13-month inquiry, led by Justice Marcia Neave, was tasked with examining the best ways to prevent family violence; improve early intervention; support victims; make perpetrators accountable; better coordinate community and government responses; and evaluate

and measure strategies, frameworks, policies, programs and services. Survivors, perpetrators, support groups, health and welfare agencies, government organisations and police were among the hundreds of people and organisations who took part in the inquiry.

The Andrews Labor government has vowed to overhaul a broken family violence support system and will implement all of the recommendations made in the report. Also, the Andrews Labor government will punish the perpetrators of this violence, will listen to the people who have survived it and will change the culture that has created it.

I want to thank all the many people who actually contributed to the royal commission, particularly victims and survivors and the people who have supported them. I would also like to commend Premier Andrews for his leadership, which he has shown particularly in relation to this matter. And great work was conducted by the Minister for the Prevention of Family Violence, Fiona Richardson, who has performed great work so far in that portfolio. I commend the report to the house.

Greater Geelong City Council

Mr DAVIS (Southern Metropolitan) — Today we have seen the tabling in the Parliament of the Moran report on the Greater Geelong City Council and the appearance in the Legislative Assembly of a bill to dismiss the council. The coalition strongly understands the need for high levels of probity within Geelong city council, and indeed all councils, but this bill does much more than dismiss the council temporarily to enable a replacement to be put in place in proper due course. What it does is strip away the current model and put in its place a brand-new model, a different model — not the Melbourne model and not the model that exists now, but a new model that has not been consulted on with the community in any way whatsoever.

Equally, what this does is take away local government for four and a half years — a very long period of time — and you have to ask why that period of time is needed. And that is not in the Moran report. It is not in the Moran report that local government should be taken away. The Moran report does say there needs to be time to reset things at Geelong city council, and we agree with that, but this is clearly driven by Labor Party politics in part and a fear of certain Labor members at a local level. So we do need a new council; we do need fair democracy too.

Latrobe Valley fuel prices

Ms BATH (Eastern Victoria) — The cost of living is an important issue for Latrobe Valley residents. This Labor government needs to show its support for the residents of the Latrobe Valley and back an investigation into high fuel prices in the Latrobe Valley. I have had a number of constituents frustrated at the price difference in fuel throughout Gippsland. I understand that price differences can often be the result of fuel transport costs; however, that cannot be the case when motorists are paying up to 119.7 cents a litre in Traralgon while in some places in East Gippsland — which is almost 4 hours drive from Melbourne — fuel is under a \$1 a litre. Our local newspaper, the *Latrobe Valley Express*, reports that Latrobe Valley motorists are coughing up on average 16.8 cents per litre more than Bairnsdale motorists. This does not make sense, and Latrobe Valley residents rightly feel that they are being ripped off. This Victorian government needs to push for an investigation into fuel prices in the Latrobe Valley.

Harold Preston Reserve Pavilion

Ms BATH — Last week I attended the opening of the Harold Preston Reserve Pavilion, which was funded with the assistance of \$50 000 from the former Liberal-Nationals coalition, announced in 2013 by the member for Morwell in the Legislative Assembly, Russell Northe. I would like to congratulate Traralgon Olympians Soccer Club president, Con Kattos, and the Latrobe City Council for contributing funding towards the construction of the new pavilion, which includes change rooms for female and junior players. The Nationals are passionate about building healthier and stronger active communities, and this new asset will help to ensure that women and juniors are attracted to this sport. Congratulations to Con, the secretary, Emy, and the treasurer, Tony, for their ongoing commitment, passion and dedication to the Traralgon Olympians Soccer Club.

Battle of Long Tan commemoration

Mrs PEULICH (South Eastern Metropolitan) — As the shadow Minister for Multicultural Affairs I would like to extend my thanks to coalition MPs and others for being prepared to make statements and give notices of motion both today and over the next two days to mark the 50th anniversary of the Battle of Long Tan in the Vietnam War. The 1st Australian task force was stationed on a communist supply route and was attacked in low visibility. With 18 men killed and 24 wounded, the 108-man unit thought it had suffered a defeat, but daylight revealed approximate enemy losses

of 245 men, 350 wounded, 3 captured and the defeat of a 1500 to 2500-man opponent. It was a victory against the communist army, a win for the South Vietnamese, and one that they have never forgotten.

With the fall of Saigon in 1975 many South Vietnamese came to Australia, with the door opened by a former federal Liberal government led by Malcolm Fraser, and they have made a valuable contribution ever since. This year for the first time Vietnam veterans and their South Vietnamese allies will lead the Anzac Day march. For bringing this together, I acknowledge Bob Elworthy, Minh Nguyen, Major General David MacLachlan, Ken Baker, Viv Nguyen, Bon Nguyen, Vo Tri Dung, Truc Nguyen, Bishop Vincent Long Nguyen, the Venerable Thich Nguyen Tang, Chao Hong Vu and their associations. I also recognise Ray Weston, John Wells, Martin Rudelbach, Ray McCarthy, Tran Quoc Dong Region, Chau Hoang Vu and South Eastern Metropolitan community members for their leadership in the Vietnam veterans activities and as locals who will lead the Anzac Day march.

Janet Cummings

Mrs PEULICH — I would also like to extend my condolences to the Cummings family on the recent passing of Janet Cummings. She will certainly be missed by the Liberal Party, as well as members of the community that she assisted.

VICTORIA POLICE AMENDMENT (MERIT-BASED TRANSFER) BILL 2016

Second reading

Debate resumed from 10 March; motion of Ms MIKAKOS (Minister for Families and Children).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the opposition and indicate that the coalition will not be opposing this bill. Indeed it welcomes this piece of legislation, which provides legislative amendments to allow for merit-based transfers as opposed to the existing expression of interest-based transfers of non-metropolitan general duties police officers — that is, constables and senior constables.

The bill facilitates a new enterprise bargaining agreement (EBA) outcome, as agreed by Victoria Police and Police Association Victoria, that introduces a performance and merit-based selection process for country-based general duties police officers. Currently general duties police below the rank of sergeant who

wish to work in country Victoria put forward expressions of interest to work at particular locations. When a position becomes available the next highest police officer on the expression of interest list is offered the position. This proposed change has been agreed between the association and Victoria Police as part of the new EBA, and it provides for greater transparency of appointments and allows police officers a right of appeal to the Police Services and Registration Board that currently does not exist under the expression of interest process.

Country vacancies for police officer positions of sergeant or above are already subject to a merit-based process, and therefore the legislated amendment extends a Victoria Police human resource management process that is already in place.

Sitting behind this reform are some very important reports that have been released in recent months. I refer specifically to the IBAC report entitled *Predatory behaviour by Victoria Police officers against vulnerable persons*, which was completed and released in December last year, and the report of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) entitled *Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police*, also of December last year.

I note the leadership of the former Chief Commissioner of Police; the Acting Chief Commissioner, Tim Cartwright; and the current Chief Commissioner of Police, Graham Ashton, all of whom have had a role in the instigation and now the delivery of the reforms that those two very significant reports recommend. In some ways this reform for a merit-based process will help to facilitate some of the changes that those two important reports recommend — that is, changes to eliminate the sort of predatory behaviour that has been exposed as a result of those reports. I congratulate force command for doing the courageous thing in confronting these very sobering and difficult issues that confront the force, and that is the context in which this reform, while relatively minor, needs to be considered.

That is one of the reasons the opposition has adopted the position it has. It is worth noting that the police association has supported this outcome. Indeed it is an outcome of the EBA negotiations that were concluded relatively recently.

The bill itself is relatively straightforward. It has seven clauses. Clause 3 inserts the definition of 'metropolitan position' and repeals the definition of 'country position', and clause 4 makes further changes to the

definition of metropolitan position. The remaining clauses are uncontroversial and just give legislative effect to the agreement that has been reached between the police association and Victoria Police, which we will give effect to with the passage of the bill.

I will now make some remarks about the general state of play in relation to policing and community safety issues in Victoria. Perhaps the first things to note in that context are the crime statistics released by the Crime Statistics Agency, which itself is a creature of the coalition government. It was funded by the coalition government to increase transparency in the delivery of crime statistics. The figures released for the year to 31 December 2015 show that there were nearly half a million offences recorded — 497 116 offences to be exact, an increase of 8.1 per cent from 459 681 in the preceding year. Some particular crime trends of note and of concern are burglary and break-and-enter offences, which are up 9.1 per cent from 45 549 to 49 682; drug dealing and trafficking offences are up 17.7 per cent; weapons and explosives offences are up 17.1 per cent; public nuisance offences are up 15.8 per cent; and justice procedures are up 39.3 per cent. While the percentage increase was lower, there was a 4.2 per cent increase in assaults and related offences from 37 687 to 39 255.

In the first full year of this government we have seen a most concerning trend of increased crime. An 8.1 per cent across-the-board increase is indeed very significant. I think it is reflected in some of the anecdotal evidence about some of the crimes that we are seeing in Victoria, crimes such as home invasions, drive-by shootings and carjackings. These are crimes that were unheard of in Victoria until relatively recently, crimes that one may have seen on the TV news in the wrap-up of what was happening overseas. Regrettably these are now crimes that have become all too common and all too familiar to the Victorian community. The concept of home invasions is particularly egregious and concerning. We are hearing of more and more situations where members of families are at home asleep when someone breaks into their house and either takes the car keys and steals a car or confronts someone sleeping or someone at home and threatens them to get the keys to a luxury vehicle or items of value so that they can steal them. These sorts of crimes cause a great deal of community concern.

I think the community is also concerned that the government has shown an absolute lack of response to the growing crime statistics and to the other crime trends that confront the community — the ice plague and issues associated with family violence. Since this bill was introduced into this place we have seen the

Royal Commission into Family Violence hand down its recommendations. I note the call of the police association for the urgent recruitment of an extra 500 sworn members of Victoria Police to plug ‘the gaping holes’ that currently exist, to quote the secretary of the association.

Before the last election the association called for an extra 1880 sworn police in this term of government, which is fundamentally what the coalition delivered during its term of government — 1900 extra police. So far we have had a handful of extra police from Daniel Andrews. We hear every government member talk about police personnel, and I am sure government members who speak on this bill will talk about police personnel. They love talking about police personnel, but they are not sworn police. Members opposite wrap up everyone who is associated with these issues — sworn, unsworn, doing a variety of tasks — and try to portray them as sworn members of Victoria Police, when the reality is the government has failed to deliver the extra police that are needed and failed to accommodate the issues of increased crime, of ice and of family violence.

We have a police force that is fundamentally the same size now as it was when the coalition left government.

Mr Dalidakis — No, it is not.

Mr O'DONOHUE — I note the interjection of the minister at the table. He should be embarrassed at his government's failure to make the funding of Victoria Police a priority and the failure of his government to deliver the extra resources that Victoria Police and the Victorian community need. He should also be embarrassed that the Premier and the Labor government have lied about keeping all police stations open.

Mr Dalidakis — On a point of order, Acting President, the member has reflected on the Premier and directly implied that he has lied. I ask the member to withdraw unreservedly.

The ACTING PRESIDENT (Ms Dunn) — Order! I uphold that point of order. I ask Mr O'Donohue to withdraw.

Mr O'DONOHUE — I withdraw.

Let me quote from a statement from the Minister for Police of 15 April 2015:

The Andrews Labor government supports one-man police stations in regional Victoria. Despite reports to the contrary, 105 one-man police stations are not being phased out. We

understand they are an important fabric of many small towns in this state.

As Minister for Police, I made a commitment in Parliament in February that this would keep all existing police stations open.

This government does not support the forcible closure of police stations against the wishes of local communities. There are 329 police stations across the state and they all play a significant role in the work done by police.

It is a clear, unequivocal promise from the government about retaining all police stations and keeping all police stations open.

Mr Dalidakis — In country Victoria — that is what you just read.

Mr O'DONOHUE — I pick up the interjection. Let me just quote again for the minister the final line of the press release:

There are 329 police stations across the state and they all play a significant role in the work done by police.

Mr Dalidakis — And what was the promise about? The promise was about the stations in country Victoria. So read it. Do not read it selectively. Be honest with yourself, if not *Hansard*.

Mr O'DONOHUE — Again for the benefit of the minister, let me quote the final two lines of the press release, because this is a very important point. Did the government promise to keep police stations open or not? Let me quote for the minister the final two lines:

This government does not support the forcible closure of police stations against the wishes of local communities. There are 329 police stations across the state and they all play a significant role in the work done by police.

Mr Dalidakis — Why don't you read it all again rather than selectively quoting? Read it all again. You've got the time. Use your time.

Mr O'DONOHUE — I take up the interjection from the minister. I am more than happy to read this statement again, but I do not think it is necessary because there is a clear commitment from the government in this press release to keep all police stations in Victoria open and to not forcibly close any police stations at all. The government has failed to honour that promise. So when government members talk about the independence of the chief commissioner, when government members say, 'Well, the resource allocation has nothing to do with me', they need to read this statement. This is a very clear and unequivocal statement, that all police stations across Victoria will be kept open.

Mr Dalidakis — That is not what the statement says.

Mr O'DONOHUE — I think for the benefit of the minister I will just read the relevant sections of the statement again.

Mr Dalidakis interjected.

The ACTING PRESIDENT (Ms Dunn) — Order! It is up to the member to determine what he would like to contribute to this debate.

Mr O'DONOHUE — Thank you, Acting President Dunn. I welcome the interest from the minister because this is an extremely — —

Ms Shing — I'm interested too.

Mr O'DONOHUE — And I welcome Ms Shing's interest too. This is a very important point. Should police stations be kept open? The opposition — the Liberal Party in coalition — thinks police stations should be kept open, and they should have the resources to be able to stay open and offer the services that the community expects. The Minister for Police seemed to share that view too, because that is what he said on 15 April:

As Minister for Police, I made a commitment in Parliament in February that this would keep all existing police stations open.

Note the unequivocal, clear statement:

... keep all existing police stations open.

This government does not support the forcible closure of police stations against the wishes of local communities. There are 329 police stations across the state and they all play a significant role in the work done by police.

I will not labour that point anymore. If the minister seeks further clarification, he is welcome to go to the website of the Minister for Police, look at media releases of 15 April and read that release. It is a very clear, unequivocal commitment to keep all police stations open. This is in the context of crime being up 8.1 per cent, the ice scourge, family violence issues, where police stations can be a sanctuary, and a range of other significant law and order challenges that confront Victoria right now. So that is the clear promise. What is the reality? The reality is that under this government and under Daniel Andrews police stations have been closed. My understanding is that since the election of this government the Minyip police station has not had a member attached to it on a permanent basis and it has been open extremely intermittently to the point where,

for all intents and purposes, for the community, that station is closed with no regular opening hours.

Ms Shing — They are in the process of advertising.

Mr O'DONOHUE — The Minyip police station has not had a member attached to it on a permanent basis since the election of this government.

Ms Shing — Victoria Police is in the process of advertising, and you know this.

Mr O'DONOHUE — I am actually happy to pick up the interjection: advertising for a member is a different proposition to having someone who answers the door or who is there to respond to the local community when they have a crime issue. If someone rings 000 from Minyip and says, 'There is a crime taking place. We need the police', are they supposed to say, 'It's okay. Once we've gone through the advertising process, once the advertising process is complete and we've allocated a police member, they'll get to your urgent issue'? Maybe that is acceptable to Ms Shing, her colleagues from the Labor Party and the government, but it is not acceptable to the coalition. We want to see these police stations open on a regular basis — —

Ms Shing — On a point of order, Acting President, Mr O'Donohue has indicated that it is not acceptable to the coalition, and yet I suspect that he is misleading the house by virtue of the fact that a coalition member attended the community consultation.

Mr Ondarchie — On the point of order, Acting President, that is not a point of order. I am sure if Ms Shing wants to debate this issue she has had adequate time to put her name on the list.

The ACTING PRESIDENT (Ms Dunn) — Order! There is no point of order. Mr O'Donohue, to continue.

Mr O'DONOHUE — Thank you, Acting President. Several weeks ago I was with Dee Ryall, the hardworking member for Mitcham in the other place, and we thought we would drop down to the Nunawading police station, say g'day, see who was there, have a cup of tea, see what was going on and learn about the local crime challenges or issues confronting Victoria Police in that part of the world. So we went down there, and Ms Ryall noticed that signage had been removed from the building. We thought that was a bit odd because according to the minister's statement there would be no forced closure of any police station against the wishes of the community, which implies very clearly that there would be community consultation if there was any intention to

close a police station. So Ms Ryall and I were perplexed that the police signage had gone from the building.

We approached the door to open it, and the door was locked. In fact there was a sign on the door saying that the station was closed, which again is most perplexing, given the clear promise of the minister and the clear implication that any closure would have a strong degree of community consultation. Yet Ms Ryall is not aware of any community consultation, and I know that subsequent to our visit to that police station she has made inquiries and no-one else in that community appears to know of any consultation that has taken place in relation to the closure of the Nunawading police station. So there is a clear breach of the promise of the government on 15 April to keep all police stations open.

Other police stations have been closed by stealth. The Burwood police station is not officially closed — Minister Scott has not gone out there saying, 'I, today, officially close the Burwood police station' or done the reverse of a ribbon cutting — but I do know from speaking with Graham Watt, the hardworking member for Burwood in the other place, who is very good and works very hard, that that police station is, for all intents and purposes, closed.

Ms Shing — 'For all intents and purposes'. What does that mean?

Mr O'DONOHUE — Again I am happy to pick up the interjection. There are no regular opening hours, so if someone wants police services or to speak to a police officer about an issue in their community of Burwood, to have documents signed or to seek advice about a matter that concerns them and that is relevant to Victoria Police, there are no regular opening hours. In fact, as I understand it, the station is virtually never open at all, and when police need to — —

Ms Shing — 'Virtually'. Literally or virtually?

Mr O'DONOHUE — Again Ms Shing interjects. Perhaps she can provide the opening hours of the Burwood police station. She is in government. She should talk to the advisers and get the advice about the regular, advertised opening hours of the Burwood police station because I think if you ask the members of the Burwood community what 'open' means, they would say it means it is accessible. It would mean — —

Ms Shing — It means 'Open pending Bob Stensholt's return'.

Mr O'DONOHUE — I take up the interjection about Mr Stensholt because as the former member for Burwood he should understand the importance of the Burwood police station to that community. Indeed, when he was the member for Burwood, he tabled a petition in the other place calling for more police, and he called for greater certainty of opening hours of police stations in his then electorate. Is it not ironic, to pick up the interjection from Ms Shing, that now the Burwood police station has been effectively closed by the minister? We all understand his role in that.

While we are talking about the Burwood electorate, why do we not also talk about the Ashburton police station? Admittedly this station has not been closed, but a poster put on the Ashburton police station back in September last year says, 'Ashburton police station will only open on Tuesdays and Thursdays from 9.00 a.m. to 5.00 p.m. This change is effective week commencing Sunday, 20 September 2015'. Ms Shing raised the issue of Mr Stensholt, the former member for Burwood, and when he was the member for Burwood, Ashburton police station was gutted, the opening hours were cut and it was run down. Indeed that was a significant issue in the 2010 election. There was a strong call from the community to upgrade the Ashburton police station. There was a very strong call in 2010 — —

Honourable members interjecting.

Mr Ondarchie — On a point of order, Acting President, you have reminded members on the government side on numerous occasions to desist to allow Mr O'Donohue to continue his contribution. Either they choose to defy the chair or you can make some choices about what you do about that.

The ACTING PRESIDENT (Ms Dunn) — Order! That is not a point of order, but I do remind members in the house that every member has a right to be heard and to make a contribution. I would hope that members would afford Mr O'Donohue his right to make a contribution.

Mr O'DONOHUE — Thank you, Acting President. These are very serious issues. As I said earlier in my contribution, government members no doubt later in this debate, as government members are doing now by way of interjection, will try to hide behind the allocation. The promise made by the minister was clear and unequivocal. Without caveat to the powers of the chief commissioner it was a clear and unequivocal promise that police stations would remain open. Ms Shing by way of interjection introduced the contribution of former member for Burwood in the Legislative Assembly Mr Stensholt and his

performance. As I was saying before, it is ironic given his current role that we have seen two police stations significantly downgraded in the Burwood electorate in the last 12 months — the Burwood police station has been effectively closed and the Ashburton police station has had its opening hours dramatically cut by the government.

Unfortunately that is not where it ends. Despite the clear and unequivocal promise from the minister in his statement of 15 April, we have seen I think for the first time in Victoria's history a brand-new and purpose-built police station ready for operation with an appropriate counter service, an appropriate design for meeting rooms and all the contemporary facilities one would expect for a new police station — and that is of course the new police station at Somerville — never to be opened, or not under this government anyway. What we have seen is that rather than the Somerville community on the Mornington Peninsula having a police station which can provide direct service to that growing community in that part of Western Port, that police station has not been opened and it has indeed been converted into an office building. It is a very expensive office building and a building that should be a police station for that part of the Mornington Peninsula.

We are seeing many other situations, some of which have been raised in this place or the other place, around police resources being stretched as a result of the failure of the government to deliver the resources that are needed. What we have seen in recent periods — during the summer holiday time and more recently during the Easter holiday period — —

Honourable members interjecting.

Mr Ondarchie — Too many times, Acting President.

The ACTING PRESIDENT (Ms Dunn) — Order! Too many times, Mr Ondarchie.

Mr O'DONOHUE — You are in the chair. What we have seen in the recent holiday periods — in the January and Christmas holiday period and in recent weeks during the Easter holiday period — is a change from previous practice. Holiday locations that usually receive a large boost in police numbers for the holiday season have not had that boost forthcoming in the way that they have in the past. The member for Gippsland East in the other place, Tim Bull, a colleague I share an electorate with, has been advocating for extra police during the holiday period because the Lakes Entrance police station, for example, was closed for much of

January, which is contrary to previous practice. That is because of the lack of additional resources sent to Lakes Entrance during that period. I am aware that on the other side of the bay Torquay and other holiday locations did not receive the extra police allocation that was the practice previously.

The chief commissioner can only allocate the resources that he or she has been provided with. What is clear is that the government has failed to provide the police with the resources they need. As I say, Police Association Victoria has called for an urgent injection of 500 extra sworn members as a priority to fill the gaping holes that exist at police stations across Victoria.

I have not even touched on the issues associated with the two-up policy. It is the responsibility of the Chief Commissioner of Police to ensure that the men and women of Victoria Police can operate in a safe way, and most unfortunately the operating environment has changed significantly in recent times to the point where the chief commissioner has determined that one-up patrols should only be done on rare occasions. Of course that is the legitimate decision of the chief commissioner when taking into consideration what we all know about events that have taken place here in Victoria and in other jurisdictions as well. But that comes with a resource implication and that comes with a resource cost, and the government's job is to step in and make up for the resource deficit or resource implication from that legitimate policy change.

Mr Dalidakis interjected.

Mr Finn — On a point of order, Acting President, you have given the minister directions now on a number of occasions, asking him to restrain himself and stop his constant stream of commentary across the chamber. He is clearly flouting your direction and your ruling. Out of respect for you and the Chair, I am asking that you require him to follow your ruling.

The ACTING PRESIDENT (Ms Dunn) — Order! There is no point of order. I understand what Mr Finn is saying, but if I were to impose total silence on the government side of the house, my expectation is that total silence would also be observed on Mr Finn's side of the house. I think a robust democracy does include some interjection, so I will not be upholding the point of order. I ask Mr O'Donohue to continue.

Mr O'DONOHUE — I am pleased to continue. I was making the point before that point of order that the government provided no extra resources to accommodate the legitimate two-up policy change. This is yet another example of the government's failure

to provide the resources that are needed by Victoria Police.

There are many other examples of police stations that have had their opening hours reduced. The service that they provide to the community through being open and accessible and through their providing a safe haven has been lessened as a result of their opening hours being reduced. Another police station in that broader Peninsula area in the southern part of Victoria is the Carrum Downs police station, which has had its opening hours on weekends cut in half.

In the interests of time I will not run through the list of other stations that have not had a formal change in their opening hours but have had to close their doors simply because there are not enough police to keep the doors open. A place like Cranbourne, which is growing enormously and which has been transformed from a quiet country town servicing a small commercial precinct and surrounding farmers into a major outer suburban growth hub, was recently unable to keep its doors open. It had to close its doors. We have seen the same with the Springvale police station. We have seen the same with the Craigieburn police station and a number of other police stations, including the Pakenham police station. I think the community expects that a police station that is advertised to be open 24 hours a day is indeed open 24 hours a day, and it is the job of the government to provide the chief commissioner with the necessary resources to enable those functions to be delivered. What is clear is that there are not sufficient resources currently being provided to enable those functions to be delivered.

In addition to providing resources for frontline sworn police and for the necessary running of the force and specialist units and the like it is important to have investment in new infrastructure. In the first budget of this government there was funding for just one new police station. It is critical in the upcoming budget that resources are provided for a full and complete rebuild of the stations at Cowes, Benalla and Colac, because those stations need upgrading.

Again, in the changed security environment expectations of what is appropriate have changed. The men and women of Victoria Police who work at these stations operate in what can only be described as substandard facilities with substandard conditions. The stations need to be fully rebuilt and fully replaced.

One other point I will touch on is the rollout of protective services officers (PSOs) to the remaining railway stations. When the coalition left office PSOs had been deployed to 170 railway stations in 2012,

2013 and 2014, which is on average more than one per week.

Mr Ondarchie — What did they call them?

Mr O'DONOHUE — I will pick up Mr Ondarchie's interjection about how the Labor Party referred to PSOs. The now Deputy Premier referred to them as 'plastic police', which is an absolute disgrace given that PSOs protect us here in this building. They do a magnificent job. They work to the highest standards and come from a long tradition of service to the Victorian community in the interests of community safety. So for the Deputy Premier to refer to them as 'plastic police' — he has never apologised for that comment — I think is very disappointing.

The then government had advice from the chief commissioner's office in October 2014 that the deployment of PSOs to an additional 46 railway stations in order to complete the PSO program rollout should take place by December 2015. Of those 46 stations that PSOs were to be deployed to between December 2014 and December 2015 the government deployed PSOs to just seven. Perhaps it was the sentiment expressed by the now Deputy Premier, perhaps it was a lack of support generally for the important PSO deployment program, but here we are in April 2016 and the PSO rollout has yet to be completed.

So we have on many fronts a range of issues flowing from the failure of leadership from this government in the police space and perhaps more generally in the community safety and law and order space. Let us not forget that one of the first actions of Daniel Andrews was to cut the crime prevention portfolio — —

Mr Dalidakis — On a point of order, Acting President, not only is that not correct but the member is misleading the house. In the last budget — —

Honourable members interjecting.

Mr Dalidakis — This is a point of order. He is misleading the house. The last budget delivered a \$2.5 billion record investment in the police budget — —

The ACTING PRESIDENT (Ms Dunn) — Order! This is not a time for Mr Dalidakis to debate. He can make a contribution at a time when it is appropriate. That is not a point of order.

Mr O'DONOHUE — You are correct, Acting President, it is not a point of order because it is factually true — —

Mr Dalidakis — On a point of order, Acting President, should you not deem that to be misleading the house, certainly I would call for a point of order on relevance because the member concerned has not once spoken to the legislation before us. In fact all he has done is smear the police commissioner in undertaking his duties in terms of resource allocation of the police budget.

Mr O'DONOHUE — Further to the point of order, Acting President, I have actually referred to the bill in some detail. In fact I spoke to the bill in my opening remarks and examined some of the clauses in some detail, so that is actually incorrect.

The ACTING PRESIDENT (Ms Dunn) — Order! I am satisfied that there is no point of order to be upheld. Mr O'Donohue has much latitude as lead speaker for the opposition.

Mr O'DONOHUE — Thank you for that guidance, Acting President. As I was saying, one of Daniel Andrews's first acts was to cut the crime prevention portfolio — —

Mr Herbert — No, he didn't.

Mr O'DONOHUE — I take up the interjection. I am not quite sure who the crime prevention minister is anymore. That is right — the government does not have one because it cut it. It cut crime prevention from the cabinet table and it has cut many of the programs that went with it. In the context of the Royal Commission into Family Violence the government has cut family violence projects associated with the crime prevention portfolio. Minister Herbert may like to say that is not correct, but he needs to do his research because it is correct. The Challenge Family Violence project is a very important project. The Baby Makes 3 program is a very important project in driving behavioural and cultural change at least in regard to family violence. These are programs that were cut by this government when it cut that portfolio. It says so much about the priorities of Daniel Andrews and the Labor government that one of its first actions was to axe the successful crime prevention portfolio and some of the successful programs that went with it.

Ministers on the other side need to get their facts straight before they start coming in here and making inane, inaccurate interjections. These are very serious issues. Community safety is a very serious community issue — —

Mr Herbert — On a point of order, Acting President, in terms of fact. I can understand that Mr O'Donohue is passionate about this. He is a former

minister. But when we are talking about the machinery of government changes — that is what we are talking about — there is no need to be hyperbolic about this.

The ACTING PRESIDENT (Ms Dunn) — Order! There is no point of order.

Mr O'DONOHUE — In other parts of the justice system we have seen the government lose control, whether it is the worst prison riot in Victoria's history at the Metropolitan Remand Centre, whether it is the recent riots — plural — at the Parkville Youth Justice Centre or indeed whether it is having hundreds of prisoners held in police cells as a result of maximum security front-end beds being taken offline, forcing police to babysit criminals rather than being out in the community catching them. We saw a most unfortunate incident overnight where those detained in the Moorabbin police cells managed to break out of the secure area and cause injury to a number of hardworking policemen and women who were going about their difficult and challenging job. This is a most unfortunate situation.

We are seeing issues across the justice system and issues across the law and order space in Victoria as a result of the failure of this government to resource Victoria Police and to provide the leadership that is needed on these important community issues, whether we are talking about gang violence and the unacceptable riots that we have seen or whether we are talking about crimes that we never used to see in Victoria that we now see with depressing regularity. There are a number of issues that confront the community. It is evidenced by the crime statistics that show an 8.1 per cent increase in crime in the first year of the Andrews Labor government. It goes to the broken promise of the government that no police stations would be forcibly closed.

I think my colleague and friend Mr Ondarchie may have an interest in this matter and may wish to say something more about this a bit later on, but I noticed a Facebook post from 4 April 2014 showing Assembly member for Ivanhoe Mr Carbines, Ms Mikakos and the now Premier holding signs saying 'Open West Heidelberg police station'. I invite the lead speaker for the government on this bill not only to update the house on the opening hours of Burwood, Somerville, Nunawading and Minyip police stations — and perhaps provide advice about cuts to police station opening hours at places like Carrum Downs and Ashburton — but also to advise the house of the opening hours of the Heidelberg West police station, because from this photo it looks like a pretty clear commitment from the then opposition leader that that police station would be open.

Now that we are 18 months into the term of this government I would really like an update from the lead speaker from the government about what the opening hours are for Heidelberg West police station, because we have seen serious issues of crime in the Heidelberg area.

Mr Ondarchie interjected.

Mr O'DONOHUE — Again Mr Ondarchie can speak with much greater local knowledge about these issues than I can, but I would really appreciate the advice — —

Mr Herbert — On a point of order, Acting President, I am always happy to answer questions from Mr O'Donohue, as he knows; however, on a point of relevance, this bill is only about regional police stations — and they are named — not about urban ones. Seriously, that is what the bill is about. It is quite specific. Mr O'Donohue knows that. I ask you, Acting President, to bring him back to the actual bill.

Mr O'DONOHUE — On the point of order, Acting President, part of my contribution has been in response to interjections from members of the government that have broadened the scope of this debate. I am the lead speaker for the opposition in relation to this bill. The general practice, as you referred to earlier, Acting President, is to provide greater liberty to that lead speaker to make a broad contribution regarding the context of a bill, and that is what I have been seeking to do. For Minister Herbert's information, when you take a police officer from metropolitan Melbourne and relocate them to country Victoria, unless there are replacement police officers being provided — —

The ACTING PRESIDENT (Ms Dunn) — Order! I think Mr O'Donohue is straying into debate at this point. I uphold the point of order and ask Mr O'Donohue to come back to the bill before us and the matters within it.

Mr O'DONOHUE — Thank you, Acting President. This bill is about the deployment of police officers, how that deployment is to be effected and what processes need to be undertaken to enable that to occur. As I said in my opening remarks, there are two very important reports — one from IBAC and one from VEOHRC — that sit behind that. On that basis the opposition supports what is being sought to be implemented as part of this.

But of course police officers can only be deployed where there are the resources to recruit and train new police to allow police to undertake all that needs to be undertaken for them to become sworn members of the

force. What we have seen from Daniel Andrews and the Labor government is a dramatic reduction in the number of new recruits to the academy, to go on to be constables or sworn members of the force, to the point where despite population growth of 100 000 people per year; despite legitimate operational changes, such as the two-up policy; and despite the scourges of family violence, ice and terrorism the number of police on the most recent figures today is virtually the same as it was when the coalition left office in November 2014.

During that time Victoria's population has grown by something in the order of 120 000, 130 000 or 140 000 people; we have had some very serious crimes take place that have changed operating procedures; and we have seen police stations either closed or closed in effect by having no regular opening hours, or the situation in Minyip that I referred to earlier in my contribution, where there is no police officer attached to that station. It is an absolute disgrace. Daniel Andrews has his priorities all wrong. This government has its priorities wrong. The protection of the community should be the first, second and third priorities of the government, and unfortunately that is not reflected in its investment decisions, it is not reflected in its actions and it is not reflected in its leadership, because there is a clear lack of leadership from the government in this important space.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to rise to make a contribution on the Victoria Police Amendment (Merit-based Transfer) Bill 2016, which is a very simple, straightforward and not very long bill — a bill of some six clauses that take up two pages and an extra, seventh, clause, which is the repealing clause, which strays onto the third page. Whilst it is a very simple, straightforward and short bill, it is nevertheless an important bill. It will make some changes to the way that police are transferred in the non-metropolitan areas of Victoria that come out of some investigations and reports that have been carried out by IBAC and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and will improve the way that police are transferred in the non-metropolitan area.

It is called the merit-based transfer bill, and it will facilitate merit-based transfers of police officers in non-metropolitan areas for general duty positions. Previously selection for transfer within or to non-metropolitan positions was based on expressions of interest. With the passage of this bill these positions will have to be advertised, and the selection will be on merit. We are supportive of these improvements to ensure that decisions relating to the transfer of officers involve merit rather than being based purely on

seniority, which has tended to be the case in the past. These reforms have been made in consultation and agreement with both Victoria Police and Police Association Victoria and form part of the recent enterprise agreement process. As the acting minister stated in the second-reading speech, this reform will reward performance and facilitate a better spread of police expertise across the state.

Recent IBAC and VEOHRC reports into sexual predatory behaviour and sexual discrimination in Victoria Police respectively identified several factors that enable predatory behaviour by rural police officers in particular and contribute to poor workplace culture, including the inability to attract staff from outside the immediate area, the inability to periodically refresh supervisors and managers and the low proportion of female supervisors and managers in non-metropolitan areas. This bill, according to the government, will complement the work of these reports. As I mentioned, this bill stems in some measure from those reports.

I would also like to note that as a result of our consultations, in particular those with the community legal sector, we see the importance of the Chief Commissioner of Police being able to exercise power under sections 33 and 35 of the act to make direct transfers so that he or she can compulsorily transfer low-ranked officers out of stations to break up poor culture, which is an issue particularly in some non-metropolitan regions, and that is why we have this bill before us. The bill will also remove any barrier to unsuccessful applicants appealing the decision on transfer to the Police Registration and Services Board. These transfer and appeal processes are consistent with the merit-based processes currently used for sergeant, senior and inspector positions.

There are some other points that I would like to make that are not entirely or exactly about the bill but may go towards the culture in the police force, and they relate to the high incidence of post-traumatic stress disorder (PTSD) and mental illness within Victoria Police. By way of questions on notice and other mechanisms in the Parliament we have queried the amount of appropriate support over the years for current and former police officers or police members with PTSD and mental illness. We know that recently there have been suicides of members and former members, and this is of great concern to us, to members of the community and, I know, to police themselves. Chief Commissioner of Police Graham Ashton has raised the issue and has in fact called for the appointment of a government minister for ex-police affairs to help combat the mental health crisis, particularly in light of the five serving officers who have taken their lives this year alone,

which is a great tragedy for the families and colleagues of those officers and a great concern to the community.

We have also raised the issue of the high incidence of bullying in the police force. We raised with the minister whether there should be an inquiry into this culture of bullying similar to the recent VEOHRC inquiry into sexual harassment. So far the minister has not responded positively with regard to that. We do understand, however, that there is an inquiry into the mental health and wellbeing of Victoria Police employees being undertaken by Dr Peter Cotton.

These are issues that are very important to raise. I listened with great interest to the very wideranging contribution by Mr O'Donohue with regard to the staffing of police stations in various areas of the state and the numbers of police. Certainly they are important issues, but I would reiterate the Greens position that it really is not up to the government of the day to decide where police or protective services officers are deployed. That is the role of the chief commissioner and police command. We would not want politicians to be making decisions about where police are deployed or stationed. That should be an operational decision by the police commissioner.

I was waiting also for Mr O'Donohue to raise a question that was in fact raised by Mr Clark in the other place with regard to this bill, which was: why does the bill not apply to all positions — merit-based transfer for all positions — and why is it only for non-metropolitan positions? It is a question that we have in mind as well, so I am looking across at the minister responsible as to whether he will be able to answer that question.

Mr Herbert interjected.

Ms PENNICUIK — It will be interesting to hear the answer to that question because one would think that merit-based transfers should apply across the police force rather than just in non-metropolitan areas. As I have outlined, we understand the particular reasons it is being targeted here, but one would think that this type of merit-based transfer should apply across the force. With those few words the Greens support this bill.

Mr ELASMAR (Northern Metropolitan) — I am glad to hear that the opposition and the Greens are not opposing this bill. I rise to support the Victoria Police Amendment (Merit-based Transfer) Bill 2016. I propose to speak briefly as the bill is short and virtually self-explanatory. This bill amends the Victoria Police Act 2013 pertaining to the transfer of certain police officers. Once enacted this legislation will provide a

mechanism for the merit-based transfer of police officers to country general duties positions.

Before I speak to the amendment bill, I welcome the opportunity to acknowledge the brave men and women of Victoria Police who regularly put their lives and safety on the line to ensure that we, our families and communities are protected and secure.

In relation to the bill before the house, general duties officers are those diligent women and men at the front line of the justice system. I think it is important and critical to the success of the new process that this bill has the full agreement and support of Police Association Victoria and police command. This accord forms part of the last enterprise bargaining agreement. The beauty of these proposed transfers is that they are merit based. The Chief Commissioner of Police and the police association agreed to these reforms which mean that general duties constable and senior constable positions at country locations are to be filled through a merit-based selection process.

The police force — and indeed the Victorian public service — promotion system has traditionally been seniority based. This seniority system has no regard for capacity or even the best person for the job; it relies solely on length of service. This proposal to implement appointments based on merit is groundbreaking for Victoria Police, and in my opinion this reform is long overdue. These reforms will reward performance and will contribute, along with other agreed reforms, to facilitating a superior utilisation of police expertise across the state.

This is how it should be, and I congratulate our police minister and the police association for recognising that changes needed to be made in order to provide our communities — those that are metropolitan and those in rural townships as well — with officers who have earned their stripes, literally, via their demonstrated capacity and ability. As I said before, I congratulate the minister, and I commend this bill to the house.

Mr FINN (Western Metropolitan) — I rise this afternoon to speak on the Victoria Police Amendment (Merit-based Transfer) Bill 2016, and in doing so I remind the house that, as we were told in the second-reading speech, this bill facilitates the merit-based transfer of police officers to country general duties positions.

This bill provides the legislative instrument to ensure the commencement of important reforms agreed between Victoria Police and Police Association Victoria as part of the enterprise agreement. As part of

the 2015 police enterprise bargaining agreement the chief commissioner and the police association agreed that general duties constable and senior constable positions at country locations should be filled via a merit-based selection process. This reform needs to be supported by legislative amendment to the Victoria Police Act 2013, and this bill does that. This is a bill that the opposition will not be opposing, as my friend and colleague Mr O'Donohue pointed out so exceptionally well in his contribution to the debate in this house this afternoon.

I have to say, and I am sure it will not come as any surprise to anybody who has been in this house for any period of time, that I have deep respect, admiration and indeed affection for Victoria Police. Victoria Police is an organisation that is made up of some magnificent people — people who do the sorts of things that need to be done to keep us safe. That is surely something we must all be grateful for. I mean, these are people who go out of their way to put themselves on the line, who put their safety in jeopardy in order to keep us safe, and I have to say that it does cause me some distress to learn that Victoria Police officers are feeling some significant pressure at the moment.

I have spoken to some very, very good police officers in recent times who have said to me that they are about to chuck it in. They have said, 'This is going to hell in a handcart. We have had enough', and that distresses me because the very least that we as a society can do and the very least that any government can do for our police is give our police the resources and the authority to do their job. Unfortunately at the moment I do not think they have either, because they are extraordinarily under-resourced. They are undermanned — if I can use that totally politically incorrect term — right across the board, and I just have to have a look at my own area, my own patch, down in Wyndham, where the police numbers have not been up to scratch for as long as I can remember, for many, many years. I know that the previous government was working very hard to put extra police on the beat, but that is not the case so much anymore under this current government. I think that is very, very sad, because in places like Wyndham we see people moving in at an extraordinary rate and families settling down in their first homes, and they need the police and the support and protection that the police give them. It is a tragedy that this government is not prepared to support our police in the way that the previous government did.

The other thing that is a tragedy in Victoria in 2016 is that so many people feel unsafe in their own homes. It has always been my view that if there is one place on this earth where you should be able to feel safe, it is in

your own home. If you can go home at night and can click the door behind you, sit down, have a cup of tea — or maybe something a little stronger — turn on the news and sit back with your family and just relax and prepare for another busy day the next day, then you are doing something that everybody should be expected to be able to do. That is something pretty basic. But unfortunately in Victoria in 2016 there are increasing numbers of people who are actually scared to be in their own homes. We have heard stories of members of gangs who have broken down doors, gone into people's homes, stolen their car keys and stolen their cars — but not before trashing the place and beating up everybody who was at home. Now this sort of thing is just appalling.

Certainly in some of the areas that I represent in the western suburbs crime on the streets, crime against the person and crimes that occasion violence are on the increase. That is something that is truly appalling, and we have to do something about it. It is not good enough to say, 'Oh, look at those figures. Crime is up by 8.1 per cent; isn't that a dreadful thing?'. Well, yes, it is a dreadful thing. But it is not good enough just to tut-tut and shake our heads and walk away. We have to do something about it. The government has a responsibility to do something about it and, as Mr O'Donohue said before, and so correctly said, protecting the community should be the no. 1, no. 2 and no. 3 priorities of any government. I could not agree more with that.

One of the problems we have, of course, is the two-up policy of the police force. I do not knock that policy for one moment. I believe in this particularly dangerous world that we live in, where we have seen far too many terrorist attacks in Australia and of course overseas, we have a situation now where police feel that they can no longer go out and do their jobs on their own — going solo, as it were — and feel that a two-up policy is necessary. I believe indeed that it is necessary, because the safety of our police is also very, very important. People say about the police, 'Well, that's their job'. It is their job, but we should not be putting police in a position where their lives are endangered any more than they already are. I think the two-up policy that is currently in effect — put into effect by the chief commissioner and police command — is a policy that is needed. But what it does is cut the effectiveness of police on the ground. This means we need more police. It is as simple as that. Victoria Police needs more members.

This government is not interested in knowing about what Victoria Police needs, and it is not interested in knowing what Victoria Police requires to protect our

community. That is a direct result of the fact that Labor has never cared about the police. Labor does not care about the police. In fact Labor will use the police, come election time, as an election ploy. It will take us all for a ride, using the police as some sort of attractive election ploy. But we all know that when the election is over, Labor will go back to what it really is — and that is, a party that does not like the police. It loathes police — in fact it loathes authority — and it loathes law and order. It is part of, I suppose, that intrinsic socialism that the Labor Party has. I think it is very, very sad that so many people are taken in by the Labor Party saying that it cares about police and cares about law and order, when it does not and it never ever has. That is just a — —

An honourable member interjected.

Mr FINN — Yes, I think ‘tragedy’ is not too strong a word to use in describing the situation in this state and the attitude that this government has towards police and policing. I believe that the community deserves better than it is getting currently, and I believe that our police deserve better than they are getting currently. Most certainly this bill does improve the lot of police in some small way, and that is a good thing and is why we do not oppose this bill. I do hope the Premier will actually do something positive in this area. He has not done anything too positive anywhere else, but I am hoping that in terms of law and order in this state this Premier will take the bull by the horns and will actually do something about getting more police on our streets. Put in more police — do not think, do!

Mr Drum interjected.

Mr FINN — John Kennedy indeed, Mr Drum; I thought you would pick up on that. I think the Premier has to get on the front foot here. He has to actually do his job and take the actions which will put the safety of our community at the forefront — and that means more police on our streets. The reality is at the moment that that is just not happening. The police are feeling more pressure and are feeling under the pump more every day, and this government is just not taking the slightest bit of interest in what is happening to those magnificent men and women of Victoria Police.

In summing up, as I said before, I say the opposition will not oppose this bill. It is a bill which will, to some probably small degree, improve the lot of police in Victoria. But I do put out a plea to this government to get its priorities straight and to think about what is important to the men and women and children — the families — of Victoria. I think safety in their own homes, safety in their streets and safety in their schools are of paramount importance, and they always should

be. At the moment that safety is under greater threat than it possibly ever has been before, and that is happening very largely because police are under the pump. There are not enough of them, and we need more.

I could go on, and I could talk about the pursuit policy. I am very pleased, I have to say, that I understand police command is reviewing that, if indeed it has not already reviewed that policy, because I think that non-pursuit policy by Victoria Police was a prize piece of ratbaggery, to tell you the truth. I think most police would actually agree with me, and certainly the ones that I have spoken to over this have expressed that a large part of their frustration as police has been that policy.

They also have expressed the view that there are just not enough of them. I come back to the basic problem that there are just not enough police in Victoria. As a Liberal-Nationals government from 2010 to 2014 we did everything in our power to try to change that, but this government has dropped the ball. It has totally dropped the ball and has gone back to its old ways. It does not care about police, does not care about law and order and does not care about the community, but this bill will hopefully go some way to helping the police.

Mr ONDARCHIE (Northern Metropolitan) — This afternoon I rise to speak on the Victoria Police Amendment (Merit-Based Transfer) Bill 2016, and can I start my contribution by thanking Mr O’Donohue and Mr Finn for their significant contributions to the cause of Victoria Police today. This is about allowing for merit-based transfers, as opposed to the old expression of interest regime that used to occur when coppers wanted to transfer around the country. It applies to those senior connies and connies who want to transfer. This system already exists for ranks of sergeant and above who want to work in a regional location, but this goes to the rights of senior connies and connies to be able to move around the state based on merit. The government’s bill will not be opposed by the opposition.

The bill also provides an environment where we get to increase the transparency and accountability of Victoria Police. Over the history of Victoria Police there have been opportunities for people to transfer around the state based on their mates — somebody knows somebody, and you get a gig in the country. In this bill, transfer is based on merit and on opportunity for all. As a result, as I have indicated, we will not be opposing this bill.

There are some hints in our contributions today that are worth a mention, and they go to the number of serving sworn police out on the beat. Quite frankly, as rates of crime against the person and against property increase there are just not enough coppers on the beat, purely and simply. The government can spin this or camouflage this in any way it chooses, but the reality is: crime is on the rise and there are not enough police out there. But what has added to this is the closing down of those important community facilities that are our local police stations, which people readily make journeys to, call into and support. It is an absolute indictment.

Just in Northern Metropolitan Region three 24-hour police stations are no longer operating as such. They are Greensborough, Epping and Reservoir. But the problem also extends to Craigieburn, part of the fastest growing area of metropolitan Melbourne. Mr Finn well knows the growth that he sees in Melbourne's west; I see the same in Melbourne's north. Where the population extends to, where the population grows to, where there is diversity of cultures, backgrounds and faiths living in certain areas — particularly in Mr Finn's electorate and in my own electorate — they look to Victoria Police for support, guidance and certainty. To close police stations in Epping, Reservoir, Craigieburn and Greensborough is totally unacceptable. What is the message that sends to people who live in those areas? If you turn up at the police station, knock on the door and there is no-one there, press the intercom. I do not know what happens. Apparently a divvy van will fly there at warp factor 7, turn up and solve the problem for you — it does not happen.

This government is about spin and lots of rhetoric about supporting Victorians, yet it has cut the number of Victorian police on the beat. That is totally unacceptable. When you get to some of these police stations the lights are on but there is nobody home. I tell you what, it is a bit like Premier Daniel Andrews's government: the lights are on, but there is nobody home. All show and no go. Paint the walls, spend \$20 million on a new logo, but deliver nothing for Victorians.

Mr Finn — It's the Labor way.

Mr ONDARCHIE — This is exactly what Victorians are seeing. As Mr Finn says, this is the Labor way — all spin and no delivery — and Victorians are looking for a safe environment in which to live and to raise their families.

I have to say I want to thank Victoria Police serving members, because they do a great job. Under lots and lots of pressure they do a great job. I have got many

mates in the job, as it is referred to, and let me tell you: they are under significant pressure. The pressure and the lack of resources to support them have a serious effect on them as human beings. There are serious effects on their lives, on their relationships, on their jobs, on their health and wellbeing, and on their self-esteem — sometimes with tragic results.

I take a moment to reflect on my great mate, a lifelong mate, Robert, who was a serving policeman. He was under significant pressure in his role, could not see any way out of the abyss he was in and took his life. I miss him. I understand the pressure he was under, and for a government of the day to put our serving police members under that pressure is unacceptable. The government can spin it any way it wants, but I take this moment to pay tribute to my mate Robert.

Members of this government during the election campaign of 2014 spent a lot of time waving flags, employing people to campaign for them and coercing emergency services personnel to stand up for them. They said to the people of the north, 'We will deliver new police facilities'. For example, the people of Mernda were told they were going to get a new police facility. Here we are heading towards two years since this government came to office and not a sod has been turned. What is more, as the government indicates that it may build a police station in Mernda, there is no appropriate personnel to staff that police station. So in Mernda the lights will be on but no-one will be home.

In West Heidelberg a police station was closed by the Labor Party, yet as Mr O'Donohue said, Labor went out and campaigned for the opening of the police station. What has happened? It is closed. The most activity at that police station is from the spiders creating their webs, because it is closed. There is a sign on the front door that says, 'Ain't no-one home'. There are significant crime rates. There were significant rallies by Labor members — the member for Ivanhoe was out there; a member for Northern Metropolitan Region, Ms Mikakos, was out there. This is classic Labor — say one thing before an election, do something else after the election. Mr O'Donohue incredulously asked me, 'You're telling me that West Heidelberg police station is not open?'. It is not open, Mr O'Donohue. There is a sign on the front door that should say if we were to translate it into workingman's English, 'The government doesn't care'.

There is pressure on our police in Mill Park. There is pressure on our police in Broadmeadows. It goes on and on in the growth suburbs of Melbourne, and what do Victorians see from the Daniel Andrews Labor government? Nothing. There are not enough police.

There are not enough resources. Police stations are closed. So whilst ensuring passage of this bill through the house, I call on this government to stop the talk and start the walk and deliver more police numbers to regional Victoria and to metropolitan Victoria, because all we are getting from government members is spinning wheels. Under the hoon laws, they should be locked away for 30 days. It is time for more police to be on the beat in Victoria. I call on the Andrews government to not just do this bit of legislation but walk the talk.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to speak on the Victoria Police Amendment (Merit-based Transfer) Bill 2016. It is a short and fairly straightforward bill and is the result of an enterprise bargaining agreement process. It has been agreed that it should be possible for police officers to move between general duties positions in country stations on the basis of merit rather than simply waiting for their name to come to the top of a list. This seems an eminently fair way of approaching this, and the opposition will be supporting this change.

The contribution that I want to make centres around what actually could be done in addition to this, and I want to speak about issues to do with police and crime in my own electorate. I want to touch on some crime statistics in Southbank. It was recently reported that Southbank, which is in the electorate of Southern Metropolitan Region, had a record increase in crime in 2015 — 2885 crimes were reported in Southbank in 2015, and that is up 16.8 per cent on 2014, a massive increase. It reflects an overall increase in crime in the Melbourne area, which is up from 32 747 crimes in 2014 to 33 334 in 2015.

The Southbank police station commander, Senior Sergeant Steve Bills, said it was driven by property-related crimes. What he said is this:

I feel like I'm repeating myself again and again but the majority of the contribution for this latest spike is what we call property-related crime — so theft from motor vehicles, theft of motor vehicles —

and so on. His frustration is clear. What is it that has driven this? A large part of it, I would argue, is from population growth, because it is no coincidence that Southbank is in one of the fastest growing regions in the country. In fact Melbourne city is Australia's fastest growing statistical division, and this includes not just the CBD of Melbourne but also Docklands and Southbank. It has an annual growth rate of well over 10 per cent of its population.

The really obvious issue is that police numbers in this area and also in South Melbourne have simply not caught up with this rate of increase in population. I would argue that this is one of the reasons why we are seeing what one local paper described as 'a record increase' in crime. This is not a new issue — that we have a fast-growing population and big growth numbers. Australian Bureau of Statistics figures show that in the year to June 2013 the Melbourne CBD growth rate was 23 per cent, and in Southbank, which is the centre of my concern, it was 15 per cent. The correlation with crime statistics is not an accident.

The population of Melbourne's CBD has doubled in the past nine years. It has gone from 12 700 people to 29 300, with several thousand arriving in any given year. The government has put forward this bill, but what it really needs to do is spend some money on and pay attention to police numbers, which is something that my colleague Mr O'Donohue has been diligently raising over and over again. But those who sit opposite tend to look at these issues only when really forced to when there are things like riots in the streets during Moomba, something which is an anathema to most citizens and something that is so out of kilter with what we are used to seeing during Moomba. It is a time for family, it is a time for having fun and it is a time for enjoying the city and what Melbourne does best, which is big events that bring the community together in a peaceful way. Instead we saw literally riots. I think it was clear from the pictures that we saw of this that the people who were enjoying the city that evening and going about their business found this shocking and frightening. There were pictures of people running away from groups who were intent on mayhem and violence.

My understanding is that there have only been a couple of arrests in relation to the crimes that took place that night, and the evidence seems to be — and we saw it in the newspapers — that there were dozens and dozens of people who were involved in these unlawful activities.

In addition to those who were caught up in the violence there were those who saw it across newspapers and their television screens for several days. The response from the community is understandable. There is disbelief that this could happen at a family-based event in our very livable city. There is also disbelief that it could get to this point, given the pressures that have been placed on police numbers and the lack of growth we have seen in terms of putting on additional police officers where they are needed to deal with rising crime rates which are in part a consequence of increasing numbers in our cities, and in particular in Melbourne.

I acknowledge that this is an important change that is being made to workplace issues for police officers, and I think it is important that merit be introduced into this process. It is going to make things a lot smoother and better for police who are out there serving our community, undertaking a number of very, very difficult and dangerous tasks every day, looking after us and doing a job that I have never had to do. I take my hat off to those who put their lives in danger day after day to protect the security of our city and also the safety of our citizens.

But, as I said, there is so much more that this government could do for police. Earlier I quoted the words of Senior Sergeant Steve Bills from the Southbank police station, which showed his evident frustration when he said, 'I feel like I'm repeating myself again and again' and making the point that 'this latest spike' — not the first spike evidently — of crime in Southbank is because of property-related crime. This is an issue that could be tackled if there were more police officers and if the government were prepared to provide them instead of being pressured to do so and being very, very late in coming to the party and then offering an inadequate response at that.

Mr RAMSAY (Western Victoria) — I look forward to making a contribution in relation to this bill, the Victoria Police Amendment (Merit-based Transfer) Bill 2016. I congratulate those who have contributed to the debate on this bill, particularly Mr O'Donohue, who went into some detail and spoke for some length of time, which was merit based in itself given the I think one page of technical details in the proposed legislation.

Being a rural member of Parliament, I am pleased to see that transfers of police officers to country general duties positions will now be merit based rather than, as Mr Ondarchie said, expression of interest based, or for those that put up their hand or those that have sought favours from their colleagues. Invariably what we got was that some that looked to greener pastures in retirement went out to country police stations, where duties are perhaps lighter than they are in metropolitan areas, and they just ran their time out until receiving their pension funds. But no more, because this bill will now provide for a process for officers that are keen and experienced and have proven track records in their work performance, and they will be chosen on merit rather than just interest.

I think that is important, particularly when we are seeing a significant increase in crimes certainly across my area of Western Victoria Region, where the lack of police resources has been clearly demonstrated. In suburbs like Geelong West we have seen an increase of

over 300 per cent in crime, particularly associated with robberies and assaults. We know, given the reign of the current member for Lara in the Legislative Assembly and the federal member for Corio, that youth unemployment has increased significantly. We know that drug abuse in those suburbs has increased in conjunction with high unemployment, and we know, obviously, that that leads to crime. So we are seeing a significant increase, particularly in those poorer suburbs, in crime. Having spoken to Superintendent Darryl Clifton, who is responsible for providing resources right across Geelong and the Bellarine region, I know that he has to appropriate a significant amount of police resources out of Bellarine and into Geelong to cope with the increase in crime in those areas.

Even in Ocean Grove we have seen an increase of 300 per cent in crime, particularly in robberies. It is also happening in Barwon Heads, which I know Ms Crozier is very familiar with. Both are traditionally quiet seaside towns. The thought of crime in Ocean Grove some years ago would have been shrugged off and thought not possible. This was God's waiting room for many of those who chose to live in those seaside towns. But not anymore. We have seen a huge influx of young mobile families into those areas but at the same time we have seen a significant increase in crime.

What we are seeing is the member for Bellarine in the Legislative Assembly, Lisa Neville, unable to fulfil her commitments to provide for a 16-hour service at the Queenscliff, Drysdale and Portarlington police stations. In fact even as we speak we know that at least two of those police stations do not have a 16-hour service or sufficient police resourcing. We also know that in relation to their work patrolling, whether by car, bike, horse or foot, their resources are stretched, and we see a natural link with the increase in crime.

It is disappointing that on a statewide basis, where we know population growth is around about 100 000 per year, with about 92 per cent of it in our major city, police numbers have not kept up with the per capita population, and consequently we are seeing a greater increase in crime. People are actually now feeling very insecure in their own home environments. Going out on the street, there seems to be a lack of will from the Andrews government to invest in CCTV. It is interesting to note that Lisa Neville was more than happy to quickly provide funds for CCTV in St Kilda to film penguins, but we cannot actually get CCTV in Drysdale to try to reduce criminal activity, particularly of drug addicts and those that are stealing cars and other things to provide a quick cash flow. It is ironic that for some reason penguins seem to have a greater capacity

to get government support than people in those areas along the Bellarine.

Ms Pennicuik — We need more.

Mr RAMSAY — There is something wrong with the policy in relation to animals before people. I see Ms Pennicuik shaking her head, and it is not surprising she would be doing that given her past contributions in relation to duck shooting and other things.

Ms Pennicuik — And penguins.

Mr RAMSAY — And penguins. While this bill is designed to facilitate the merit-based transfer of police officers, it is important that we acknowledge that we have significant problems in relation to police resources across the state. We have a significant problem with the increasing crime rate. We have problems associated with low socio-economic areas where there is high youth unemployment, high drug use and a high crime rate but not the appropriate police resources to be able to respond to that.

It is disappointing that this government has not committed itself — unlike the previous coalition government — to increasing our sworn police numbers, supporting our railway commuters with protective services officers and supporting our police with administrative support staff. All that good work that the coalition did under the minister at the time, Mr O'Donohue, to improve our security in relation to increasing the police numbers, tackling the graffiti problems and putting in good policy for crime prevention, we are seeing come undone now because of the lack of will and initiative from the Andrews government to apply itself to dealing with these problems.

With this particular bill, which we are not opposing, it is good to see that those of us in the country are now going to see well-qualified sworn police officers transitioning into the police workforce and resource workforce of country areas, and they will be doing so on merit, which will be a great asset to protect and make safe our regional communities.

Ms CROZIER (Southern Metropolitan) — I am very pleased to make a contribution this evening to debate on the Victoria Police Amendment (Merit-based Transfer) Bill 2016. In doing so I would like to put on the record the very significant work of all those men and women who are in our police force right across the state, who do extraordinary work in their line of duty each and every day to protect Victorians. One of the core responsibilities of government is to protect its citizens, and therefore those who are in the front line

and delivering the necessary services need to be supported at all times.

The bill itself is fairly straightforward, as has been outlined by various members in the debate this evening. The bill amends the Victoria Police Act 2013 in relation to the transfer of certain police officers, which means that merit-based transfers to non-metropolitan constable general duties positions and non-metropolitan senior constable general duties positions will occur, and it enables appeals by other police officers — that is, unsuccessful applicants — to the Police Registration and Services Board regarding transfers to non-metropolitan constable general duties and senior constable general duties positions. That, in effect, accords with the enterprise bargaining agreement that has been entered into by the various elements of the police force and ensures that merit-based selection processes do occur.

As other members have stated, we on this side of the house are very supportive of the work of policemen and policewomen and what they are doing, and particularly I want to make some comments in relation to family violence. Of course last week the Royal Commission into Family Violence handed down its report, which was made public. In that report were 227 recommendations, and the Premier has committed to implementing each and every one of them. This is a very significant report, and I have said publicly that one thing we need is to have more police to assist in this very serious and significant area of family violence that is being tackled here in Victoria but also addressed right across the country. I am pleased that governments at all levels are looking at this significant issue and doing what they can.

In the report itself there are 19 recommendations that relate to police, frontline operations and workforce, and they vary in terms of how police should operate. It has made various recommendations, but one of the tasks of the commission was to identify the most effective ways to:

prevent family violence;

improve early intervention so as to identify and protect those at risk;

support victims — particularly women and children — and address the impacts of violence on them;

make perpetrators accountable;

develop and refine systemic responses to family violence — including in the legal system and by police, corrections, child protection, legal and family violence support services ...

and there are a number of other tasks, but these tasks specifically relate to the duties of police, and they need to be done.

I am not going to read out all of the 19 recommendations that the commission has made in the report; suffice it to say that these recommendations will all be implemented, as committed to by the Premier. We need to understand the detail of these recommendations. Some of them need specific work to be done on them in order that we understand the full context of what the recommendations entail and how they can be practically implemented. Certainly the Victorian community also needs to understand the costs that will apply in implementing the recommendations throughout the report. Again, the 19 recommendations which go to the heart of the frontline operations of the police workforce really look at areas that take up significant police resources — for example, police officers attending and being in the front line in family violence situations. Of course we hear daily of very sad and tragic circumstances where far too many people are caught up in dreadful family violence scenarios, and it is often the police who are the first people on the scene.

So not only do we need those resources to support those ongoing requirements but the recommendations also talk about a lot of other government structures and procedures that require, if you like, a lot of administrative-type components to be undertaken within the police force itself. Some recommendations go to procedures in regard to the sharing of information, as well as governance and other issues, but I point out in particular that recommendation 50 of the report states:

Victoria Police's Family Violence Command develop a core set of functions to be delivered by all family violence teams in Victoria. This should form the operating model for resourcing decisions from 1 July 2017. Thereafter, Victoria Police should move towards a centralised model of resource allocation for family violence, placing family violence on a footing similar to that of road policing.

That is fairly significant in relation to what is expected by the commission, and we need to understand the detail of many of these recommendations and how they will be implemented, and police command itself will want to have those details as well.

Police Association Victoria has been very forthcoming in dealing with family violence. It has done an extraordinary job and indeed has commented not only in its submission but also following the release of the report. The secretary of the police association, Ron Iddles, is quoted in the *Age* of 30 March as saying:

... police supported the recommendations, but if they had a hope of implementing the wideranging reforms, the government would have to pour significant resources into Victoria Police.

He called for an additional 1000 police officers over five years as a matter of urgency.

That is one area, but there are so many other comments made by police association secretary Ron Iddles. In another article he said:

With no frontline uniform police delivered since the last election to attend public calls for assistance, police numbers have reached critically low levels.

Last year crime increased right across the state by 8.1 per cent, and it was very serious crimes that were attributed to that figure — they were not just petty crimes. They were drive-by shootings, there was an increase in very dangerous weapons and all sorts of things. We have seen young gangs stealing cars. Another article was headed “‘Grand Theft Auto generation’ to blame for spike in crime’. So these are not minor crimes; they are serious crimes where people are conducting themselves in a potentially dangerous manner and putting the community's safety at risk. So there is going to be a requirement for significant police numbers due to the increase in the general crime rate of 8.1 per cent that I mentioned, but there was also an increase of 9.2 per cent in the family violence crime rate in 2015. Over 70 000 reports of family violence in 2015 is a significant number, and they need to be dealt with very thoroughly and carefully by police and other frontline workers.

In many cases there can be very violent behaviour. We have heard other speakers talk about the ice issue where for ice users the effects of ice are terribly dangerous and cause a very severe reaction whereby they become extremely violent. One only has to recall that terrible, very effective ad on television where that young man who is ice affected comes into an emergency department and headbutts an innocent doctor. There are reports that these people have to be held down by four or five people. These safety concerns that have been raised in our hospitals are all because of this dreadful drug ice. These are the issues that police are dealing with constantly, and they are issues that are very, very concerning to the wider Victorian community.

Even though we have got a tremendous Victorian police force that I think we are very proud of, our police need additional backup and support. They need those resources required to conduct their work in the community — not to have police stations closed, which is what has been done by this government. Police stations have been closed down and police are not

available to attend necessary call-outs or necessary situations to protect the Victorian community. With those few words, I support my colleagues, especially Mr O'Donohue, who led the debate and put very relevant arguments to the house in relation to this particular bill.

As has been previously mentioned, the opposition will not be opposing the bill, but I do want to make the point that the family violence royal commission has concluded that there is a desperate and immediate need for police resources to be made available. I am looking forward to the Premier and the Treasurer, Tim Pallas, putting into the budget in just a few days time the necessary additional resources to back up our police men and women right across Victoria.

Mr MORRIS (Western Victoria) — It is great to be able to make my contribution to the debate on the Victoria Police Amendment (Merit-based Transfer) Bill 2016. At the outset I record my thanks to all the hardworking police members out there on the front line ensuring that Victorians do remain safe. It is so incredibly important that we do recognise the hard work our police do, because it is through their great work that we stay safe, our families stay safe and our community stays safe.

This particular bill does ensure that members are able to be placed at stations of their choice in locations of their choice through a merit-based process rather than a first in, best dressed type of process. This is not dissimilar to changes that have occurred in the teaching profession over the last while, where it had been the case that if you wished to transfer to a certain school within an area, you just placed your name on a list and as your name came through you rolled over into that position. I think we as a community and society now recognise that merit-based appointments are a more appropriate way to go to ensure that our community is served by the best people in the appropriate places.

However, it is also the case — I feel that it is important that I raise this — that there are some significant areas of concern with regard to police resourcing within Victoria at the moment. I certainly applaud Mr O'Donohue for his strong advocacy in ensuring that the government is held to account for the lack of resourcing our community is experiencing with regard to how many police we have and where they are located across our state. My attention was drawn to a particular incident that occurred in Avoca not so long ago. This particular incident was recorded in the Ballarat *Courier* of 2 April. This incident that occurred in Avoca involved a sole police officer being forced to attend a violent scene near Avoca alone because he

believed that the victim may have been at risk of extreme violence from their partner if he waited for backup.

This is a scenario we do not want any of our police to find themselves in. We want them to be safe on the job — we do not want them having to go into dangerous and violent situations where they are placing themselves at risk as a result of not having the appropriate backup to attend situations. It is of course police who place themselves in dangerous situations on a daily basis to ensure that we as a community remain safe. I certainly note that it is not Mr O'Donohue alone who is advocating for the appropriate resourcing of Victoria Police. Indeed the police association has been very strong in its advocacy in ensuring that we have appropriate police numbers. The secretary of Police Association Victoria, Mr Ron Iddles, commented that 'That is simply unacceptable', referring to the incident near Avoca, and that 'More police are needed urgently'.

What we are seeing in Ballarat is that the family violence rate is 50 per cent higher than the Victorian average. This is entirely unacceptable. We know that family violence is a significant issue, and I am very pleased that we as a community and a society at a state, federal and local level are seeking to address it. I have many conversations with many police officers on a regular basis, and they certainly say that family violence is far and away the no. 1 issue they are dealing with. It is incredibly important that police have the resources they need to ensure that the issues our community is facing are appropriately dealt with. We have seen investigations, royal commissions and the like into domestic violence, and they are certainly very welcome because it is important that we understand the issues we are facing in our community. However, that is only one half of the story. The other half of the story is that we need the appropriate resourcing of our sworn officers in Victoria Police to ensure that the issues they are facing on a daily basis can be dealt with.

There is another incident that I would like to bring to light, which occurred in what was named the Canadian State Forest. We do not know at this point in time whether it is going to be called the Canadian Regional Park or the Canadian state park or some other name in the not-too-distant future, but it was in the tract of land I know as the Canadian State Forest that this incident occurred. An unmarked police car was surrounded by two cars that came up at speed and boxed it in. A young person exited one of those cars holding a knife, which was held to the occupants of the car that had been boxed in. The occupants of the unmarked police car were police officers, and obviously they were in plain clothes as well. I think the young people in the other

two cars had picked the wrong targets, and that young person was very quickly arrested. This highlights the types of incidents that our police officers face on a regular basis. What is it that they need? They need to be supported by being provided with a sufficient number of police officers, but they also need to be supported through being provided with appropriate facilities.

We know that Victoria is growing. The great city of Ballarat is also growing. It was as a result of this growth that the former coalition government committed to the Ballarat West emergency services hub in the growth area of Ballarat, under the leadership of the then Minister for Police and Emergency Services, Kim Wells, and Premier Napthine. I was very pleased to be present at the announcement of that emergency services hub. The hub is currently in the building phase. I was very pleased to be able to visit the site with Mr O'Donohue not long ago to see how the community's need had been recognised by the former coalition government, which had provided appropriate resourcing to that site. What we have not seen is the appropriate allocation of resourcing to that police station. We do not know whether or not additional officers will be provided to man that police station in the not-too-distant future when it is completed.

We know that the resourcing of police and where they are allocated is an operational matter that is dealt with by the police themselves. Which police stations receive which police officers to respond to the needs of the community — that is an operational issue. Well, it was an operational issue until the last state election, when the member for Bellarine in the Legislative Assembly announced that she was going to go outside of this process and allocate police officers to stations in the Bellarine. This has been a significant issue of contention for quite a while, and it has not come to any resolution. We know that it is an operational matter for police command to decide where police officers are allocated, and yet we had the member for Bellarine at the last election committing to providing additional police to the Bellarine.

How can we fix this anomaly? How is it that you can say that it is up to police command to decide where police resourcing is going to go while making an election commitment that police resourcing will go to a particular area? That is something that has not been resolved, and this highlights that the announcement by the member for Bellarine was politically opportunistic. She decided she was going to promise something to the Bellarine community that she knew she could not deliver. She effectively misled them in saying, 'This is what I'm going to provide', knowing full well she had absolutely no capacity whatsoever to deliver on that

commitment. That is something that the government needs to be held accountable for. If you say you are going to do something, you need to have the capacity to do it. Unfortunately that is not the case with regard to where police resources are allocated.

We have a growing population, so surely with that growing population there should be a growth in police numbers. With a growing population more police are needed. This government does not seem to understand the need for that to occur. The coalition government adequately resourced the police force and provided additional numbers of police. We have not seen that from the current government at this point. I encourage Mr O'Donohue and all members on this side of the house who are pushing to ensure that our community is kept safe and that police receive the resourcing they require to do their important job to continue to do so. I would like to thank police officers for all of the work they do keeping our community safe, keeping all our families safe and ensuring that Victoria continues to be a great place to live.

Mr HERBERT (Minister for Training and Skills) — I thank all members who have contributed to the debate on this important bill. The legislation enacts a range of reforms that were agreed to as part of the Victorian enterprise bargaining agreement (EBA). As many members have said, the legislation also seeks to address concerns raised in recent Independent Broad-based Anti-corruption Commission and Victorian Equal Opportunity and Human Rights Commission reports. The bill will ensure that police applying for work in general duties at the rank of constable and senior constable across rural and regional Victoria will now need to meet a merit-based test rather than one based on seniority. This is a very simple, straightforward bill. Importantly the bill will introduce appeal rights for officers so that they can appeal to the Police Registration and Service Board to ask that it review the relative merits of the candidates.

I congratulate Victoria Police and Police Association Victoria for recognising these problems and resolving to make reforms to address significant concerns. I also congratulate Victoria Police, the police association and the police minister for securing an EBA that has received overwhelming support from police across this state. It is an EBA which will reward our hardworking police, who work unsociable hours and sometimes in incredible situations — and Mr Morris pointed out one of the situations — to protect us. I know all members here thank them for doing that, and this agreement will directly compensate them for this arduous duty that they perform so well and so professionally.

I am pleased to learn that Fair Work Australia has approved the EBA and it commenced operation on 28 March, which is when the 2011 EBA concluded. I am also advised that our hardworking police will begin to receive additional payments through April and May.

As has been pointed out, this is a very short and straightforward bill; it is also a very important bill. We will be going into committee on this bill and the committee stage may be longer than the bill, that is for sure. This may be based more on politics and political strategy than concerns about the actual words within the bill. However, so be it. I look forward to the committee stage. I thank and congratulate everyone on their contributions. I commend the bill to the house.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016

Introduction and first reading

Received from Assembly.

**Read first time on motion of Ms PULFORD
(Minister for Agriculture).**

VICTORIA POLICE AMENDMENT (MERIT-BASED TRANSFER) BILL 2016

Committed.

Committee

Clause 1

Mr O'DONOHUE (Eastern Victoria) — To commence the committee stage I wonder if the minister could describe in an operational sense what the process looks like. As was discussed in the second-reading debate, this process already exists for higher ranked police officers, but I would just seek the minister's confirmation that the process will be the same. I will just ask the minister to talk to what the process entails and what it looks like.

Mr HERBERT (Minister for Training and Skills) — As we know, it is part of the enterprise bargaining agreement to try to ensure that merit-based appointments flow further down the chain to other positions in terms of rural and regional areas. Basically a vacancy will arise and the Chief Commissioner of

Police will have to have regard to the relative merit of each candidate in terms of making an appointment. Currently there are such provisions in place to promote officers to sergeant, senior sergeant and inspector positions. This will bring those processes further down the line.

It is fairly important because often in rural and regional settings appointments are based just on seniority and sometimes you need change — you need to bring in fresh blood. As we know, an issue has certainly been identified in terms of women progressing into some of these positions of promotion. Let us face facts: we know that women are often younger and newer. We are transforming the force and we are getting more women in there, but they face disadvantage when it comes to promotional opportunities if they are based on seniority. That is the issue.

Sometimes there are other issues. We know that IBAC identified some issues that we hope to change through merit-based provisions. Basically the chief commissioner will have to have regard to merit when deciding which candidate gets a position. That will be in place. If there are candidates of equal standing, the commissioner has to then go to seniority.

What is considered in merit? Merit is a whole different area that needs to be clearly defined. I understand that it is aptitude, special qualifications necessary to discharge the duties of the position, diligence, good conduct, quality of service, mental capacity and physical fitness. There is a whole range of things within merit. It could be extra qualifications; it could be doing some extra work in looking at rural crime, for instance. There is a whole range of things that clearly define what merit is, and they will now have to be taken into account in filling positions over and above a simple seniority-type ranking at the constable level.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for that answer. Noting the opposition's position on this bill and the agreement reached between Police Association Victoria and Victoria Police, I will just note that individual members of the force have expressed some concern that this process may delay the deployment of a member to a vacancy in a country location. Within the context of supporting this bill and this change at an individual level that is obviously a legitimate concern because it has been put to me on several occasions by members of Victoria Police, both in metropolitan Melbourne and in country Victoria. I wonder if the minister could talk to the time this process is anticipated to take on an average occasion. I know it may be difficult to be precise given that the difference between having 2 applicants and

10 applicants may elongate the process. Could the minister talk about the time it will take for the merit assessment process to take place?

Mr HERBERT (Minister for Training and Skills) — I am happy to do that. I would not expect that in terms of the actual appointment process there would be large delays in time; they would be similar. I will get some advice on this.

As this process already operates for senior sergeant, sergeant and inspector positions — and it operates efficiently — the police have got a fair bit of experience in doing that, so in terms of capacity to run the system and organise it, I would not expect there to be any delays. It has not been an issue that has been formally raised with the government in these negotiations.

Then of course there is the appointment process, which as I said, the police are very experienced at. Then there is the appeals process. That would be where some concern may be; however, I am advised that in 2014–15 there were 170 police officer selection decisions subject to appeals, and these happened pretty quickly — they were done efficiently. I understand that the process for appeals against transfer and promotion decisions was streamlined significantly by the police in 2012. This reduced the delays that we were experiencing in the system.

An appeal against a transfer made under a provision of the bill must be lodged and determined within 10 business days of the announcement of the decision — not a huge amount of time; that is two weeks. A police officer cannot lodge more than four appeals per year and can only appeal decisions regarding positions that they have applied for. Parties cannot lodge additional documentation unless exceptional circumstances exist — that is with the Police Registration and Services Board — and the board can determine the matter in the absence of an applicant.

So in answer to the question, Victoria Police has experience in and is used to merit-based appointments. It is a capacity of the police which currently exists. There are mechanisms in the appeal process that can stop undue delays or more frivolous appeals that would not stand up under any great scrutiny. There is a 10-day process for that, which I think is a reasonable amount of time for an appeal to be heard and determined.

I take Mr O'Donohue's point that these are important matters. We want to make sure that police are appointed quickly and efficiently, particularly to country stations, and that they can get on and do their

jobs. They are often known to everybody, and when new people come in we want to make sure this process is as smooth as possible and as fair as possible. But it is an important initiative which I think enjoys widespread support in terms of trying to refresh and get a new approach to the appointment and promotion of police, making sure it is based on merit, particularly for country stations and particularly where there might be only one or two police officers.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for that answer. If I could just take the answer a bit further in the context of single-member stations, again as has been put to me by several members at single-member stations around the state, sometimes it can be difficult to fill a vacancy at a single-member police station and as soon as an expression of interest is received, often that will be filled pretty much straightaway. Under this merit-based process — and again I am not doubting the process, I just want to get it clear given this been raised with me — what will be the process for an applicant for a single-member station? While complying with the merit-based process, can that position be filled quickly to get the member into that station so it is open in a quick fashion?

Mr HERBERT (Minister for Training and Skills) — I thank Mr O'Donohue for his question. He is perfectly correct that single-member police stations have their own issues, and you need pretty robust selection criteria and processes to make sure that someone can operate a single-officer police station. It is not something that everyone would want to do. It has its own challenges. We all know that having colleagues and being able to bounce ideas off them, have a chat and work together is often an important part of our work environment, so single-police officer stations require certain sets of skills, and that is why they are currently subject to more robust selection processes.

As I understand it, the current process is consistent with the processes that will apply under the merit-based selection reforms. It is not anticipated by police, the union or those parties to the enterprise bargaining agreement that these reforms will make positions more difficult to fill. Single-officer stations, as I said, are already filled by a robust process to ensure that police officers can meet the challenges of working in those single-officer stations. I think it is a very good question, but we are not anticipating any additional difficulties or processes over and above current practice, although it is more robust.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for his answer; I do appreciate it. To go to the specifics now, the Minyip police station has obviously

been a matter of interest to that community. There was a public meeting which Ms Kealy, a member in the other place, attended recently — a couple of weeks ago, I think. I understand there has been advertising for that position. Is the minister able to offer any advice about the current status of that process? As part of the question I note the minister's advice that there is currently a more robust assessment process for single-member stations. I assume the process for those positions that are currently being filled will continue according to the current criteria.

Mr HERBERT (Minister for Training and Skills) — In regard to the Minyip station I understand there have been a number of expressions of interest. Getting the right person is important and, as I say, the process is robust. Sometimes it is difficult to fill police positions. The police commissioner is in charge of that, and that really is an issue for him to address. I do not have any further update on that position.

In regard to the issue of when this bill will come into effect and who it will apply to in terms of those who are in the current assessment rounds, the bill comes into effect after royal assent but it will only apply to positions where there is an expression of interest (EOI) put out after royal assent. Whilst the bill is here, those that are already in process will continue under the old process, and as soon as royal assent has been given, the bill will apply to any new EOI.

Sitting suspended 6.30 p.m. until 8.05 p.m.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for his answer in relation to the Minyip police station. Could he just clarify: there are several applications that have been received, I think he said before —

Mr HERBERT (Minister for Training and Skills) — No, sorry. I said that I think they have had several goes at filling it, but that will be up to the police commissioner to determine where they are up to. I will clarify.

What I said was — and hopefully there was no misunderstanding — it has been advertised several times. I do not know how many applications have come in; that is an operational matter for the police, but I know they are aware of it, and obviously they want to fill that spot.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister. Mr Morris, in his contribution, referred to the soon-to-be-opened or soon-to-be-completed Ballarat West police station, which is part of an emergency services hub that will be there in that precinct in the

fullness of time. Can the minister confirm when the police station will be operational, and can he confirm what the opening hours of the counter service will be, given that this station is in country Victoria and therefore these changes will apply to constables and senior constables wishing to transfer to this station?

Mr HERBERT (Minister for Training and Skills) — In regard to the operational details of it, I am afraid that is an operational matter, which the police will obviously determine in terms of staffing levels, in terms of operating hours and in terms of the normal operational matters that I am sure Mr O'Donohue understands are police matters to determine the adequacy of response. I have every faith — every faith — in the police commissioner and in Victoria Police's determination to ensure proper staffing levels and the proper capacity of police, but that is a police matter.

Mr O'DONOHUE (Eastern Victoria) — I appreciate that, but I think Mr Morris and other members of that community would be seeking some assurance that same thing will not happen here as happened at Somerville and that in fact the police station will be opened.

Mr HERBERT (Minister for Training and Skills) — I am sure that in terms of policing operations the police commissioner is absolutely committed to ensuring that there is protection of that community, and they will determine those hours, but it is not for me to determine exactly how that will operate. How many staff, exactly how it will operate — that is not for me; it is for the police, and it is really not to do with this bill. I understand where Mr O'Donohue is, I understand his concern and I understand Mr Morris's point, but I have no details of that, and that would be an issue for the police commissioner.

Mr O'DONOHUE (Eastern Victoria) — Would the minister's answer be the same for the Portarlington, Drysdale and Queenscliff police stations?

Mr HERBERT (Minister for Training and Skills) — Absolutely; it would be the same. They are operational matters; I do not have details of those. Whether they are issues, I am sure Mr O'Donohue will have more details of issues that may be there, but they are operational matters, to the best of my knowledge.

Mr O'DONOHUE (Eastern Victoria) — Just to take that further with the minister, any promises made by members of Parliament about opening hours therefore would not be valid?

Mr HERBERT (Minister for Training and Skills) — Members of Parliament will always make comments, and quite frankly, many members of Parliament, and certainly on my side of the chamber, have a great concern for the safety of their electorates and will put viewpoints which governments, and I am sure the police commissioners will take into account.

Mr O'DONOHUE (Eastern Victoria) — Take into account but not be bound by; is that what the minister is saying?

Mr HERBERT (Minister for Training and Skills) — I am not saying anything of the sort. I am saying this is a very simple bill about merit appointments to country stations for constable and senior constable levels. That is what this bill is about. There are many venues. We could argue about the cut and thrust of how police stations are managed, how police are managed and comments by politicians, but this is a straightforward bill.

Mr O'DONOHUE (Eastern Victoria) — I thank the minister. I am asking questions about country police stations, so I think it is within the scope of the bill. My final line of questioning of the minister relates to the impact of the two-up policy. I spoke about that in the second-reading debate, and others talked about the legitimate decision of the chief commissioner which has obviously impacted country stations, perhaps disproportionately, because that is where most of the single-member patrols took place. Is the minister aware of any analysis that has been done about the resourcing implications of the two-up policy particularly in — given what this bill is about — country Victoria?

Mr HERBERT (Minister for Training and Skills) — I thank Mr O'Donohue for his question. Can I just say in regard to my previous answer, of course I was a bit remiss in not pointing out that Queenscliff and Geelong of course are not covered by this bill because they are covered under metropolitan areas. I just wanted to clarify that for purposes of fact. In regard to the two-up policy, for a minute I thought we had some special bills about two-up on Anzac Day, but it is no wonder I do not know about the implications because these are determinations of the police commissioner and I cannot answer that question. These are issues that really do need to be taken to the police.

Mr O'DONOHUE (Eastern Victoria) — My final question is in regard to the minister's previous answer about the Ballarat West police station. Can the minister clarify whether its opening and the date or otherwise of its opening are purely matters for the chief?

Mr HERBERT (Minister for Training and Skills) — Yes, it is a very important police station, I am sure, but I am not going to be commenting on operational matters of the police. That is the intent of my answer. I am not going to get into providing commentary on what really are police operational matters.

Clause agreed to; clauses 2 to 7 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

TRANSPORT ACCIDENT AMENDMENT BILL 2015

Committed.

Committee

Clause 1

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I would like to start on and indeed deal with most of the matters under clause 1. The first matter I would like to touch on with clause 1 goes to the purpose of the bill we are considering this evening, which provides in the long title of the bill to amend the act, to repeal certain subsections of the act inserted in 2013 and for other purposes. The purpose clause itself does not go to the intent of the bill. I wonder if the minister can outline the government's intention with this bill.

Mr JENNINGS (Special Minister of State) — I thank Mr Rich-Phillips for the opportunity to lay out on a first-principle basis the purposes of this legislation. It is a very unusual question to arrive at the committee, so it may be an indication that we are here for a long time or alternatively, if I answer well, it may mean that we are here for a very short period of time. Let us hope it is the latter. In summary, the various amendments in the elements that repeal certain sections of matters that were inserted into the Transport Accident Act 1986 in 2013 in effect will repeal specifically sections 46A(2C) and (2D), which provide the power to enable the Traffic Accident Commission (TAC) and its responsible ministers to create guidelines that amend the American Medical Association (AMA) guidelines for the assessment of the degree of permanent impairment.

Next, it will insert an amount of \$32.50 into section 61(2), which will be subject to annual indexation in line with the consumer price index instead of average weekly earnings. This will fix a drafting error that occurred in 2013. I will not labour that point.

Third, it will repeal section 93(2A) regarding the TAC's liability to pay common law damages to people who have suffered a mental injury or nervous shock as a result of an injured person's own negligence or if they were attempting to commit suicide.

The last major purpose that I wish to draw to the attention of the committee is that it will repeal section 93(17A), which defines what constitutes a 'severe long-term mental or severe long-term behavioural disturbance or disorder' for serious injury.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. I ask the minister: does this bill in any way impact upon the capacity of the government to seek dividends from the TAC?

Mr JENNINGS (Special Minister of State) — Literally, the answer is no. It does not limit the ability of the government to seek dividends from the TAC.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that clarification. I refer to some of the debate on 25 February on the second reading of this bill, where Mr Melhem indicated that in his view:

It was because the government at the time —

referring to the previous government and the legislation that this bill is seeking to reverse —

wanted to help itself by claiming some of the surplus of the TAC and putting it back into general revenue. It was basically ripping off injured people and putting that extra money into increasing profits and into general revenue to do other stuff.

Also in that debate on 25 February Ms Tierney said:

The TAC should not be running like a business to prop up the state coffers; that approach was adopted by the previous government.

She went on to say:

At the same time we saw the TAC making profits of nearly \$1 billion, with the dividends all going to its sole owner, the state government.

Do the comments made by Mr Melhem and Ms Tierney in that debate on 25 February reflect government policy, and are those comments and their concerns reflected in this legislation?

Mr JENNINGS (Special Minister of State) — I can understand why Mr Rich-Phillips, who may have been associated with the amendments that were made in 2013, may have a heightened sensitivity in relation to what his motivations were when he introduced reforms. And I can understand why in the enthusiasm of entering into the spirit of the second-reading debate my colleagues may have piqued his interest or in fact may have caused him some distress in relation to their description of his motivation or the motivation of the government that he was a part in relation to the reforms they introduced.

I will be somewhat more dispassionate in my response on behalf of the government and say: I do appreciate that when the coalition government made a series of decisions when it introduced the reforms it did rely on advice, as I remember, from the TAC and its various advisers about the appropriate treatment, or actuarial assessment, of the exposure of various elements. It was mindful of some court cases that had actually led to a concern about what might have seemed to have been inconsistencies in the application of the AMA guidelines at the time. It acted on the basis of cautious advice, can I suggest, to limit the exposure of the scheme and within its terms, to try to ensure that the outcomes were fair and reasonable and maintained a fiscal discipline within the structure of the scheme.

Let me be gracious enough to acknowledge that. The then ability of a tightly run, fiscally prudently run fund may have assisted in providing some certainty and confidence about deriving dividends from the TAC's funded liabilities and its asset base. That may have provided some comfort, but I perhaps would not take that argument to its extreme.

In relation to defending the government's current repeals, I will be saying that, yes, most of the repeals of these provisions and the advice they were based upon at this point in time do add to the financial liability of the scheme in a variety of ways. They are designed to increase the potential for successful claims to be made either within the terms of the scheme or under common law, and that may, in some relatively modest way compared to the size of the fund and its prudential guidelines, place minor downward pressures on the fund. But the ability of this government or future governments to strike the future balance of prudential management of the fund to not only allow for a return to claimants and appropriate cover for claimants but also have some return to government in the form of dividends will be preserved through these amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer and

indeed for his remarks with respect to the 2013 legislation. The minister acknowledged that these changes do add to the liability of the scheme, but before we explore that impact I wonder if the minister could just confirm, as his answer then suggested, that the current government has not changed government policy with respect to collecting a dividend from the TAC and continues to collect a dividend from the TAC, as previous Victorian governments did.

Mr JENNINGS (Special Minister of State) — Without necessarily getting into the swings and roundabouts of what a change in policy might be or what the level of dividend may be, I confirm that the Victorian government budget includes a dividend from the TAC.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that clarification. Can the minister also clarify or confirm that the dividends the Andrews government is now taking from the TAC are substantially higher than those taken by the previous coalition government or indeed forecast to be taken by the previous coalition government? Can the minister or his advisers confirm that in the budget released last year this government forecast in the 2015–16 year to take \$433 million in dividends versus the \$231 million that had been forecast by the previous government, for the 2016–17 year plans to take \$341 million versus the \$266 million by the previous government and for 2017–18 year plans to take \$405 million versus the \$299 million by the previous government and that averaging over those three years, where there is comparable data, the Andrews government is taking dividends that are 63 per cent higher than those dividends that were going to be taken by the coalition government?

Mr JENNINGS (Special Minister of State) — I could take advice about whether the member refers accurately to the 2015–16 budget, but I will assume for the sake of my response that his reading of the budget papers is correct. I am not necessarily going to confirm that, but I will assume in my contribution that they are correct. What the member relies on is what would be the forward projections of the budget estimates of an outgoing government and the first forward estimate projections of an incoming government. As he would well be aware, if the government that he was part of had been returned to office, there is no guarantee to the people of Victoria that those budget settings that were the outgoing estimation of the previous government would have been maintained during this term. That is the only qualification that I would put on the proposition that he puts to me. These are based upon forward projections and estimates of the appropriate

level of dividend that underpins the outgoing budget of the previous government and the incoming government. You cannot assume necessarily that a government may not change its view on coming to office or in fact what might be embedded in the forward estimates.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that response, and I agree with his comment that you cannot assume that policy settings will not change. But it is fairly clear that the policy settings adopted by the minister's government for that period require the TAC to pay a substantially higher dividend than the policy settings that were in place with the previous government.

Mr JENNINGS (Special Minister of State) — Mr Rich-Phillips will note that I did not refute that.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I will move on from the issue of dividends, notwithstanding its interest to Mr Melhem and Ms Tierney in the debate. I would like to go to the issue of the consultation that the government undertook in relation to the amendments which are proposed by this legislation. Can the minister outline who was consulted about the contents of this bill?

Mr JENNINGS (Special Minister of State) — I am fortunate that I will be able to instantly answer that question because I am advised that the relevant bodies that were consulted included the Law Institute of Victoria (LIV), the Australian Lawyers Alliance (ALA), the County Court and indeed the Transport Accident Commission itself.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that response. Were any of the plaintiff law firms consulted in the preparation of this legislation?

Mr JENNINGS (Special Minister of State) — I am advised of who the consultation included. I would have thought within some of the bodies that I have referred to plaintiff lawyers would have been part of the organisational structure, so I am not avoiding the answer. I think probably for completeness either they were included in the Australian Lawyers Alliance or they would be part of the Law Institute of Victoria.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Again I thank the minister for that answer. Just to be clear, was there any consultation with the plaintiff firms outside any involvement they may have had in the law institute or the ALA? I ask that question in the context of the fact that a number of the plaintiff firms are substantial donors to the Labor Party. In the context that they are substantial donors to the

Labor Party, were there any direct consultations or discussions between the main plaintiff firms, who will be beneficiaries of this legislation, and the government prior to its introduction?

Mr JENNINGS (Special Minister of State) — The intention of the government is that the reforms are to be to the benefit of claimants, and I do not think we should confuse the issue about who the beneficiaries are and the government's policy intention. I can understand why Mr Rich-Phillips may want to split hairs in relation to what I have volunteered to him. Would I expect the views of plaintiff lawyers to be included in the consultation through the mechanisms that I have described? I would imagine the answer is yes, so I am not running away from that question. His imputation that the policy decision was driven by any transactional relationship between the Labor Party and the plaintiff lawyers I refute. I believe any representations would have been through the perspective of meeting the needs of claimants.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. I indicate to the minister that there is no imputation in that question; it is a straight question as to whether there was any consultation with those plaintiff firms outside their involvement in the government's consultation with the LIV and the ALA. I am wondering if the minister is able to clarify whether there was any direct discussion between representatives of the plaintiff firms and the government which was not under the banner of the LIV or the ALA?

Mr JENNINGS (Special Minister of State) — I am not advised that there were any.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wonder if the minister can confirm therefore that there was not.

Mr JENNINGS (Special Minister of State) — The people who are in the box advised me, so in terms of what is available to me in relation to pursuing any line of communication beyond who was in the chamber or who has advised me on behalf of the government, I am not quite sure how far my inquiries may take me. At no stage have I avoided the potential for plaintiff lawyers to actually be providing advice to the government, which I think is the substantive issue of his point. I have acknowledged that. I think any additional point that he may wish to make beyond that would actually be only driven through some imputation or a suggestion of something that may not be as proper as the public policy considerations that I am undertaking, on behalf of the government, to convey to the committee.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I again thank the minister for his response. The minister is clear in his answer, and I accept his answer that he is not ruling out that there were discussions between plaintiff firms and the government. I take from his answer that he is not able to clarify whether such discussions did in fact take place between the government and those plaintiff firms?

Mr JENNINGS (Special Minister of State) — I place on the public record the way in which I have been advised in this matter. I have been advised appropriately, I believe, by the people who are in the advisors box. If I were to actually ask the people who are in the advisors box what was their advice, I would anticipate it being confirmed. If I come back and I confirm what I have said to Mr Rich-Phillips, then I have no certainty that his line of inquiry may not be satisfied. If it is an issue of whether the views of plaintiff lawyers were considered in relation to the determinations of the government and the way in which it would be enacted, I have not at any stage avoided acknowledging that that is the case.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I guess the issue goes not to whether the views of plaintiff lawyers were considered but whether the views of plaintiff lawyers were considered in the context of the public consultation, if you like — LIV and ALA — or whether those consultations and discussions and the policy development took place through a less transparent process and dialogue directly between firms who would benefit and the government in preparing this policy position.

Mr JENNINGS (Special Minister of State) — If Mr Rich-Phillips were to actually feel happier if I took a walk over to the advisors box and came back, I reckon there would be a very good chance that my answer would be totally consistent with what I have said.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I think given the preamble that is almost certainly going to be the case. To go to the point the minister made when he said that it was the government's policy intent — to that effect and without verballing — that the policy changes in this legislation would increase the scope of compensation available to certain TAC claimants, is that an accurate reflection?

Mr JENNINGS (Special Minister of State) — Yes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Is it not also the case that by

increasing access to compensation through this mechanism — and it is common-law compensation we are talking about — that would also lead to increased fees for those plaintiff firms that represent common-law claimants?

Mr JENNINGS (Special Minister of State) — Conceptually the answer is yes. Whether that will be the case, time will tell.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. Is it a reasonable assumption that the common-law costs of the TAC scheme will rise as a consequence of this legislation? To ask clearly: is that forecast by TAC as a consequence of this legislation?

Mr JENNINGS (Special Minister of State) — Yes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can I just go to the annual common-law payments by TAC, which are reported in its annual report. The most recent annual report, which has a time series from 2005–06 through to the 2014–15 financial year, shows that in the 2012–13 financial year common-law payments were \$383 million and for the 2013–14 year they declined to \$355 million. Can the minister inform the house what the reason was for that decline in common-law payments between those two financial years?

Mr JENNINGS (Special Minister of State) — Mr Rich-Phillips has a degree of success: I will take some advice. I can assure Mr Rich-Phillips that my advisors did want to assist me; it is just that they were unable to, so they are seeking some further advice. If in my peripheral vision I get a nod or a wink, I will go over and see whether they can get some further information. Their initial response was that there was no structural reason; it was just in terms of the ebb and flow of cases and the subsequent outcomes. They had no immediately obvious answers to that question, but they are going to take some advice and find out what might explain that, from memory, that about \$30 million difference from one year to the next.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for pursuing that. I am obviously keen to get the answer to that — and it is approximately a \$30 million reduction. Obviously the question is in the context of the policy changes that were introduced in that financial year, the policy changes which this legislation is seeking to unwind, so it is very material to this discussion if we can get some clarification from the minister's advisors or TAC as to the driver of that.

Mr Jennings — Does Mr Rich-Phillips want to take some credit for that? He might as well take the opportunity while he is here.

Mr RICH-PHILLIPS — I am keen to get some clarification as to which policy changes have driven this reduction and consequently what subsequent increases we may be looking at into the future, but we will come to that in due course. I point out, equally, that that year saw a reduction in common-law lodgements from 1907 down to 1777 in that same financial year, but if we are able to get that advice before we proceed further, that would be helpful.

Mr JENNINGS (Special Minister of State) — Before we proceed further? Right. The supplementary advice I have received is consistent with my first advice — that in terms of the fluctuation, that could have occurred — but if Mr Rich-Phillips is seeking to indicate that the reforms that he introduced may have led to the decline in the number of claims and the financial payments, the government is not actually disputing the effect of the reforms that were introduced at that time.

I hope Mr Rich-Phillips remembers that I was somewhat generous in accepting the bona fides of the government as they were argued at the time — and as he repeated in his contribution to this debate in this bill — that in fact he acted in accordance with the appropriate advice and reforms, in light of either abnormal court outcomes or indeed interpretations of what the scheme should have been open to, and it may have led to a reduction in the number of claims and the number of settlements. If he is seeking confirmation of that before we proceed any further in the conversation, I may receive additional advice which technically proves that. If that is the point he is wishing me to concede, I am certainly not contesting it, and if it helps, we will find a way in which I can describe it.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I again thank the minister for his answer, and I say to the minister that it is not a question of him conceding that point and it is not a question of the coalition or me claiming credit for an outcome of a policy decision. It is a genuine question to understand whether that policy decision or implementation of 2013 has had a tangible impact on common-law claims, common-law payouts and common-law lodgements, and ultimately where this is heading is for me to understand what the expected impact of the reversal of those policy changes via today's legislation is likely to be. So it is not about a concession; it is a genuine question to understand whether it is the TAC's view that those policy changes did have an impact on

lodgements and common-law claims once they were enacted.

Mr JENNINGS (Special Minister of State) — I think the only position that I am able to suggest to the member is that now, with broader conversations taking place between the advisers in the box, the TAC is of the view that the net effect of changes introduced in 2013 did lead to a reduction in the threshold for the claimant in the first instance, in the course of termination, which did then draw down on the number of claims in the first instance, and then the financial outcomes as a consequence, which is where we were heading. I am still not in a position to be able to say tangibly what sections of the claims profile had been affected more than others to actually contribute to that advice. I do not have that advice to be able to share it with the member.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I again thank the minister for that answer. Can I take it further, then, and ask: what does the TAC forecast the impact of the policy reversals, if you like, that are taking place through this legislation will be on the scheme on an annual basis?

Mr JENNINGS (Special Minister of State) — I will share with the committee my little laugh. It is because I was provided with a briefing on this bill a long, long time ago, so I just had to be reminded of what knowledge I have and what knowledge I share, and I am reminded that the information that Mr Rich-Phillips is seeking is cabinet-in-confidence.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can I ask the minister why it is now cabinet-in-confidence when it was not three years ago when the previous legislation was passed? In fact the quantum was discussed in the committee stage.

Mr JENNINGS (Special Minister of State) — Obviously as the responsible minister in the chair at the time the member must have been a far more generous minister than I am today, which is a perverse way of actually describing the financial outcomes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I must say I am troubled by the minister's description of this as somehow, for some reason, cabinet-in-confidence. I ask the question again: for what reason can that figure, the financial impact of these policy changes, not be given to the house for its consideration as to whether or not to support them?

Mr JENNINGS (Special Minister of State) — I think ultimately in bringing a couple of issues together in relation to the way in which the claims profile will be managed into the future, the way in which the structure

of the fund will be managed in terms of its compliance with prudential guidelines and the way in which the structure of any dividends may be derived and returned to the state of Victoria, as the member would appreciate, these are interlocking and somewhat technical measures that have to be considered quite thoroughly. The member will be mindful that we are in the process of concluding the budget position in the state of Victoria. We are interested in making sure that all of our obligations are met in terms of the additional liability that may be assumed because of these reforms, what impact that might have on the current state of the fund and what this budget capacity might be.

All of those things are being brought together at this point in time. I believe that through the reporting cycle of the budget, through various budget outcomes and through the annual reporting of the TAC over time these issues may be reported on, but now is not the time, I am advised, that it would be wise to do so.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — As the minister would well know, the impact of the TAC on the budget is limited to the payment of dividends. It is the only spot where the TAC hits the state budget. Am I to take from the minister's answer that the magnitude of these policy changes is so great that it will impact on the dividends that are taken from the TAC into the Consolidated Fund?

Mr JENNINGS (Special Minister of State) — No.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Therefore how is the interaction of the budget of the TAC with the budget in any way relevant to the question of whether the minister can inform the house tonight in its deliberation on this bill of the annual impact of these common-law changes? If we are to take the figure that I quoted before, which was a \$30 million change in common-law costs — which the minister's advisers acknowledge may be attributed to the previous policy changes or general ebb and flow in the lodgements of common-law claims — that magnitude is nowhere near significant enough to impact the budget and impact the relationship between the TAC and the Consolidated Fund.

I am at a loss to see why the minister is not able to, if this remains a relatively immaterial cost impact — materiality being in the context of the overall TAC profit and loss — inform the house this evening, as I did three years ago when the policy changes were being put in place, what the estimated annual cost of those changes is, given their relative size, because the answers the minister is giving currently suggest that the

magnitude of the cost of those changes is so vastly greater that it has material impact — —

Mr Jennings — No. My last answer was no; a one-word answer — no.

Mr RICH-PHILLIPS — The minister's answer was no, but the direction of his commentary suggests that it must be so significant that its flow-on effects hit the budget and a number of other things.

Mr JENNINGS (Special Minister of State) — Clearly my shorter answers are better than my longer ones.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I think many of us would agree with the minister. I am looking for a short answer from him now that is a quantum as to the TAC's annual estimate of the cost of these policy changes.

Mr JENNINGS (Special Minister of State) — I congratulate Mr Rich-Phillips on his knowledge of the various subject matters I have referred to. I think he is quite right to say that in some ways there is no material connection between the issues that I drew attention to. However, this is the best structure of the advice that I have received to actually make sense of this in terms of the moving parts of the arithmetic equation that we are dealing with and the limits placed upon the information that I have at hand and will be able to share with the member.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that response. I note that it falls well short of the information that was provided to the house three years ago when these policy changes were put in place. It raises the question of why that is the case. The minister's claim of cabinet in confidence, while I accept what the minister is saying — that it is his advice — nonetheless sounds a very dubious reason as to why that figure is not being provided to the house this evening.

I would like to move on to a related matter, and that is the impact on actuarial release, which is a technical term used in the two statutory insurance schemes — the TAC and WorkCover schemes — which basically relates to the six-month actuarial assessment as undertaken by the scheme's actuaries that looks at changes in practice by the TAC, looks at policy changes and assesses the impact those policy changes and practice changes have on the whole-of-life liability of the scheme. Actuarial release is reported on an annual basis, or actually on a six-monthly basis, and contained in the annual report of the TAC, so what I am now seeking from the minister — and I appreciate that

it is a relatively technical area around the insurance business which I do not expect him to know off the top of his head, but hopefully his advisers can indicate for the committee — is what the actuaries have assessed is the actuarial release impact of these policy changes on the scheme.

Mr JENNINGS (Special Minister of State) — Interestingly enough, when I gave one of my unsatisfactory answers to Mr Rich-Phillips a few minutes ago I talked about the financial reports or the reports of the TAC. I was anticipating that this information that he is now seeking of me would be made available in the course of the normal reporting cycle. He has now added to my knowledge base by indicating that that reporting cycle would occur twice a year rather than once a year. As to the level of detail in relation to that advice and how it might appear in terms of the net position on the scheme in the longer term, I will take some advice about what we anticipate that level of detail will be and when that would be transmitted.

I am advised that the net effect of the liabilities of the scheme, including these amendments, will be reported on in the annual report when it is published later in the year, around October, and I would not expect an itemised account of the individual components of that liability but the net effect of the structure of the scheme, including these reforms.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his attempt to garner some further information. As I indicated to the minister, it is the case that actuarial release is reported in the annual report in aggregate. The minister indicated that it will again be reported in aggregate. What I am seeking now though is to understand the impact of these reforms on actuarial release. It is a figure that the TAC — I would expect, if the board is continuing to govern the organisation properly — would have an assessment of. I am now asking the minister to provide that assessment of the impact on actuarial release of the changes to the house.

Mr JENNINGS (Special Minister of State) — My answer is one and the same as the answer I have given previously.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can the minister then confirm that as a consequence of these changes the actuarial release for the next financial year will be reduced?

Mr Jennings — Reduced?

Mr RICH-PHILLIPS — Will be lower than otherwise would have been the case?

Mr JENNINGS (Special Minister of State) — I ask Mr Rich-Phillips to give me some supplementary information.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I appreciate that this is straying into a fairly technical area. To be clear for the minister, actuarial release where it is a positive reflects a reduction in liability and actuarial release where it is a negative reflects an increase in liability, so you can have a smaller reduction, which could be the impact of these changes, or indeed it could be a negative actuarial release. We see from the most recent annual report that the actuarial release declined in the 2014–15 financial year. What I am asking the minister is: will the actuarial release be smaller as a consequence of these policy changes, and by smaller also potentially negative?

Mr JENNINGS (Special Minister of State) — Can I suggest to Mr Rich-Phillips that this is a question that would be much better asked in plain English. If anybody is actually willing to track this conversation, let me just say that if Mr Rich-Phillips is actually saying that the liabilities as projected in the actuarial assessment of the fund would increase in terms of the financial exposure, the answer is yes. That is a bit closer to plain English.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — We are not dealing with plain English; we are dealing with actuaries and actuaries' talk. Actuaries approach things in a very different way, but I take from the minister's answer — —

Mr Jennings — Have a look at my past career. I was one, as a trainee, for a very short period of time.

Mr RICH-PHILLIPS — I thank the minister for that clarification. Is the minister able to quantify that increase in liability, to use his term — to get away from the terms of the actuaries — as a consequence of these policy changes?

Mr JENNINGS (Special Minister of State) — No.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Because he does not know or he will not tell me?

Mr JENNINGS (Special Minister of State) — I am not at liberty to tell the member.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — What is the reason for that?

Mr JENNINGS (Special Minister of State) — Because I am advised that they are cabinet in confidence.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. I am curious that these actuarial assessments that go to all of the members of the TAC board would suddenly become cabinet documents.

Mr JENNINGS (Special Minister of State) — That is a statement.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can the minister inform the house how that has become the case?

Mr JENNINGS (Special Minister of State) — It is on the basis of my advice.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Does the minister have confidence in the advice he has received that these actuarial assessments that do go to the executive and the entire board of the TAC have now become cabinet documents?

Mr JENNINGS (Special Minister of State) — No. Sorry, I was probably having a private joke to myself about this interchange. These are serious matters. The board minutes and the board considerations of the TAC would not in their own right be considered by cabinet. But in terms of the financial implications of the policy decisions made by the government to affect the scheme and to vary the scheme and increase its liabilities and its potential claims profile, that assessment was shared with cabinet through a cabinet process, and that is the basis on which I am saying that they are cabinet in confidence.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. Does the TAC share the government's assessment of the financial impact of these changes? Is the TAC's assessment of the impact the same as Treasury's assessment of the impact?

Mr JENNINGS (Special Minister of State) — I believe on the basis of the advice — and I am confident in that advice — that in terms of the financial implications, they have been provided by TAC and confirmed by Treasury.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his confirmation of that. The minister indicated at the outset when we spoke about consultation that the

government had consulted with the TAC. I assume by that he refers to the board as the executive oversight. Is the TAC supportive of these policy changes?

Mr JENNINGS (Special Minister of State) — Yes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that response. I would now like to go to some of the specific provisions of the bill.

The DEPUTY PRESIDENT — Order! Which provisions in particular?

Mr RICH-PHILLIPS — I will probably concentrate on clause 6, which I am happy to do here or at clause 6.

The DEPUTY PRESIDENT — Are we in a situation where we can actually put the question on clause 1?

Mr RICH-PHILLIPS — Yes, I believe we are.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Clause 3 is the clause which repeals the capacity for the minister to make guides modification documents in relation to the assessment of injuries in accordance with the AMA guidelines. The background to this provision is that impairment claims under the TAC legislation are assessed in accordance with the American Medical Association guidelines as a consequence of a court decision as to the interpretation of those guidelines related to spinal injury — the Serwylo case. It was deemed appropriate that the application of those AMA guidelines to spinal injuries be modified to give effect to the original intention of the TAC legislation with respect to assessing impairment rather than the unintended consequences that arose as a consequence of that court decision. The mechanism that was put in place to do that was to allow the minister to gazette guides modification documents, which would change the way in which those guides were interpreted by medical practitioners. The intent of this clause is to remove the capacity for guides modification documents to be made, so firstly, I would like to ask the minister: have any guides modification documents been made under the existing provision?

Mr JENNINGS (Special Minister of State) — No.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — That is an interesting answer from the

minister — a curious answer from the minister, very curious. Notwithstanding that, I will not pursue that.

Mr JENNINGS (Special Minister of State) — Is Mr Rich-Phillips actually saying that I have misled the committee? Mr Rich-Phillips may have used the word ‘guides’ technically. I have got advice in front of me that no ‘guidelines’ have been approved. Are we splitting a hair, or have I made a mistake?

Mr RICH-PHILLIPS (South Eastern Metropolitan) — To respond to the minister, my understanding is that a guides modification document was in fact signed off by a previous minister.

Mr JENNINGS (Special Minister of State) — That would have made sense if it were Mr Rich-Phillips. That would make sense. He spontaneously saw the advice that I have received on this matter.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — That is a very curious response, but I will not pursue that further at this point. What I will ask the minister, though, given that that is his advice, is: how will impairment be assessed following the repeal of this section? I refer in particular to spinal injury assessment, which was the basis for this provision being inserted in 2013.

Mr JENNINGS (Special Minister of State) — I am going to take some further advice about the matter Mr Rich-Phillips raised with me previously because in fact that does provide me with some deep degree of discomfort, so I will be giving some information on that front.

In relation, though, to the question of how impairment would be determined, I do not want to extrapolate on what my background knowledge is in this matter — I will get some confirmation about it. But my sense of the AMA guidelines is that they do incorporate, in the way in which they are applied to the scheme, impairment within the structure of the consideration. But I will take some advice before I go any further.

I thank the committee for its understanding. I have received some advice about the panel that is charged to support the TAC’s consideration of how the AMA guidelines should be considered in terms of the impairment. It has been created by medical practitioners and is led by Mr Gary Speck, who is an orthopaedic surgeon currently working on behalf of the TAC with the panel of advisers to consider the most appropriate way that the AMA guidelines should be interpreted to more appropriately address the situation that Mr Rich-Phillips refers to and relies on — the

Serwylo case — that led to his consideration of matters as a minister.

From what I have been advised in relation to the guidelines that Mr Rich-Phillips may have been associated with, they must have been made very close to the caretaker period. In terms of the issuing of those guidelines and their take-up or adoption, I do not know of that pathway but I would obviously have some interest — as he would — in relation to what did happen in terms of the administrative pathway in relation to that matter. That is the reason I was advised differently to what he may have believed to be the circumstances.

Again through the layperson's understanding of what these issues may relate to, the case hung off a series of medical conditions that may be described as a multiple series of fractures that on their own — each of those individual fractures — may have been of limited effect but were interpreted by the court as having a cumulative effect that was actually quite profound, leading to a large degree of impairment that may not necessarily have affected the quality of life of a claimant. So what the guidelines are seeking to do or what the additional impairment test is trying to do is assess what the cumulative effect of minor fractures may be, more adequately describe that and combine it with the AMA guidelines to provide a greater confidence about the real degree of impairment. Conceptually that is how it has been described to me. I think Mr Rich-Phillips is nodding his head to indicate we are in the same ballpark of actually understanding the medical conditions that we are talking about. I am advised that Mr Gary Speck and the panel are working through those issues and providing the TAC with the most contemporary advice on how to deal with those matters, and that is the preferred pathway into the future.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. Just to go to the issue of the guides modification document that I understand was approved under the previous government, the time the minister speaks about is approximately correct; it would have been late 2014 or thereabouts, certainly that sort of time frame. It is my recollection that such an instrument was made at that time. The minister, through his previous answer, indicated he quite clearly understands the issue of the Serwylo case and the court's interpretation of the cumulative impairment versus the actual practical impairment from those individual fractures, which was the purpose of creating the guides modification mechanism. The minister has referred to the role Mr Gary Speck and his panel are playing in — to quote

the minister — identifying the most appropriate way to interpret the guidelines, in this case around spinal injury. I guess I am challenged to understand what the material difference is between what Mr Speck and his panel are doing in providing interpretive guidance to address the Serwylo issue and what was achieved through the guides modification document, which was to provide interpretive guidance on the guidelines. If the government has this panel in place, what is actually different from what the previous government was doing?

Mr JENNINGS (Special Minister of State) — I think the policy intent of our government has been to ensure that the potential broad application of a ministerial direction did not adversely affect the standing of claimants and is not determined through anything other than the best medical advice that may be available to government or to the TAC in this matter. I do not necessarily want to impugn any motives in relation to the previous minister. I just think as a matter of legislative framework the government has greater confidence in what it believes should be the legislative structure than in a broad power that would be in the hands of the minister, who may or may not be well advised on the medical issues at hand.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. He is correct in saying that the existing provision that this bill repeals did create a power for the minister to create guidelines that modified the interpretation of the AMA guidelines. The reason for that was clearly that the TAC legislation specifies that impairments must be assessed in accordance with the AMA guidelines as they apply to different types of injury. The court has interpreted those guidelines, certainly as they relate to spinal injury in the Serwylo case, in a particular way, and therefore a legislative response was required to insert an alternative interpretation or provide a mechanism for an alternative interpretation.

Given the government is now removing that mechanism, what head of power will Mr Speck and his panel rely upon to provide interpretive guidance for the AMA guidelines in the face of the fact that those guidelines are specified in legislation and that the court has already given a judgement as to how they should be interpreted? How can a panel come in and give alternative advice on how they should be interpreted?

Mr JENNINGS (Special Minister of State) — Just running back through the issues that have been raised in the committee, I want to confirm that I am advised that the instrument that Mr Rich-Phillips signed was deemed by the TAC to have been signed within the

caretaker period and that it did not adopt it. Whether it should have or should not have, that is what I am advised occurred and that is the reason why I originally received advice that was at variance to what Mr Rich-Phillips believed had occurred.

Mr Rich-Phillips again, as is his wont, has asked a very good question in relation to what head of power exists for the additional guidance that is actually being sought currently to steer outcomes in the future through the plaintiff lawyers, through the court system and through the claimants to be able to find an appropriate landing on the complexities of these issues. The government's repeal of this provision because it believes that the power is too broad is a first-order issue that it made undertakings about and that it is acquitting in Parliament today. But we do recognise that this broad power ultimately should be replaced by a specific provision within the legislative instrument.

The advice which we are currently seeking to work out through a consultation will ultimately lead to a legislative instrument specifically coming back into this act to give a head of power. We are not in a position, through this piece of legislation, to close that loop today, but it is our intention to close that loop with a specific provision in the act rather than a broad head of power that is provided to the hands of ministerial direction.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer, and I accept that it is the government's prerogative to take that policy position. The reason the broad power, as the minister refers to it, was put in place was to account for the potential for future judicial decisions that might alter the interpretation of the guidelines and lead to unintended consequences, as the Serwylo case has done. But I am perplexed that the government is repealing this provision now — as policy calls for — but not replacing it with the narrower provision the minister has talked about and has indicated is needed. This bill is effectively leaving TAC naked in the intervening period in respect of the assessment of spinal injury claims. What is the reason for this legislation being brought forward with the repeal without the alternative provision?

Mr JENNINGS (Special Minister of State) — There are a number of reforms in this legislation that I have outlined, which the government has brought forward on the basis of prior commitments that were made in the course of the election, that change the circumstances of the daily life of a number of claimants and their entitlements. The government chose on balance to proceed with this raft of measures

immediately. Even though this piece of legislation has been on the notice paper for quite some time, it has been the desire of the government to introduce these changes and have them adopted by the Parliament perhaps as far back as 2015.

The point the member made about what would be the perfect legislative closure of this matter is a point that I will not spend time debating, because it is a reasonable point. However, the government has chosen, on the basis of its commitments and its desire to actually improve the circumstances of a number of claimants and on the basis of other material matters that we have made commitments to, to deliver this package to the Parliament in this form, and we are engaging in the deliberative consultation work that will land on a specific provision to be provided to the Parliament at the earliest opportunity.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that answer. It does seem to be a very strange approach. I accept the government's position on those other policy changes — the indexation and so forth and the impact. Of course all of that could have been done without removing this provision. If the government does not want to create a guides modification document in the intervening period, it does not have to. This provision does not compel the government to do anything. At least currently the government has the capacity to cover off on this spinal injury issue and to cover off on any other issue that arises in the interim. By repealing its provision now and not replacing it, the government is literally leaving TAC exposed, and I am dumbfounded that that is the policy position or the policy approach the government has taken.

I accept that the minister is not in a position to expand on how that has come about, and I note the minister's concluding comment, but just to follow up on that, I wonder if the minister could inform the house when we could expect to see the provision. It must be a very simple provision to put in place in legislation — something that confirms the situation with spinal injury. It was done through an administrative document. It was done through that order that the previous minister signed. I accept the minister's response on timing and all the rest of it, although it does not quite accord with my recollection. It was done through an administrative instrument. It could have been incorporated very simply and narrowly confined to the spinal injury issue in this legislation. I am perplexed that that has not happened, but if the minister could outline the time frame within which we will see that loophole closed by legislation, that would be helpful.

Mr JENNINGS (Special Minister of State) — The government would hope to have that provision in place during the course of this parliamentary year.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that clarification. Just to be clear, the minister spoke before about the role that Mr Gary Speck and his committee are playing. Can the minister just confirm that with the repeal of this provision — and obviously there are no guides modification documents in place anyway — the TAC is bound by the AMA guidelines as they are written and by the court's judgement in the Serwylo case and that with the passage of this legislation there is no modification or interpretation that can be brought beyond that?

Mr JENNINGS (Special Minister of State) — The TAC is operating within the framework as the member's question is constructed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that confirmation. I will not belabour the point about how we have ended up in this situation. I think the minister, from his body language, is well aware of the interesting situation we are in. The only other matter I would like to canvass relates to clause 6.

Clause agreed to; clauses 4 and 5 agreed to.

Clause 6

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Clause 6 seeks to repeal section 93(17A) of the Transport Accident Act 1986. Subsection 17A, which was inserted again by the 2013 legislation, provides a definition of long-term mental or severe long-term behavioural disturbance for the purpose of serious injury assessment, and that definition set out a number of criteria that needed to be met. Firstly, can the minister indicate to the house how many serious mental injury claims have been assessed against these criteria since 2013?

Mr JENNINGS (Special Minister of State) — Specifically I am unable to provide the number, although my advisers are seeking further information that may be able to assist the committee.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — To assist the minister, I am just after an approximate indication of the sort of quantum involved — is it 10; is it 100? — just to get an understanding of how much this provision has been used — approximate numbers.

Mr JENNINGS (Special Minister of State) — Is the member able to pursue any other line of inquiry while we are ascertaining this?

Mr Rich-Phillips — We can do.

Mr JENNINGS — I would think that would be wise, if the member wants to pursue another line of inquiry.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — It is related to that question. Basically, with the repeal of this definition of serious mental injury or long-term behavioural disturbance for the purposes of a serious injury assessment, what criteria will be used for the assessment of what is severe long-term mental or severe long-term behavioural disturbance for those serious injury assessments?

Mr JENNINGS (Special Minister of State) — The critical difference is that the TAC will continue to rely on medical evidence prepared by appropriate medical practitioners in relation to the determination and to consider that evidence, the difference being that the narrative test in relation to the three years of severe or long-term behavioural disorder being able to be established and recognised as a continuous profile of behaviour is the narrative that the government believes is too onerous and has restricted the access to the scheme, both in terms of the claims and in terms of the success of claims. It is that narrative test and the longevity of that continual assessment that the government believes is a benchmark too high, although it will continue to rely on the individual assessment of behavioural disorder or disturbance being provided by the appropriate clinicians who would assess the mental health of the claimant.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that response. I guess it takes us back now to the question of numbers. The minister indicated that it is the government's view that access for mental injury claimants was unnecessarily restricted, to paraphrase the minister. As a consequence of this provision, how does the government establish that without having the numbers to understand how many assessments were made and how many were rejected against this criterion? Obviously that is where those numbers are useful at this point — to understand that.

Mr JENNINGS (Special Minister of State) — I thank the committee for its patience in relation to this. I am advised that there have been no proceedings through the courts that have assessed these matters — the applicants — because the claimants, the TAC and

plaintiff lawyers have been mindful that the government had made commitments in relation to repealing those provisions, and no proceedings have taken place through the courts to assess those cases in light of an expectation that this provision would be repealed.

In terms of the original number of applications, I am still relying on further advice about the number of applications in the first instance, but I am very confident that the courts have not determined this matter, and none of the parties, at this point of time with this legislation in the Parliament, is taking those cases forward until a new threshold is determined by the Parliament.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that answer. Just to be clear: there were no cases? The minister obviously referred to the current government's intention to change its policy and that leading to matters not proceeding until that happens. There were no cases prior to the change in government policy to one of repealing this provision in that period between this being enacted and the new government setting out that policy?

Mr JENNINGS (Special Minister of State) — I believe that there is no case law in relation to this matter; that is right. So on that basis, the court has not made any determination since the 2013 provision was made.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Have there been any cases accepted by TAC that did not proceed to court under this definition in that time period?

Mr JENNINGS (Special Minister of State) — Mr Rich-Phillips can probably lip-read as well as I can. Some further advice is being sought on that matter.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am happy to come back to that issue. The minister indicated that it was the government's view that the requirement for a person to exhibit those characteristics — symptoms, if you like — for the three-year period was excessive. In relation to the other elements of the definition which are being repealed to step beyond the continuous period of three years, the need for a person to have a recognised mental illness or disorder as a result of a transport accident, will it still be a requirement that the person has a recognised illness?

Mr JENNINGS (Special Minister of State) — I think the simple answer to the question is yes, there needs to be, because the preserved clauses in the act

maintain that a severe long-term mental illness or severe long-term behavioural disturbance must be found to enable a certificate to be considered and assessed in relation to a traffic accident.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that response. Given the minister indicated the government's concern with this definition was the requirement for three years of continuity of symptoms, what I am keen to do is understand whether the other elements of the definition will still need to be met. The minister referred to other provisions of the Transport Accident Act. I am not sure which provision he was referring to in his previous answer. What I am keen to understand is whether within the proposed repeal of section 93(17A) the requirement that the three elements —

- (a) the person has a recognised mental illness or disorder ... and
- (b) displays symptoms and consequent disability that have not responded, or have substantially failed to respond, to known effective clinical treatments provided by a mental health professional ... and
- (c) has severely impaired function with symptoms causing clinically significant distress and severe impairment in relationships and social and vocational functioning —

which are outside the three-year time frame will continue to be elements that will be required to be met for a serious injury certificate to be issued?

Mr JENNINGS (Special Minister of State) — What will be relied upon is pre-existing case law prior to the amendments that were introduced in 2013. If any of those elements are the consideration of the case law or common-law interpretation by the courts, then they will be addressed. So in fact Mr Rich-Phillips, who was associated with the insertion of subsection (17A), I imagine would be mindful of what the common-law or case law interpretation was of the pre-existing act. We have to go back to what are the preserved provisions of the original act that are now being restored by this repealing of subsection (17A), and the elements of the common-law assessment will be reactivated by the court's interpretation of the effect of this repeal.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for that response; it does go some way to an understanding that there is nothing beyond that pre-existing case law. I am tempted to ask the minister if he is able to summarise that case law, and I do not know that that is possible — to succinctly set out the case law which takes the place of this statutory definition. Obviously the reason the statutory definition was inserted was that there were

irregular and unintended consequences coming from the case law, which led to the desire for a statutory definition. Firstly, is there a tight, coherent definition of 'mental injury' that arises from the pre-existing case law that will come back into play with this repeal?

Mr JENNINGS (Special Minister of State) — I thank Mr Rich-Phillips for his support of my job application to join the Supreme Court of the state of Victoria. Apparently the chief justice does not want to receive my application, and I think it would probably be better for us to collectively rely on the court's understanding and appreciation of these matters relating to the subjective elements of each case.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. I guess that puts us back to the quandary we had in 2013, which was the reason we needed to insert a statutory definition in the first place. But I take it from his answers that no element of the statutory definition will stand with this repeal, that we will go back into the murky world of case law on mental injury, unintended consequences on assessment of mental injury and irregular outcomes on the assessment of mental injury, which presumably is the government's policy intent, and I will leave the questioning there.

Mr JENNINGS (Special Minister of State) — That sounded like a statement rather than a question. I think the issue is the government has made a series of policy decisions designed, in the government's view, to provide better opportunities for claimants and to remove some of the restrictions that may have been imposed upon the scheme. We do it in a way where we think it is financially prudent to do so. The fund will acquit its obligations to the citizens of Victoria and claimants appropriately.

During the course of the consideration, in one instance Mr Rich-Phillips was concerned that this provision may not be as specific as perhaps the statute should be from his perspective. It is a different argument to a matter that the government volunteered earlier for an earlier clause, where it wants ultimately the legislation to be more prescriptive than the broad head of power that was provided to the minister. I do not necessarily want to take us back to issues that we raised in clause 3, but that was the nature of how prescriptive legislation should be in this, what directions and powers should be, and how it interprets with guidelines. The government and the opposition have a slightly different set of priorities. On the government's priorities, I think we made some commitments at the election which we are acquitting.

We hope that the scheme will be run appropriately to achieve all of its responsibilities, and we will no doubt, when further reforms come as I foreshadow in this committee stage, come back and consider them again.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

TRANSPORT ACCIDENT AMENDMENT BILL 2015

Committee

Resumed; further discussion of clause 6.

Clause agreed to; clauses 7 and 8 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

RACING AND OTHER ACTS AMENDMENT (GREYHOUND RACING AND WELFARE REFORM) BILL 2015

Second reading

Debate resumed from 25 February; motion of Ms PULFORD (Minister for Agriculture).

Mr DRUM (Northern Victoria) — It gives me pleasure to rise this evening to lead the debate in relation to the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. It is an interesting sidelight that when members of the current government found themselves in opposition for the four years of the previous government they squealed like stuck pigs every time they were asked to work beyond the 10 o'clock adjournment time for this chamber, and yet now that they find themselves in government and unable to bring legislation through at the pace they require, they have no problem at all in making the house sit later. However, we have always been very consistent: it does not worry us what hours we are working, we are here to work. We are here to get the legislation through, and that is what we should do.

This bill has largely been brought about by the exposure through the *Four Corners* program of the most obscene use of live animals as baits and lures in

the greyhound training fraternity in this state and across other states as well. I certainly think the trouble that happened throughout Queensland and New South Wales in a sense dwarfed what was happening here in Victoria. However, the use of animals such as possums, rabbits and piglets as lures in the greyhound training fraternity has certainly been an appalling act and a series of appalling behaviours that we simply cannot tolerate here in Victoria, nor can we tolerate it anywhere else. That is why the improvements that are being put forward in this bill will be supported by the coalition. I want to thank a former minister in the other house, Mr Tim Bull, the member for Gippsland East, who is the shadow Minister for Racing now. I can vouch firsthand that Mr Bull does an enormous amount of research when it comes to the three different codes of racing.

The exposure of these practices that have led to this bill serves as a reminder, serves as a warning for all of us that with the lure of gambling and prize money and of notoriety and simply the concept of being successful, there are always going to be threats and challenges to our integrity. This has damaged the integrity of the greyhound industry beyond repair, but I do not think it is right that we sit here and start teeing off on and trying to beat up on this industry, because, as we know, it is a very important industry.

The greyhound racing industry generates over 3000 full-time equivalent jobs. It is run across 12 venues in this state, and each of those venues brings in not only a whole raft of participants who are actually working within the industry but also those people who like to go along and simply watch the events as a matter of course. That is their passion, that is what they love to do. These 12 venues around the state host over 1000 meetings per year, and tonight — just for the sake of interest — they were at Warragul. There was a 12-race meeting there, but unfortunately it was abandoned after the third race because of the lighting. They had had lighting problems and got the lights back up working so they got the third race done, but races 4 through to 12 were abandoned. Mr Ondarchie might have had a couple of fast ones running there or certainly might have been getting ready for some races elsewhere.

It is a very important industry. It has copped significant damage not just to its image but to the industry itself, and we have to be aware that there were some reforms made to the industry in November last year — again supported by the coalition. And here is another suite of amendments that is going to help with the organisation of the board, putting in place penalties and putting in place inspection regimes to enable those people who

are given the responsibility of maintaining the sport to do so in a manner that will restore the credibility that this sport needs. As I said, over 3000 full-time equivalent positions are generated because this industry runs in the way it does. It also generates more than \$315 million annually in economic activity. That is just for Victoria. It puts into perspective what an absolutely amazing economic driver the greyhound industry is.

It is also worth noting that the activities that were exposed on the *Four Corners* program were already illegal. It is not as though all of a sudden we have introduced laws to make animal cruelty illegal. It was already illegal, so obviously people were breaking the law when they were exposed for training their dogs with live baits. However, what we will now put in place with this legislation are a better inspection regime and stronger penalties.

Jumping forward, the creation of a regime is going to mean that people who want to register greyhound racing dogs will need to comply with the code of practice, which is relatively clearly marked in the bill. It will cover the various aspects of owning a dog — the breeding of a greyhound, the rearing of a greyhound, the training of a greyhound and what they call the breaking of a greyhound, the racing of a greyhound, the boarding of a greyhound and any other activity associated with the care of a Greyhound Racing Victoria greyhound. Every activity associated with the sport will now have to adopt and abide by a code of practice. Anybody caught breaking the code of practice is going to be in for a nasty surprise when they realise that an individual who may not have abided by the code of practice will in fact be liable for a maximum penalty of \$37 000. A body corporate that is found to be not complying with the code of practice will incur a fine of over \$90 000. It is good to see that there is a real seriousness involved with this legislation to ensure that anybody who thinks treating animals in this way is okay is going to be hit between the eyes and in the back pocket with those types of fines.

In working through the issues surrounding animal cruelty two reports were commissioned, one by the chief veterinary officer and one by the racing integrity commissioner. The recommendations that came from the two reports speak about actions to provide stronger powers and increased penalties regarding baiting, blooding and luring. The 68-odd recommendations that were made have informed both the legislation in November 2015 and the legislation here. Also a range of other actions have been called for within the 68 recommendations that are not in this legislation but which will need to be worked through and brought forward at a future time.

The acts that will be amended by the bill are the Racing Act 1958, the Domestic Animals Act 1994 and the Prevention of Cruelty to Animals Act 1986. The changes to those acts will increase compliance, integrity and investigatory powers in relation to the greyhound racing industry. I think everybody is of the same opinion here — that a state like Victoria in 2016 needs to draw a line in the sand and be very clear that there is simply no place for the live baiting, blooding and luring of animals, and I am sure there is total community support for this legislation.

What the inspection regime is going to do is remove some of the existing constraints on inspectors. In the event that inspectors have a suspicion that there may be non-compliance in the industry, they will have the opportunity to investigate an hour before sunrise, an hour after sunset and at any other time throughout the day, providing that they have adequate knowledge and a natural right to go in to investigate and search premises where they believe this lack of compliance or cruelty to animals may exist.

The bill increases the focus of the Greyhound Racing Victoria board in the area of animal welfare, and that will ensure that at least one member of the Greyhound Racing Victoria board and one member of the Greyhound Racing Victoria appeals and disciplinary board will have animal welfare or veterinary experience expertise. That is something that is currently not the case, but those skills are in fact found on those two boards; however, it has not been set down in the legislation until now.

The bill also extends the time limit for action to be taken and investigations brought forward from 12 months to 3 years. This is going to help many of the investigatory agencies that need to investigate events that may have taken place in a period of time further back than the last 12 months. The extension will enable the investigators to do the work they need to do, and if people have been engaged in cruel acts either against the dogs or live animals, they will be found out more readily than is currently the case with the restrictions that have been placed around sport.

The bill also provides the minister with additional powers when it comes to the appointment of board members. In the event of a scenario occurring in Victoria such as the one in Queensland when the entire greyhound board was dismissed overnight because it was believed some members had full knowledge of these despicable practices, even though it is unlikely, the minister has the power to appoint an administrator to manage Greyhound Racing Victoria. As I said, while it is unlikely that such an event will occur in Victoria,

we now have the framework should that action be deemed necessary. I think this is in the public interest, because if an administrator needs to be appointed, then we know that the sport will be run by an administrator for a certain amount of time until a new board can be established.

The bill also gives the racing integrity commissioner the power to refer complaints directly to other agencies such as Victoria Police. If there is a suspicion of corrupt activity or cruelty to animals, then the racing integrity commissioner will have the power to refer those complaints straight off to other agencies. Hopefully that will speed things up and make the industry much more accountable for its own behaviour and much more transparent. People will realise that they are treading a very fine line if they engage in any of these practices in future and that they are one phone call away from a police investigation.

There will be a new levy put on greyhound dogs' registration at \$3.50 per annum per dog. That levy will help with the welfare of greyhounds into the future. That will be paid on an annual basis from Greyhound Racing Victoria. Again, these funds are going to help create an opportunity for better welfare.

As I will talk about later, the Greyhound Adoption Program is something that has been shown to be incredibly successful. I think that if we can make people understand what fantastic pets greyhounds actually make, then we will get a few more of these retired racing dogs, and they will bring a lot of joy to a lot of families as they do make great pets. They have a lovely nature.

I think that with these changes that have been brought forward, with the code of practice that has now been put in place, with the very strict definitions of what is acceptable in the whole range of breeding, boarding, training and racing practices and what they call 'breaking the dog' — where you teach it how to run, teach it how to race — all of these practices have been very well stipulated. The code of practice is now quite descriptive and breaches of the code of practice are going to be met with extremely high fines. I think that is the sort of direction that we would expect an industry to take after such a tumultuous upheaval as has taken place with this exposure. I think that is going to be a very, very positive aspect of the sport.

The minister has also made some other changes in relation to the board appointments. The minister now will have the flexibility to recommend board appointments to the Governor in Council if he believes that an individual has the skills, the experience and the

knowledge necessary to assist the board in carrying out its activities and its functions. This was previously a little bit more prescriptive. Where people previously needed to have certain skills to be able to find their way onto the board, now what we have is effectively the minister making his own call with this. We certainly hope that there is no lessening of the skill base of the members that are elevated onto the board that is going to effectively have this sport within its control. The minister has made this change, I suppose, so that he has more flexibility and so that when the board of Greyhound Racing Victoria has a very specific need he can put people who meet that need onto the board as he feels it necessary to do so.

I think I will leave my contribution there except that just again I would like to make mention of the Greyhound Adoption Program. It seems that we have got to a situation where in the last financial year we had over 847 former racing greyhounds adopted by various families. That is a great result because I think we are all mature enough to understand what probably ought not have used to happen to greyhounds when they got a bit slow. We now have a situation where it is a very strong program. You look on the greyhound racing website, and the very first page you see is a whole range of greyhounds that have found new homes. It is a really easy site to work your way through. The process is simple; the opportunity for thousands of families to adopt a former racing greyhound is now getting easier and easier. It is a great scheme, and the people who have been involved and the people who continue to be involved in this scheme should be congratulated.

Certainly whilst there is some further work that needs doing within this space, the bill itself is a step in the right direction. It is a good response to a horrible situation that we hope is never, ever repeated. These practices were barbaric and archaic, but we have moved quickly and decisively. The fines are now extreme, which is how they should be.

There are arrangements with the board and the code of practice around anything to do with a racing greyhound. Once it is registered, fees are paid and a kitty is created, and the welfare of the dog becomes paramount. The arrangements will enable this incredibly important industry to prosper and generate jobs, and it is supported by the many people who just love the dogs that they train and care for. I know a handful of people in my hometown of Bendigo who are incredibly passionate about their dogs in the way they look after them and the way they train them. They love racing them, and they provide amazing care for their animals.

I think this bill is going to continue to strengthen the whole regime of greyhound racing in this state. There is more work that still needs to be done, but I am sure that those further amendments to the structure of the board and to the structure of the industry can take place in the next few months and we will end up with the industry that we all expect.

Ms PENNICUIK (Southern Metropolitan) — The bill that we have before us, the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015, makes amendments following the reports that were tabled by Mr Sal Perna, the racing integrity commissioner, and the chief veterinary officer, Mr Charles Milne. They followed from the appalling revelations of the widespread use of live baiting in the greyhound racing industry that was exposed by Animals Australia, the RSPCA and *Four Corners* as occurring in at least three states on the eastern seaboard of Australia. It was so widespread that it could not be seen as isolated incidents, but rather as a systemic and ongoing use of a particular practice, where we know small animals — possums, piglets and rabbits — that were still alive were used as bait for greyhounds and suffered of course appalling deaths.

This had been going on for some time and, it has to be said, under the noses of the Greyhound Racing Victoria board and Greyhound Racing Victoria itself, and in fact under the noses of the racing integrity commissioner and the chief veterinary officer. They were asked to look into it and to investigate, and they came up with reports, which I have read. They basically confirmed what was going on and came up with some recommendations, some of which were introduced last November in changes to the Prevention of Cruelty to Animals Amendment Act 1986, and quite a number of which will be introduced by the bill that is before us now.

However, while the changes this bill makes head in the right direction, they are not going far enough. While we will not be opposing the bill, one of the problems with the key provisions in this bill is that they continue the conflation of conflicting roles of the board. The board of Greyhound Racing Victoria will still have the role of promoting the industry and promoting gambling in the industry. At the same time, with some of the provisions introduced there will be a statutory requirement to improve animal welfare in the industry, but that is really a conflict. The bill also introduces investigatory powers for the board, so the board will be investigating the industry that it promotes. There is an inherent tension between those functions, and we should be aware of that fact.

What the Greens have called for ever since these particular appalling events were revealed, and in other cases where animal welfare issues are at stake, is the need for independence in the regulatory functions with regard to animal welfare. That is not going to be introduced by this bill, even though there are some improvements to the current situation and the situation we had prior to the live baiting events, where the industry basically is self-regulating and has been focused on racing and gambling with very little focus, if any, on animal welfare — notwithstanding, as Mr Drum said in his speech, that there are certain greyhound owners of course who care about their animals. I do not dispute that, but in terms of the suffering of greyhounds involved in greyhound racing across Australia and in Victoria, for the vast majority of them their welfare is not well looked after, and I will return to that point after I speak briefly about the provisions of the bill.

The bill makes changes to the Racing Act 1958, the Prevention of Cruelty to Animals Act 1986 and to the Domestic Animals Act 1994 following some of the recommendations made in the reports by the chief veterinary officer and the racing integrity commissioner. The bill amends the Racing Act 1958 to further provide for the functions and rules of Greyhound Racing Victoria; to make changes to its constitution, its appeals and disciplinary board; to set out additional functions for the racing integrity commissioner regarding animal welfare; to further provide for offences relating to greyhound races that involve the use of animals as lures; to make a range of changes to animal welfare arrangements in the greyhound racing sector; and to make other miscellaneous amendments.

It amends the functions of the board to make it clear that it will now have a statutory responsibility to promote and improve animal welfare, including greyhound welfare within the industry, and that it has the power to make rules in relation to the welfare of greyhounds. Under clause 5 it ensures that one member of the board has experience in animal welfare or ethics, and under clause 11 it ensures that one member of the Greyhound Racing Appeals and Disciplinary Board must have animal welfare or veterinary expertise.

These are welcome, slight improvements to the functions of the board. It is a pity that a similar amendment that I moved last year with regard to Harness Racing Victoria was not supported in terms of adding a person with animal welfare expertise to that particular board. The bill extends the audit function of the racing integrity commissioner and the hours in which audits can occur — that is, 1 hour before sunrise

and 1 hour after sunset or in exceptional circumstances. Where the racing integrity commissioner has a reasonable suspicion that compliance with animal welfare standards is not being met or other offences might be being committed, the commissioner will be able to enter premises at any time under those conditions.

The bill provides for appointment of an administrator in place of the board if the board ceases to function or if it is in the public interest to do so. It provides for offences relating to greyhound races that involve the use of animals as lures and references the relevant offences under the Prevention of Cruelty to Animals Act 1986 into the Racing Act 1958. The bill also clarifies the classes of persons who could be guilty of an offence and liable to a penalty involving live baiting. In terms of amendments to the Prevention of Cruelty to Animals Act 1986 the bill amends the act to extend the time limit for prosecutions relating to baiting and luring from 12 months to 3 years to allow for more thorough investigations to take place. Under the Racing Act 1958 it also requires broader experience of board members. At present board members tend to be just people from greyhound racing with little if any other experience or expertise represented on the board, so that is a welcome provision as well.

Amendments under the Domestic Animals Act 1994 will be to ensure that all Greyhound Racing Victoria greyhounds are covered and kept in accordance with the new mandatory greyhound code of practice, and non-compliance will be an offence and will attract a penalty. The bill makes other technical and consequential amendments to the bill but also introduces a small levy of \$3.50 on the registration of all Greyhound Racing Victoria greyhounds. It must be mentioned that this is the same as the levy paid by ordinary Victorians when they register their own domestic pets. So in terms of a Greyhound Racing Victoria greyhound which is owned and raced by people in order to make money, the amount of levy that is going to be charged under this bill is exactly the same as an ordinary person pays to register their family pet. I think that registration could be a lot higher than it is. This will be used to support amendments to the Domestic Animals Act 1994 in terms of the implementation and compliance with the code.

The establishment of an independent integrity body is not included in the bill. One of the recommendations of the racing integrity commissioner was to establish an independent statutory body with accountability for racing integrity across the three codes, removing such responsibility from the controlling bodies, conferring all powers, privileges and authorities of stewards,

integrity and welfare staff, including powers over non-licensed persons, and transferring current integrity staff, stewards, welfare officers and existing integrity bodies to the newly formed body. This is not what is happening with this bill. As I mentioned, the bill in fact further conflates the conflicting roles of integrity, animal welfare and the promotion of racing and gambling in the same board, and that is a problem.

The government has said that it supports this in principle, and last year it commissioned Mr Paul Bittar to make recommendations on a new model for integrity in the Victorian racing industry. The report from him was due late last month, and as far as I know it has not been released. Important stakeholders such as the Australian Veterinary Association and the RSPCA are generally supportive of the bill and regarded these provisions as positive moves in terms of ensuring that the industry can be held to account for some of its animal welfare conduct and outcomes.

Concerns have been raised by these stakeholders about simultaneously investing in single organisations, and individuals within them, the responsibility for enforcement, criminal investigation, racing oversight and commercial considerations. Concerns have also been raised about investing in Greyhound Racing Victoria officers the same investigative enforcement powers that, for example, the RSPCA, local councils and other authorised officers have under the Prevention of Cruelty to Animals Act. This creates an inherent conflict of interest. I would be very interested to see what comes out of the report from Mr Bittar and whether the government is going to move where it should move, which is to create an independent regulatory agency for the racing industry in particular.

As I said, while there are some improvements under this bill, I am not sure that they are necessarily going to create any more public confidence in the industry. While the bill is focusing the board of Greyhound Racing Victoria more on the issue of animal welfare, which hitherto one would have to infer it has not been very focused on, it is still nowhere near where we should be in terms of the independence and integrity of animal welfare in these industries.

There were some claims made about the racing industry and its contribution to economics. I preface my comments by saying that while we are talking about the economics we should be thinking about what is behind the economics. What is behind the economics is the use of animals for human entertainment and human gain, with the animals having no say in that whatsoever. In terms of claims made, the minister has made some in her second-reading speech about the economic impact

that greyhound racing provides for Victoria, New South Wales and Queensland. If you look at the Animals Australia website, which has done a lot of research into the greyhound industry, it cites a PricewaterhouseCoopers report on the New South Wales industry in 2014, which concluded that the racing industry is a 'consumptive sector' that does not 'generate any significant productivity benefits to the rest of the community'. The Productivity Commission's review estimated the social cost of problem gambling to be at least \$4.7 billion a year.

There are a lot of problems with greyhound racing. Every year in Australia around 20 000 greyhound pups are bred in the hope of finding a fast dog. But not every greyhound is suited to racing. Most dogs that do not make the grade in terms of being a fast dog or a good racing dog or a dog that wins prize money are discarded. It is estimated that 18 000 healthy dogs are killed in the greyhound racing industry each year. This includes 8000 pups and young dogs that never make it to the track and another 10 000 that are retired from racing because they are simply regarded as being too slow. Four out of five dogs that are retired from racing are killed. Five dogs every week are killed on the racetrack. Those that are not killed on the racetrack are still at risk of significant injuries such as broken hocks and legs, and head trauma during racing and in training. Up to 200 dogs are reported injured during official races every week. Some are even reported to have died from cardiac arrest due to the extreme physical intensity of racing. On many occasions such injuries are 'uneconomical' — in quotation marks — to treat, and the owner will instead have the dog put down. An average of five dogs, as I said, are killed at races every week.

Off the track their lives may not be much better, oftentimes kept in tiny kennels for the majority of their lives and only released to train or race. Many rescued racing greyhounds have been underfed, possibly because they are kept on a restricted diet to keep them at a lean weight for racing. Once a racing greyhound is not fast enough to win races, his or her career soon comes to an end. While a greyhound's natural life span would be 12 to 14 years, very few of these dogs live to that age. The vast majority will be killed once they have served their racing purpose. Nine out of 10 dogs born into the greyhound racing industry never get to live out a full life — as I said, this amounts to around 18 000 dogs per year. It is true that some ex-racing dogs go into breeding programs, but even then they will likely be killed at the age of five or six years.

In terms of greyhound adoption, the industry's Greyhound Adoption Program (GAP) operates in most

states but rehomes only a relatively small number of ex-racing dogs. Mr Drum mentioned what a good program it is, but it homes somewhere around 10 per cent of the dogs born into the racing industry every year, so 90 per cent of the dogs born into the industry every year are not adopted. There is a very, very long way to go before we have a situation where all dogs in the greyhound racing industry end up in the Greyhound Adoption Program — or any other adoption program, because there are a couple of others apart from the official Greyhound Adoption Program. It is a good program as far as it goes, which is not very far — it is only 10 per cent of the industry.

So we come to the problem, which is that it is very difficult to see how this industry will ever be able to come to a situation where all the dogs are either adopted post-racing or adopted because they are not going to make the grade, so to speak, as racing dogs. That is why, while the Greens have always had a very strong position on greyhound racing, we have now adopted the position similar to that of Animals Australia, which is that greyhound racing should be phased out in Australia and that this should happen sooner rather than later because we do have in fact an industry that can never be safe for all greyhounds born into it.

It is not an industry where greyhounds that are racing in races — Mr Drum says 1000 meetings per year; that is a lot of dogs that are injured — live out their full lives. There are not going to be enough homes to adopt the number of greyhounds that we lose every year. I have been following the Greyhound Adoption Program for many years. Several times I have raised in this Parliament by way of a question on notice, for example, how the program is going. It really has not altered much over the years. There has been a bit of an increase in the last year or two, but it still, as I said, leaves the vast majority of greyhounds not being adopted into domestic homes. We have a problem where we cannot really fix the industry. Greyhounds are injured, greyhounds are killed, greyhounds are not adopted. Greyhounds are not adopted at anywhere near the level they need to be. That is why this industry really is inherently not sustainable.

I go back to my fundamental premise that I think as a community and society we really need to question whether we continue with this type of activity, such as greyhound racing, which is basically an activity using animals, using greyhounds — and up until recently using other animals in the most appalling way — so that people can bet on them. Basically it is so people can gamble on the outcome of a race involving animals that have no say in whether or not they are in that race.

They are in fact completely in the hands of their owners and the racing industry as to what happens to them from the beginning to the end of their lives. I think as a community and a society we should question whether that is a sustainable and humane activity. I personally do not think it is. I am fully behind the idea that the greyhound racing industry should be phased out. I understand people are employed in that industry, so there should be some way of them transitioning out of it.

I would say the same for jumps racing, another industry that puts animals at risk and sees them breaking their legs and their necks for no other reason than for humans to gamble on the outcome of a race involving those animals. We know that the toll on horses in jumps racing is not acceptable. It is an activity that should have been banned a long time ago. It was nearly banned in 2009, but sadly was not, so more horses have gone on to be catastrophically injured on the track or never seen again because of an injury they have sustained and have later been put down away from the eyes of the public.

There are some positive changes with regard to the focus of the board, the representation of the board and the ability of the racing integrity commissioner to be more active in terms of investigating non-compliance with animal welfare standards. I have not even gone into what those animal welfare standards are, because they are animal welfare standards within a framework of an industry that does not have animal welfare at its heart and never can have, because inherently greyhounds in greyhound racing will be injured and will be killed. Very few will be adopted out into good homes, even though we know they make wonderful pets and are beautiful dogs. We should not kid ourselves that this particular bill is going to fix the problem that is inherent in greyhound racing, which is something that should be phased out in Australia.

Australia is one of only eight countries in the world with a commercial greyhound racing industry, and it is the biggest. Internationally it is an industry in decline. For example, in the USA greyhound racing is now illegal in 39 states, 28 of the 49 tracks have closed since 2001, and that number is reducing year after year.

I did have someone say to me, 'It's not greyhound racing that is illegal in the USA; it is betting on greyhound races'. If you cannot bet on the greyhound race, what is the point of the greyhound race? That is the problem. The point of the greyhound race is to race the greyhounds so human beings can bet on them, and I think that is a fundamental premise which we should

not be supporting anymore in the interests of animal welfare.

While the Greens will not oppose this bill and see the provisions in it as some improvement, we are still left with the problem of the industry itself.

Ms SHING (Eastern Victoria) — I rise this evening to support the bill and reiterate the contributions of my colleague Mr Drum as they have outlined the scope of the bill before the house and the context in which these changes have occurred.

At the outset it is important for me to go on the record as being a very, very proud and passionate owner of an adopted greyhound. I cannot recommend the breed highly enough. In fact before I lose the attention of the chamber and perhaps any reader of *Hansard* who might be interested enough to follow this up, April is in fact Adopt a Greyhound Month. This is a fantastic opportunity for people to take advantage of the many activities that are being provided by adoption organisations not just in Victoria and not just around the Greyhound Adoption Program but around other rehoming, rescue and rehabilitation programs and services that are provided throughout Australia.

These organisations do a sensational job, not only in matching greyhounds with their ‘fur-ever homes’, as it is affectionately termed when a greyhound moves into a domestic environment, but also in making sure that the greyhounds themselves are of an ideal temperament to be able to live with people, children, cats — as is the case with my beautiful boy, Ruben — and other dogs, which is also the case in my home. I do confess that it is often rather like a zoo, and there is somewhat of an ad hoc racetrack that often springs up around the house or in the back garden. In fact I would not have it any other way, because greyhounds are a remarkable breed, and they are a remarkable breed with a very significant history that goes back thousands of years. They have been bred, in the way that many other canine species have been bred, to take advantage of natural character traits, and in the sighthound greyhound breeds this is something that manifests in very swift sprint speeds, very swift acceleration and excellent sight. This has been honed over time in the way that other breeds have been developed to be bigger, to be stronger and to have a specific musculature, and it has led to greyhounds being able to reach speeds of up to 70 kilometres an hour.

That is not to say that that is all they do. Greyhounds are also extremely sensitive beasts. I tested this, having had to apologise to my dog on repeated occasions for yelling at him when he had decided to move a sock or a

shoe around a room. Rearranging is a very particular greyhound characteristic whereby greyhounds are inclined to pick things up at random, to move them around and to repeat the process, like a game of chess played by a dog without any competition.

The bottom line here, and the message I am trying to convey in my contribution this evening, is that the adoption of animals is the best way to go. It is the fairest way to go, and it is the way to go that best enhances animal welfare outcomes. For those who are prone to criticise the industry and who get stuck in over the number of deaths — fatalities, serious injuries — in the industry, I would really like to see those people walk the talk and start to adopt these wonderful beasts so that we can have maximum take-up. We have seen a great increase in the number of dogs that are being not only offered for adoption but also rehomed as part of those adoption practices. This has been made significantly easier by the way in which adoption open days have been facilitated and by the way in which a non-judgemental approach is being taken by Greyhound Racing Victoria (GRV) and other racing bodies around Australia to make sure that greyhounds can be surrendered.

It is with these elements in mind that I turn now to the components of the bill that is before the house this evening. As Mr Drum indicated in his contribution to the debate, the bill implements the recommendations to the Andrews Labor government which arose from reports of the racing integrity commissioner, Sal Perna, and the chief veterinary officer, Charles Milne, into live baiting in February 2016. As we all know, *Four Corners* aired a shocking, confronting, disgusting and horrifying episode that included footage of very severe animal cruelty. It was not just animal cruelty against live animals, which included possums, rabbits and piglets, but also in relation to dogs that were, to use the language of the industry, being ‘blooded’, apparently in an attempt to make them faster or to give them some kind of prey drive. As we know from the history of the sighthound, prey drive can be part of the character trait of a greyhound. However, it does not follow that using live animals as a live baiting process will get a better result. There are many other ways in which greyhound speed and athleticism can be enhanced in the course of training and in the course of the dog-break process. They include the use of pheromone sprays and the way in which drag lures are used in the course of adapting a greyhound to the track, as well as very — —

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Ms SHING (Eastern Victoria) — As well, there is the very, very clear evidence that indicates that where dogs are treated well, where dogs form a bond with their trainers and their owners, where dogs are socialised and where dogs are given as much exposure to human contact and positive human interaction as they can possibly be given in the first 12 to 18 weeks of their lives they run better. They run faster and they run safer. It is the very essence of positive motivation that in fact creates better outcomes for greyhounds in the industry.

What we see here is a fundamental departure from the lunacy, the disgraceful acts of cruelty that were inflicted upon greyhounds not just as they were captured in the footage which aired on *Four Corners* and which in fact brought this issue to life in a very, very clear way but which, anecdotally at least and as revealed in the course of various inquiries, were likely to have been occurring in various ways under the control and auspices of various people throughout the industry. What this resulted in was a lack of proactive zero-tolerance action to crack down on owners, trainers or breeders who either encouraged this sort of behaviour or were complicit in it occurring in the course of a dog being broken in and being prepared for racing.

This is absolutely unacceptable, and it is unacceptable from the key perspective of animal welfare, which is the perspective that I take tonight in making this contribution, because better outcomes can be reached through positive training, positive interaction, socialisation, a proper diet, good exercise and the use of technology and training methods, such as pheromone sprays and lure-specific training and introduction from an early age — greyhounds perform better. Where our tracks are improved to make sure that the camber and the materials and the drainage are of a world-class standard, they become safer. We see fewer instances of serious injuries. We see fewer instances of falls. We see greater recovery and we see faster results.

The industry, much as those who have made contributions in the chamber tonight and indeed in the other place may like to close it down, is the source of thousands of jobs. To close this industry down tomorrow, as some might like to have happen, would in fact be a pretty clear example of irresponsible government, to my thinking. What we do need to do, however, is to take all the reasonable steps that are available to enhance animal welfare, to enhance animal safety and to send very clear deterrent messages to anyone stupid enough, anyone inhumane enough or anyone foolhardy enough to treat greyhounds and other animals with such contempt that in fact they would not care for their welfare or indeed their lives.

To my mind it is very easy to simply want to close the industry down; however, the owners and trainers and breeders who I know, who I have met and who I have worked with have been positively encouraged by the non-judgemental approach taken in the context of facilitating adoptions and facilitating better accommodation and other arrangements for their dogs. They have taken comfort in the way in which the slur on the industry from an irresponsible few has been, without doubt, slammed and condemned, as it should properly have been. We have seen numerous prosecutions. We have seen numerous changes to the way in which regulation of greyhounds will occur. This is proper and this is appropriate. The penalties for live baiting ought to properly be made into significant and serious penalties — sanctions that send a very clear message that we will not tolerate, and that the community will not tolerate, inhumane breaches of animal welfare in relation to dogs.

The greyhound industry has come a long way since the 1960s, 1970s and even the 1980s, where after a race meet it was not uncommon for dogs to be found in dumpsters out the back. We have come a long way since nobody talked about these issues and since a softly-softly approach, such as that identified in the Perna report, was the regular way of operating within the industry, at least as far as various evidence was concerned. In doing so, we need to work with those people who are well intentioned, because they have the interests of their animals at heart, they participate in rehoming and adoption and they make sure their dogs are fed and socialised well and are given appropriate treatment.

The bill makes sure that we clarify the powers of GRV inspectors to inspect greyhound premises. Inspectors had formerly been restricted in entering properties due to the use of the term ‘reasonable hours’ in the act. There is, in my view, no unreasonable time to make sure that greyhounds that are registered or which are intended to be racing, raised for racing or otherwise used for breeding purposes be monitored and be subject to the scrutiny which they deserve.

The bill makes these changes to the Racing Act 1958, the Prevention of Cruelty to Animals Act 1996 and the Domestic Animals Act 1994, which then implement 10 recommendations in part or in full as part of the overall 28 recommendations which require action by government in the course of this report. We have seen significant changes to the governance and operational structure of the Racing Appeals and Disciplinary Board, which will now have expertise in animal welfare and/or ethics incorporated into the skill set of members who sit at the table.

The way in which animal welfare has become a key, substantive issue for the industry and has been put under the spotlight is due in large part to public debate flaring as a consequence of the live baiting issue. I absolutely condemn anyone who would enable or be complicit in live baiting in the greyhound industry. I know that my dog and other dogs — other greyhounds bred specifically for racing — respond best to love, encouragement and a positive environment. They respond well to care and to attention; they respond well to bonds with human beings. For this reason they make excellent pets and additions to family homes, either after their racing career has not started or after it has finished and the dog is no longer on the track.

We need to make sure we acknowledge the positive efforts being made by people within the industry. We are on the way to improving an industry which was, for a significant period of time, more than a bit broken. It was an industry that led to and allowed the deaths of thousands of dogs. Indeed it still has work to do — we still have a long way to go — but we are getting there. We are getting there by including and involving trainers, owners, breeders and the industry. We are getting there in terms of tighter regulation and a better approach to animal welfare and the way in which we regulate it. We are getting there through mechanisms such as this bill. To that extent, I welcome its introduction and I commend the bill to the house.

Ms PATTEN (Northern Metropolitan) — I am very pleased to rise very briefly to speak on this bill, after an extremely long day of listening to a wide range of topics. I think the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015 is worthy of a few comments, because I do commend this bill. I listened but did not speak last year when we undertook the first tranche of changes to welfare legislation after seeing the horrendous photographs and videos that were provided to us which showed us what was wrong in the industry and what needed to be fixed.

I think last year we went a long way, and we were reading those barbaric words of baiting, bleeding and luring as we were talking about an industry with animals we love. I was pleased to see the changes that happened last year, and I am pleased to see added regulation this year that introduces further codes of practice and further regulation and responsibility for this industry, and in that it further increases education in what is right and what is proper in animal welfare. This bill is doing that by increased oversight, via the levies and via the extra regulation, and I am pleased to be here to commend that.

The Sex Party has had a very clear policy on animal welfare since its inception. We actually believe animal welfare should not just be a state-based issue; it should be something that is shared across all three tiers of government, with every state and territory having its own animal welfare and animal cruelty legislation, as we are seeing today, but also seeing that enhanced at a federal level. I would like to see the establishment of national animal welfare and cruelty legislation that covers wildlife, pets and livestock. I love animals. I have many pets, and I find it very difficult — despite the fact that I am incredibly allergic to animals — not stopping to pat and throw my face into so many pets, which has ended up with me having eyes like golf balls afterwards. But I adore animals, so I think I want to see legislation that protects our pets. I also like eating animals — —

Ms Shing interjected.

Ms PATTEN — I like eating animals, but I want to see proper welfare for the animals that I like to eat as well. I want to see us having broad animal welfare legislation, recognising that we have a responsibility to animals that we love to pet, that we love as pets and as members of our families, that we love to eat or that we love to place a bet on — that as a hobby we love to see them race. The responsibility to those animals is tantamount in all of those aspects of our cultural connections with animals in, as I said, many different areas.

So I would love to see not only our state legislation but also our state government working with the federal government to improve animal welfare and cruelty legislation that does cover wildlife, that does cover pets, that does cover livestock and that maybe creates a national register of animal cruelty convictions so that if someone gets done for animal cruelty in Victoria they cannot just skip town and continue their cruel practices in another state. I would like to see a register that would mean that if someone is cruel to an animal, they are no longer allowed to have an animal. I would encourage this state government to work with its federal counterpart to enable the enforcement of animal welfare and the protection against animal cruelty not only at a state level but at a federal level.

I love animals, and I was encouraged by what we saw — the very quick response that not only Victoria but other states made to the horrendous and barbaric activities we witnessed in this industry — so I am very happy to see this bill coming through to establish further safeguards in this industry. Despite how allergic I am to animals, I have been very influenced by the contributions — of Mr Drum, Ms Shing and

Ms Pennicuik — and I must say I am considering adopting a greyhound after this debate, but it may be slightly due to my jet lag, and it may be slightly due to the late hour. I hope in the morning — —

Ms Pulford interjected.

Ms PATTEN — I thank the minister. Please do not hand me that adoption paper right now — I think I need a cooling-off period. But I would like to commend this bill to the house.

Mr MULINO (Eastern Victoria) — I will be very brief. I just wanted to support the contributions of all those that have preceded me. I know that many of those that have preceded me have a direct interest in animal welfare in this context in a very personal way. It is a very important issue. I just want to reiterate that this is a bill that is important because it implements a further 10 recommendations from the important chief veterinary officer's and racing integrity commissioner's investigations into live baiting and animal welfare in the greyhound racing industry. I think that has been a very measured and methodical response to that issue, and I think what we are seeing now is very well crafted legislation to deal with those issues.

I will not go through all the details but just want to flag the key provisions. The bill clarifies the live baiting offences in the Racing Act 1958 with the insertion of a new section 55 that contains a strict liability offence. It also broadens the functions of the Greyhound Racing Victoria (GRV) board to include responsibility for promoting and improving animal welfare within the sector. The bill also requires a member of the Greyhound Racing Victoria board and the GRV Racing Appeals and Disciplinary Board to have expertise in animal welfare or ethics, which is probably something that many had assumed was already the case, so that is filling a regulatory gap. The bill also extends the powers of the racing integrity commissioner to enable that person to audit the animal welfare processes and systems of a racing controlling body. There are also a number of other measures that I will not run through.

As I said, I want to reiterate the comments from all those on all sides of the chamber who preceded me. I think this is a very important issue in terms of an important industry within our state but also, more importantly, for the welfare of greyhounds and of course the animals that should not be used or abused as live bait. I commend this bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — The lure of getting to talk about this bill tonight — the Racing and Other Acts Amendment (Greyhound

Racing and Welfare Reform) Bill 2015 — is quite exciting. It deals with the third element of racing in Victoria — racing, pacing and chasing. I am pleased to rise to support the bill. Typically opposition members say they do not oppose, but in fact tonight I am saying the opposition will support this bill following the Sal Perna report.

Others have touched on the provisions of this bill, including the stronger powers and increased penalties for the abhorrent practices of baiting, bleeding and luring with live animals. It also provides an opportunity for greater inspection of premises to make sure that compliance is in place. It increases the focus of the Greyhound Racing Victoria (GRV) board. It extends the time limit for bringing forward prosecutions. It does a whole range of things that have been touched on by others.

For the sake of this house — I am sure the minister would be happy about this — I am not going to discuss every element of this bill in my contribution tonight, because I think we have more than covered it. I will say, though, that this legislation specifically relates to improved animal welfare and improved integrity within the greyhound racing industry as a result of the inquiries into the live baiting scandal. It is a sensitive matter, and it is primarily about animal welfare. These reforms are ones that we as a Parliament should support.

I am a member of the Melbourne Greyhound Racing Association (MGRA). I follow a couple of racing dogs that are doing very, very well, and to my knowledge — and I am absolutely convinced and advised of this — never have they been trained using these abhorrent practices. I speak often to GRV executives and board members, greyhound racing participants, punters, spectators and families as they get together and enjoy their time in places like The Meadows in Broadmeadows, where the kids are on jumping castles, getting their faces painted and doing all sorts of wonderful things on a Saturday night. It is a sport that everyone can participate in.

In mentioning the MGRA, let me congratulate Eddie Caruana and the members of his board for the great work they do out at The Meadows in making greyhound racing an inclusive sport, a sport that has a lot of integrity. His board is working towards ensuring that we clean up any suspect practices. I also congratulate Marg Long, the CEO out at The Meadows, and her team for the wonderful job they do. It is a great activity.

I am happy to support these amendments tonight. I have had many conversations with the Minister for Racing, Martin Pakula, about this, and he shares my views about cleaning up this industry. It is an industry that provides lots of jobs and economic value for Victoria.

Others tonight have talked about the Greyhound Adoption Program, a program that I actively support. I commend ambassadors like Ricky Ponting who support the program.

This bill is about improving integrity and welfare in this very important sport. I conclude tonight by congratulating Nicole McRae, the trainer of Doodle Bug Jay, who won the last at Warragul over 400 metres before races were abandoned due to lighting problems. The dog ran very well over the 400. It paid \$3.20 to win and \$1.60 to place. That is a great example of how this sport is alive and well. I commend the bill to the house.

Ms PULFORD (Minister for Agriculture) — I would like to take this opportunity to thank all members for their contributions to the debate on this legislation this evening. I would also like to take the opportunity to thank the racing integrity commissioner, Sal Perna, and Victoria's chief veterinary officer, Charles Milne, for the work they did in preparing two reports for government. We commissioned these reports immediately after the *Four Corners* exposé was first broadcast, an exposé that revealed practices that were gutwrenching and horrific and that led to the development of this legislation. Mr Perna and Dr Milne oversaw wideranging reviews. They revealed incentives to overbreeding, a lack of appropriate governance, impractical arrangements around hours for inspections on tracks and some deficiencies in the operation of the Prevention of Cruelty to Animals Act 1986. As Ms Pennicuik noted in her comments earlier this evening, there are some really large gaps in our knowledge about the number of greyhounds and their fates.

I would just like to add a couple of remarks. The government takes animal welfare incredibly seriously. Prior to the election we made a number of commitments around animal welfare, and work is well advanced in delivering on those election commitments. Not too many months from now we will have the opportunity to debate in this place the legislation that will eliminate puppy farming in Victoria. In the last sitting week the economy and infrastructure committee tabled the report on its inquiry into the legislative and regulatory framework relating to restricted breed dogs. That report did go into a number of matters related to greyhound welfare. The government will now take some time to carefully consider those matters.

Matters of animal welfare are of great interest to the Victorian community and all Victorians. Indeed this was an issue that spilled into a number of other jurisdictions. We were horrified at the images that were broadcast by *Four Corners*. The greyhound racing industry in Victoria has worked hard to implement the recommendations of the Perna and Milne reports that were pointed in its direction. As to whether the government has worked hard to implement the recommendations that fell to it to implement, late last year it had the first tranche of legislation to that end for which it was grateful to receive speedy passage through the house, and this evening this bill will acquit a further 10 recommendations.

We are not Pollyannas about this challenge, but we are committed to working closely with the industry and cleaning up what are clearly unacceptable practices. This legislation will strengthen the arrangements that are in place and will complement other measures being taken across the agriculture portfolio in respect of animal welfare issues more broadly and also in the racing industry, where, in the other codes Mr Ondarchie referred to in his contribution, other animal welfare issues have arisen from time to time. Indeed this legislation will require a member of the Greyhound Racing Victoria board to be somebody with expertise in animal welfare. In a similar vein that is now expertise that harness racing enjoys on its board.

Taking a holistic approach to this is important. The review that was undertaken by Charles Milne was the first of its kind undertaken by a chief veterinary officer in Victoria, and I think it has been an excellent addition and contribution to this discussion and to the development of the work that the Victorian government has done and will continue to do to improve animal welfare in greyhound racing. Of course Dr Milne will continue to work with our producers, Victorian farmers, those who adore their four-legged family members and all creatures great and small to improve the welfare of animals 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 PULFORD (Minister for Agriculture) — I move:

That the house do now adjourn.

Health funding

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment matter this evening is for the Minister for Health, and the action I seek is that the minister deliver the funding in the budget to fund the legislation that has been considered and passed in this house in the last 12 months in relation to her portfolio. We have had extensive legislation in this Parliament in relation to the health portfolio, but consistently what we have been seeing is that despite the expansion in roles, there is not yet the funding to be able to deliver the commitments in the legislation and the expectations that have been raised within the community.

Take, for example, the Access to Medicinal Cannabis Bill 2015, which I am very pleased has now passed the lower house in terms of the amendments we considered last sitting week. But as we highlighted through the debate, the state will be paying — —

The PRESIDENT — Order! I am sorry to interrupt, but in my view the adjournment debate requires members to focus on one item, not a whole range. As I heard it, the member's action at the start was for the minister to fund a range of commitments that have gone through the house. I would ask the member to focus on one item.

Ms WOOLDRIDGE — If I may, what I have sought is that she fund the legislation that has been passed in the last 12 months. I have put that as one item, and I am giving a series of examples of it. The call that I have in relation to the action is funding to reflect what has been done over a period of time. It is one call for funding, and there are sub-examples underneath that. That is how I had planned to put forward this adjournment matter. It is a bit like asking the Minister for Education to fund schools, and then there are a number of schools that might be examples that sit underneath that.

The PRESIDENT — Order! In that instance I would actually rule out the member's example — in other words, in the education example the adjournment debate would require the member to ask the minister to fund a particular school rather than schools, plural. On this occasion, given the way the member has worded it, I will allow the matter, but as I have indicated to members the adjournment debate is really about an

action on one matter rather than a series of matters. Given that Ms Wooldridge has taken it from the point of view of legislation in the house, it is close, but I will allow it.

Ms WOOLDRIDGE — Thank you, President. The example I was giving was of the Access to Medicinal Cannabis Bill 2015, where the state will take responsibility for the cultivation, manufacture and distribution of medicinal cannabis. There is extensive funding that the minister outlined would be required to deliver this that has not yet been provided, and we need to see that in the upcoming budget.

In addition, the Assisted Reproductive Treatment Amendment Bill 2015 made significant expansions in terms of the Victorian Assisted Reproductive Treatment Authority (VARTA) playing a role in the process of connecting, advising and counselling donors and donor-conceived people. Once again, as we outlined in the debate, there is not yet additional funding for VARTA to deliver this vital role, and that needs to be provided in the budget because of course this comes into place in 2017.

Similarly there is legislation in relation to nurse-to-patient ratios. The minister at the table, Ms Pulford, at the time insisted that our rural health services, which potentially are operating at below ratios, would not need additional funding to deliver to the ratios because of course they are funded to the ratios. This is in denial of the reality that these health services are fully utilising the funding that they have at the current nurse staffing levels and will need additional funding to deliver to the legislation and to the nurse-to-patient ratios that are provided for in it. Finally, the Health Complaints Bill 2016, which we are currently considering, establishes the role of the health complaints commissioner, and there needs to be funding to enable that to take place.

The minister has had a number of pieces of legislation in this house that expand the roles of various health agencies. These need to be funded in the budget so that they can deliver on the expectations created for them by the government's legislation.

Health funding

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Health. In recent weeks the Andrews government has announced that the Williamstown Hospital emergency department faces closure, the Sandringham Hospital will be cut to daytime-only care and many other hospitals will be impacted by the dispute between the

federal and state governments, with over \$73 million worth of hospital funding at risk.

The state and federal governments need to sort out this funding mess as soon as possible for the community's sake. If the Williamstown Hospital emergency department were closed, most patients would go to Footscray Hospital. The government would be well aware that the Footscray emergency department is already stretched and in massive need of redevelopment. In 2015 approximately 36 517 patients attended the Footscray Hospital emergency department. If the 15 914 patient presentations at Williamstown over that same time went to Footscray, there would be an increase in demand of 44 per cent at that hospital. This would take Footscray Hospital's emergency department from busy to bedlam and would threaten the quality of care.

In 2014–15 Footscray Hospital's emergency department was on bypass due to being over capacity for an average of 90 hours each quarter, with the worst being July–September when the hospital went on bypass for 220 hours, or 10 per cent of the time. This indicates that the department is already failing to keep up with demand. With the government's recent elimination of bypass protocols, the emergency department at Footscray is likely to struggle even more. The community of the western suburbs can ill afford an emergency department closure.

While I do not believe that the state should be picking up the tab for the federal government, with an operating surplus of \$1.2 billion in Victoria the Andrews government can afford to step into the breach temporarily until the federal government sees sense and stops point-scoring with people's health. When the Williamstown Hospital emergency department's future hinges on just \$5 million in funding, it would be a failure in the Andrews government's duty of care not to fund Western Health to keep it open until the matter with the federal government is resolved. I call on the Andrews government to seek to resolve this funding dispute and to do whatever is necessary to address the funding shortfalls in the short term.

Western Metropolitan Region small business

Mr EIDEH (Western Metropolitan) — My adjournment matter this evening is for the Minister for Small Business, Innovation and Trade. In Western Metropolitan Region small businesses are part of the thriving local economy. I note that the minister has spent time with members of the other place visiting businesses in Western Metropolitan Region to gain a deeper understanding of the various pressures,

challenges and opportunities small businesses face. I further note that, as recently as 30 March, the minister was visiting small businesses in Hoppers Crossing and discussing how the Andrews Labor government can best support them.

I regularly speak with small business owners in my electorate who are seeking assistance with these matters in relation to their businesses. They are seeking to grow their businesses and to build business resilience for the future. Others look forward to the completion of the removal of level crossings in Laverton, Werribee, Sydenham and St Albans. I am proud to be part of a government committed to placing small business at the forefront of every policy decision it makes.

It is well known that small businesses are a significant driver of economic output in this state, so I am pleased to be able to inform small businesses that the Andrews Labor government can provide them with access to expert advice, support and assistance. There are over half a million small businesses in Victoria, and they represent 97.5 per cent of Victoria's total businesses. I am proud to represent Western Metropolitan Region and to be part of a government that works to support small businesses.

The action I seek from the Minister for Small Business, Innovation and Trade is that he provide me with ways that small businesses in Western Metropolitan Region can access mentoring and other information from Business Victoria so they can continue to be competitive and successful.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Treasurer, and it is with regard to the City of Greater Shepparton's budget submission, which includes the need for investment in a redevelopment of Goulburn Valley Health, as part of that organisation's 2016 submission to the government. My request of the Treasurer is that he fund at least \$170 million for stage 1 of the Shepparton Hospital redevelopment in the 2016–17 state budget and that he also commit to a rolling series of funding tranches across the forward estimates to ensure the swift completion of the remaining stages of the project.

Goulburn Valley Health's Shepparton Hospital is in desperate need of a redevelopment and an expansion. Almost every week I raise this issue in Parliament. I have tabled petitions; I have detailed report after report that asserts how unwell this region is, including the National Health Performance Authority report from early last year that said that Goulburn Valley is the

sickest region in Victoria. I have given examples of the significant disadvantage and health challenges that the Shepparton community faces. I have detailed horror stories that my constituents have told me about their terrible experiences at the hospital, which are a direct result of the lack of capacity of the service. So I welcome the Greater Shepparton City Council including this redevelopment in its budget submission.

The critical need for this redevelopment and expansion is well documented: the old and inefficient infrastructure at Goulburn Valley Health can no longer cope with the increasing demand for health services within its catchment. This is further evidenced by the health performance data that revealed that the emergency department at Goulburn Valley Health is the worst performing emergency department in the state, with 50 per cent of patients not being treated within an acceptable time. In addition, many local constituents have revealed to me their horror stories of waiting unacceptable lengths of time for treatment. This is not the fault of the health professionals or health administrators. It is purely a capacity issue that restricts the number of patients who can be treated at the emergency department at Goulburn Valley Health. This department was built to service around 24 000 patients annually, but it is currently servicing around 35 000 annually. Equally the hospital itself is not large enough to meet current demand, and escalation meetings are held regularly to move patients to hospitals in communities such as Kyabram, Numurkah, Benalla and Euroa.

With a full hospital, the emergency department is put under further pressure as patients wait in that department longer to be admitted. The layout of the hospital is inefficient, and it also has significant privacy issues as patients need to be wheeled through public areas. The evidence is clear, and anyone who has toured the Shepparton Hospital would be under no misconception as to the need for the redevelopment and expansion.

We accept that without a greenfield site the redevelopment will need to be constructed in stages. However, the Shepparton community needs certainty over the complete redevelopment, as it has been down this road before, when an earlier 11-stage master plan was only ever funded for stage 1. This community needs certainty that the entire project will be completed and that funding is there for stage 2 to start as soon as stage 1 is complete, and so on until the full redevelopment is completed.

Bicycle parking

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety, Luke Donnellan. The action I seek is that the minister ensure that there are enough temporary secure bike parking areas implemented at major events such as White Night Melbourne or the AFL Grand Final in order to accommodate Melbourne's large cycling demographic.

The popularity of cycling in Melbourne is ever increasing. With this comes higher demand for cycling facilities and security, especially at large organised events. The construction of secure temporary bicycle cages and extra bicycle parking areas establishes a greater notion of safety amongst cyclists who are attending these events, as opposed to leaving bicycles unattended in public areas amongst large crowds of people for prolonged periods of time. Secure bicycle parking areas will not only provide security but also encourage people to ride to these events, easing transport congestion and with that motor vehicle emissions as well. The introduction of extensive bicycle parking areas during festivals, celebrations and major events will allow Melbourne to be a more cycle-friendly city.

Premier's Spirit of Anzac Prize

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is for the Minister for Veterans, the Honourable John Eren. Our veterans, including current serving defence personnel, have proudly served to protect and defend our way of life across various conflicts and in peacekeeping and peacemaking operations. It is vital therefore, regardless of who is in government, that we as a state make a commitment to always honour and commemorate our veterans' service, educate the community about their sacrifices and ensure that veterans are supported once they transition to civilian life.

A key aspect of the Victorian government's commitment to acknowledging our veterans and educating our community is the Premier's Spirit of Anzac Prize. The Minister for Veterans announced earlier this year the successful students who had been selected to participate in the Spirit of Anzac Prize for 2016. I ask the minister if he can advise which students from which schools have been selected to participate in the overseas and domestic aspects of the study tour and who are from my electorate of Northern Metropolitan Region. How will these students then help educate the community and share their stories with our community upon their return?

Elevated rail proposal

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment tonight concerns the sky rail proposed by the government on the Caulfield to Dandenong line, where it seeks to remove nine level crossings through a process of building a large elevated railway for a long distance, almost 9 kilometres, along that corridor. My adjournment matter is for the Minister for Planning's attention, and it concerns his responsibilities under the Environment Effects Act 1978. The act at section 3 says:

This Act applies to works that are declared to be public works for the purposes of this Act by Order of the Minister published in the Government Gazette.

It goes on to say in section 4:

Before commencing any public works to which this Act applies, the proponent must cause an Environment Effects Statement to be prepared ...

The minister can cause inquiries to be held. Section 9 states:

The Minister may, with the approval of the Governor in Council, appoint one or more persons to hold an inquiry (whether in public or in private ...) into the environmental effects of any works or proposed works to which this Act applies.

The guidelines that are published pursuant to this act certainly lay out the circumstances in which such a decision would be made by the minister to order an environment effects statement.

This is a \$1.6 billion project — probably more by the time the government is finished — but it is very clear that the noise impacts of this are highly significant. There will be elevated rail four storeys high, leading to sound booming out across many kilometres in either direction. The visual amenity effects are very clear. No-one can deny that this would have very significant and obvious visual effects. There will be vibration impacts of railway activity at this height and in particular diesel impacts, which as we know the World Health Organisation has made significant statements about recently.

The difference between a rail in a trench or a grade and a very high rail, an elevated one of this style, is significant and should trigger an environment effects statement, and this is the minister's responsibility under the act. Hundreds of submissions have been received in the stripped down, so-called consultation process. The minister ought to look at those. I know for a fact, because many have copied me into these submissions, that they do call for an environment effects statement to

be made and for there to be a proper panel process associated with it so that these environmental effects can be tested. They call for a full panel and an environment effects statement that would look at these and ensure the best outcome.

I ask the minister very specifically to exercise the powers that he has under this act to trigger an environment effects statement and ensure that the public is not inconvenienced and poor outcomes are not achieved because of his failure to exercise this process.

Decentralisation

Mr PURCELL (Western Victoria) — The matter I raise tonight is for the Minister for Regional Development. The matter is in regard to urging the minister to create and implement a focused decentralisation plan. Country Victoria is being left behind, with the rural divide becoming larger and larger. Recent Australian Bureau of Statistics figures have shown that people in Melbourne are earning on average over \$72 000 per annum while in Warrnambool the average is just over \$43 000. The Pyrenees, also in my electorate, is the lowest paid Victorian region. There are over 3300 wage earners there making an average of just over \$36 000 per annum. You are also more likely to die a lot younger if you live in the country, and you are much less likely to have access to health care services like those available in metropolitan areas.

On the flip side of this, Melbourne is choking itself with a huge population growth, transport and public transport issues, waiting lists for services and more. It has certainly raised the question of decentralisation and how it can be achieved. The Department of State Development, Decentralisation and Tourism existed until 1981, and it was the last government department which explicitly included a decentralisation portfolio in its title. That was some 35 years ago. Most of the functions of that department were transferred to the Minister for Economic Development in 1981.

While RDV, Regional Development Victoria, does a great job and is certainly the lead agency in developing rural and regional Victoria, this is not decentralisation, and I question whether enough is being done to fix the problem. In New Zealand, for instance, which has a very similar population and industry base to Victoria, the largest city, which is Auckland, has something in the order of 1 million people and certainly not the traffic or other issues that we have in Victoria and in Melbourne. I therefore ask the minister to create and implement a focused decentralisation plan that is

designed to increase our regional growth and reduce the population choke of Melbourne.

Family violence

Ms SHING (Eastern Victoria) — The matter that I wish to raise tonight is for the attention of the Minister for the Prevention of Family Violence and Minister for Women in the other place, Fiona Richardson, and is about the royal commission. I specifically ask the minister to facilitate the provision of information sessions to the communities of Gippsland to provide information, insight and detail about what the 227 recommendations of the royal commission's report entail and how they will be delivered for Gippsland in a meaningful way which encapsulates the very essence of the problem in regard to significant numbers of reports and experiences of family violence within Gippsland. I ask the minister to provide detail in the context of those information sessions as to how the Andrews Labor government will meet its commitment, as far as it has outlined it, to implement all 227 recommendations.

I do so off the back of the 1900-page report, which was tabled in Parliament last sitting week and which contains a suite of broad-ranging recommendations that deal with the impact and consequences of family violence and the way in which it challenges and changes the potential of young people, undermines the notion of respect in relationships, causes great degrees of financial and other duress and in fact compromises the lives of people who are victims and survivors of family violence in our communities.

In particular I also note that in Gippsland we have a number of Indigenous and culturally and linguistically diverse communities. These communities were the subject of specific recommendations in the inquiry's report, and we also have really significant levels of reporting, which has meant that the incidence of requests for assistance and access to services has skyrocketed, not just since the commission was first appointed and began its work but throughout and in the context of the announcement of the Victim Survivors Advisory Council to be chaired by the former Australian of the Year, Rosie Batty.

I look forward to the minister being able to facilitate information sessions for Gippsland to provide meaningful information and awareness in the communities I represent to make sure that we can understand how to move forward and to effect that intergenerational change which is so sorely needed to deal with family violence as a health issue, a housing issue, a financial issue, a law and order issue and an

issue which comes down fundamentally to the notion of respect and the way in which we interact.

Victoria University Sunbury site

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening — almost this morning — for the Minister for Training and Skills. Some 20 years ago the Kennett government gifted the old Caloola institution to Victoria University and TAFE for the purpose of providing tertiary education and training in Sunbury. Some years later, I am sure the house will recall, Victoria University made a decision — a tragic decision in my view — to close its Sunbury campus, and since that time that site has sat idle or largely idle and empty. It is a sad thing to go up there and see it today. The site has some wonderful potential, with extraordinarily impressive buildings, as can be attested to by the Leader of the Opposition in the Assembly, Matthew Guy, who recently toured the site with me with some other locals from the Sunbury area.

This abandoned facility is falling into a state of disrepair, and graffiti vandals have already started their ugly work. It could be anything, and my preference is to return it to providing tertiary education for Sunbury and surrounds, as it was intended to do some two decades ago. In my view the site should be offered to a variety of education and school providers to allow them the opportunity that this grand site offers. The trouble is, I am informed, that Victoria University has been in discussions with the Hume City Council with a view to selling the site for housing and for other residential-type purposes, which obviously would disqualify any opportunity to return the site back to an educational purpose.

My view is that while the property may well be owned by Victoria University and any sale may be quite legal, it would be grossly immoral. The site was gifted by the government of Victoria to the university for an educational purpose. Victoria University has since decided it does not wish to use it for an educational purpose. It should be handed back to the people of Victoria. I ask the minister to counsel Victoria University about how very wrong the sale of the site and the surrounding land would be, and I ask him to do whatever he needs to do to reclaim the site and the surrounding land for the Victorian taxpayer.

Ballarat Base Hospital

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Health. Ballarat Base Hospital's existing theatre suites are currently at capacity, and

funding for additional suites must be committed so growing demand can be met. The most recent data released by the Department of Health and Human Services indicates that there are 1276 local patients on the waiting list for elective surgery at the Ballarat Base Hospital. With population growth in Ballarat, the demand is only set to rise.

The new Drummond Street redevelopment, which was funded by the former coalition government, is rapidly approaching completion. The redevelopment project includes a ground floor reception area and an inpatient ward on level 2. The first level was built to allow for future expansion of the surgical theatre suites. In 2014 the former coalition government committed \$65 million to upgrade the Drummond Street redevelopment project. The commitment included an additional three floors of the new Drummond Street building, as well as a new outdoor space and second cath lab. The commitment also included an expansion of the hospital's operating suites and the construction of new specialty suites.

The Victorian budget is due in just a few short weeks, and Premier Daniel Andrews must address the blowout in elective surgery waiting lists at the Ballarat Base Hospital. The infrastructure is already built, and the surgical demand is clear. The Andrews government just needs to get on with funding the fit-out of new surgery suites for the Ballarat community. The action I seek is that the minister fund in the upcoming budget the fit-out of the two new additional theatre suites at the Ballarat Base Hospital, as well as the appropriate bed stock to support these additional theatre suites.

Murray Basin rail project

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Regional Development, and it is great to see her in the chamber. The action I seek is for the Andrews government to provide funds for the Murray Basin rail project to enable an increase of axle loadings from 21 tonnes to 23 tonnes, which would produce a freight productivity increase of 30 per cent and allow a transcontinental link between Mildura and Broken Hill, which is necessary given that the Adelaide route from Melbourne to Darwin and Perth will be at capacity by 2025.

I call for this funding and thank Chris Crewther, the Liberal candidate for Dunkley and prior to that Mallee, for his strong advocacy for this project, as well as his strong advocacy for the return of passenger rail to the north-west. Likewise, in his Dunkley electorate he is a passionate supporter of passenger rail services for

Baxter, Langwarrin, Langwarrin South, Frankston South and Mornington.

The Prime Minister's announcement of freeing up \$1.5 billion set aside for the east-west link and, within that, \$220 million for the Murray Basin rail project means the project is now fully funded and paid for by both state and federal coalition governments, with the Andrews government not putting one cent into the project. The Napthine government had already committed \$216 million to the project from the sale proceeds of the Rural Finance Corporation, as well as a further \$200 million for projects in regional Victoria. On top of that we now have a commitment — already broken by Labor, I might add — that regional Victoria would receive 10 per cent of the net proceeds from the sale of the lease of the port of Melbourne for transport infrastructure projects — so Mr Jennings told us, but Mr Pallas is telling us something else.

The government has the capacity to add value to the Murray Basin rail freight project by increasing the axle loading infrastructure and finishing the rail track direct to the Geelong port. Given that the Andrews government has not had one regional Victorian infrastructure project approved by Infrastructure Victoria, let alone Infrastructure Australia, this action could be one of the first investments the Andrews government would make in regional Victoria using its own money. I seek the minister's support for my action.

West Gippsland Hospital

Ms BATH (Eastern Victoria) — I wish to raise a matter this evening for the Minister for Health, the Honourable Jill Hennessy, in relation to the West Gippsland Hospital. Firstly, I congratulate the hospital and its staff on the outstanding reputation it has in my electorate for the quality care it provides. Due partly to its excellent reputation and also to the increasing population in the Baw Baw shire, the demands being placed on the hospital are increasing exponentially. I know, for example, that the maternity services are held in high regard, with residents across Gippsland travelling some distances to take advantage of the available services. This is on top of the number of babies born within the West Gippsland area in general. West Gippsland Healthcare Group continues to have the highest number of births in the Gippsland region, with 974 babies delivered in the 2014–15 financial year, and it is predicted that in this financial year there will be something in the vicinity of 1300 births.

The population of the Baw Baw shire is just over 45 000 and is predicted to grow to 75 000 by 2031. The West Gippsland Hospital needs to be able to cope with

the increase in demand for health services. Meeting the increased demand with ageing infrastructure is a constant challenge for the staff of the hospital. West Gippsland Healthcare owns a 58-acre parcel of land ideally located between Warragul and Drouin that has been identified as a site for a potential new hospital to meet the health needs of West Gippsland into the future. Securing a commitment to the new site is the major strategic plan of the hospital's board.

It is vital that planning begin to relocate the hospital from its current hilltop 27 acres to the identified greenfield site, given the current demand and predicted population growth. A review has been put in place to look at the needs of the West Gippsland health service, and the action I seek from the minister this evening is to make the findings of this review public and the plans for its action public. My constituents in West Gippsland need to know their health needs will be met now and into the future, and I call on the minister to reveal what plans the government has in place as a consequence of this review to ensure West Gippsland Hospital is equipped to deal with current, medium and long-term demand.

Mernda Dragons Rugby League Club

Mr ONDARCHIE (Northern Metropolitan) — I raise an adjournment matter this morning for the Minister for Sport, John Eren. It concerns the Mernda Dragons Rugby League Club, a young club that is only just over 12 months old, with young families with young kids starting to play the wonderful sport of rugby. When the club was looking for an initial home it was sent to Huskisson Reserve in Lalor by the City of Whittlesea, that did not have a home for it. So the adjournment matter I seek tonight, and I will outline the reasons, is for the minister to provide funding in the upcoming budget to relocate the Mernda Dragons to a more appropriate site than Huskisson Reserve in Lalor.

There have been a series of problems out there. At the club's recent registration day the kids were lining up to get their sausages and to register and pay their fees. Sitting on a park bench in front of them as they were registering was a man with a needle who was shooting up in front of the kids. He was not in the distance, not somewhere on the other side of the car park but right in front of the kids. There were no police resources available.

Let me give the house some examples of what has happened around Huskisson Reserve and why we need to find a mechanism through the minister in this upcoming budget to relocate the club. On 31 January — and I am talking about Huskisson

Reserve in Lalor and the surrounds — a man was shot dead in the street. A search warrant was executed on houses in the street in relation to burglaries. There were attempts to evade police in a stolen vehicle which rammed a police car head-on in Huskisson Avenue. Trail bikes are riding through the grounds of the reserve while events are being held, including a photo shoot for the Rugby League club. The car park is being used as a burnout pad as well as a handover spot for drug dealers while training is being held for the kids. Used syringes have been found on numerous occasions, both around the club rooms and on the playing fields. Damage has been caused in the grounds from a car ramming car park poles and then being set alight. On registration day the street was blocked with a heavy police presence, and an unlicensed and unregistered dirt bike rider was killed after riding at high speed and hitting an electricity pole on Huskisson Reserve. This is a bad place for kids to be practising their sport and for families to gather.

I reiterate my call to the minister. In the upcoming budget I ask the minister to provide funding to relocate the Mernda Dragons Rugby League Club to a more suitable location.

Responses

Ms PULFORD (Minister for Agriculture) — There were a number of adjournment matters raised this evening. It must be budget day soon; there was a bit of a theme there.

Ms Wooldridge raised a matter for the attention of the Minister for Health seeking funding in the budget to support matters in the health portfolio, specifically medicinal cannabis, and I have to concede that we got into this a bit in the last sitting week, so I understand Ms Wooldridge has some yet to be completely answered questions on that score. But I will refer that matter to the Minister for Health.

Ms Hartland also had an adjournment matter for the Minister for Health in relation to the funding dispute between the commonwealth and the Victorian government around health funding, and whilst of course we welcome some progress on that score, the federal government's funding cuts continue to present significant challenges for Victoria. But Ms Hartland in particular referred to the Williamstown Hospital emergency department and sought a resolution of these matters. I will pass that to Minister Hennessy.

Mr Eideh raised a matter for the Minister for Small Business, Innovation and Trade seeking support for mentoring and advice for small businesses in Western

Metropolitan Region through Small Business Victoria. I will pass that on to Mr Dalidakis.

Ms Lovell raised a matter for the Treasurer in relation to the hospital in Shepparton, seeking funding in the budget.

Ms Dunn raised a matter for the attention of Mr Donnellan. It was about the greater provision of bicycle parking at major events, and I will pass that on to Minister Donnellan.

Mr Elasmara raised a matter for the attention of Minister Eren. Mr Elasmara was seeking from Mr Eren advice about which students in his region have been successful in the Premier's Spirit of Anzac Prize. We wish them very well in their work to recognise this important part of our history.

Mr Davis raised a matter for the Minister for Planning in relation to sky rail, seeking that the minister explore what might trigger an environment effects statement in relation to the planning matters associated with that significant project.

Ms Shing raised a matter for the attention of Minister Richardson, the Minister for the Prevention of Family Violence, seeking support for information sessions on the royal commission recommendations and the plan to implement each and every one of them, specifically with regard to how this will impact communities in Gippsland, with specific reference to a number of communities in Gippsland. I will pass that matter on to Minister Richardson.

Mr Finn raised a matter for Mr Herbert, the Minister for Training and Skills, around the Caloola institute site at Sunbury and specifically Victoria University's plans for the sale of the premises there and a future use for the site. I will pass that on to Minister Herbert.

Mr Morris raised a matter for the Minister for Health in relation to the theatre suites at Ballarat Health Services. Mr Morris made some comments about elective surgery waiting lists, and I am sure he enthusiastically will look forward to Ballarat receiving part of the significant funding boost for elective surgery that Minister Hennessy announced on Sunday, as of course people in all regions of Victoria will do.

Ms Bath raised a matter for the attention of the Minister for Health also — a popular minister tonight — and this was in relation to West Gippsland Hospital and health services in West Gippsland, with particular regard to managing demands associated with population growth, including a review into these matters. I will pass that matter on to the Minister for Health.

Mr Ondarchie raised a matter for the attention of the Minister for Sport seeking assistance to relocate the Mernda Dragons Rugby League Club.

There were two matters that were raised for my attention. One was from Mr Purcell seeking a plan for greater opportunities for decentralisation. This is something that I would be keen to support and explore. I note the very strong record of the former Labor government and indeed the work of the former federal Labor government and other governments, particularly the relocation of the Transport Accident Commission (TAC), Rural Finance, State Trustees and the Emergency Services Telecommunications Authority. The TAC relocation enabled Geelong to pitch for the location of the national disability insurance scheme, which in turn provided impetus to the former government to make its announcement around the relocation of WorkSafe, bringing to Geelong a centre of expertise in no-fault insurance management, which of course is incredibly important in supporting the ongoing transition of the Geelong economy. I know a number of people who were able to obtain work in Geelong at the TAC.

Mr Purcell made an important observation about the role of public sector employment in overcoming some of the challenges that so many of our regional and rural communities face, and I would propose to always look for opportunities for regional Victorian communities to have a greater share of public sector employment. It was very interesting to hear that there has not been a portfolio responsibility for this since 1981. That was little bit of history that Mr Purcell shared with us all.

The second matter that was raised for my attention was a matter raised by Mr Ramsay in relation to Murray Basin rail, and of course we welcome the federal government's support of this project. This is something the Andrews Labor government has worked hard on. We have finalised the business case, which confirmed that the former government's idea about what this would cost was about \$200 million off the mark. The government is very committed to this project and determined to deliver it with or without the federal government, but of course I think all Victorians welcome any federal government investment in infrastructure and Murray Basin rail.

On the specific question about increasing the axle loading from 21 to 23 tonnes, I just indicate to Mr Ramsay that that is really the responsibility of the Minister for Public Transport. I would not seek to dispatch his adjournment matter with my comments but would rather refer that specific question to the Minister for Public Transport, who is responsible for delivery of

this project for the Victorian government. I will happily pass it on, but I just wanted to give the member some context. Of course there are regional development aspects to the project in that it will be a significant boost to employment, with 30 000 sleepers already down and moving on to stage 2.

I also have 33 written adjournment responses to adjournment debate matters raised by lots of people. I will not read them all out because it is tomorrow.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 12.11 a.m. (Wednesday)

