

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 22 March 2016

(Extract from book 5)

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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 Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Industry, and Minister for Energy and Resources	The Hon. L. D’Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
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Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
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Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

Legislative Council select committees

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
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The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

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Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
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Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
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Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

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

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Tuesday, 22 March 2016

The DEPUTY PRESIDENT (Ms Tierney) took the chair at 2.05 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The DEPUTY PRESIDENT — Order! On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the 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

Messages read advising royal assent to:

15 March

**Children Legislation Amendment Act 2016
Education and Training Reform Amendment
(Victorian Institute of Teaching) Act 2015**

22 March

**Delivering Victorian Infrastructure (Port of
Melbourne Lease Transaction) Act 2016.**

QUESTIONS WITHOUT NOTICE

Gang violence

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. When and how was the minister first told of the riot that took place at Moomba on Saturday, 12 March?

Mr JENNINGS (Special Minister of State) — I thank Ms Wooldridge for her question. I believe that sometime during the course of the following day I entered into conversations with the Premier's office about this matter. But by that stage I was well and truly aware of the events due to the reportage of it and indeed the involvement of Victoria Police, which was evident at that time. I was aware of the incident prior to that line of internal government communication.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for his answer. The minister said he had discussions at some stage on Sunday with the

Premier's office. Could the minister advise the house of when he first spoke to the Premier in relation to this matter?

Mr JENNINGS (Special Minister of State) — I can understand that Ms Wooldridge may be interested in this matter, but given that I am not a minister directly responsible for the actions of Victoria Police or necessarily playing a public and clearly identifiable role in the machinery of government matters in relation to this, I do not see that it is a particularly relevant question.

Ms Wooldridge — On a point of order, Deputy President, I do not believe that the minister's answer was relevant to the question. It is very clear under the standing orders that if the question is relevant to the minister — and the minister very clearly answered the first question; it was important enough that he had discussions with the Premier's office on the Sunday — it is an entirely reasonable question to ask, and an answer should be provided by the minister either now or in writing.

The DEPUTY PRESIDENT — Order! I will provide a summary at the end of question time in relation to where that goes.

Port of Melbourne lease

Mr DRUM (Northern Victoria) — My question is to the Leader of the Government. Can the minister confirm that government policy remains as he stated on 10 March in the committee stage of the port of Melbourne bill when he gave a very clear undertaking that 10 per cent of the proceeds from the lease of the port of Melbourne must be spent in rural and regional Victoria and that it must be spent on projects that are directly connected to transport?

Mr JENNINGS (Special Minister of State) — I had an internal chuckle in relation to Mr Drum's question on the basis that it may mean that the committee stage of this bill, now that the bill has passed the third-reading stage, may never end. In fact there is potential for the committee stage to go on and on and on, as it did in fact on the last sitting day last week. I have no interest in going beyond the undertakings that I gave to the chamber at length on any number of occasions during the course of the committee stage, and the undertakings that I made during the committee stage of the bill are relevant and pertain to the government's position as of today.

Supplementary question

Mr DRUM (Northern Victoria) — I wish to remind the minister of what he said in the committee stage, and I quote:

... I give a very clear undertaking that it is the expectation of the Victorian government that the 10 per cent allocation will be very consistent with the criteria that are outlined within the bill, and we would expect the basket of projects that will be supported will be directly connected to transport, logistics or supporting productive access to ports across the Victorian landscape.

How can the minister reconcile that answer with what came out of the Treasurer's office yesterday?

Mr JENNINGS (Special Minister of State) — I thank Mr Drum, because in fact the quote that he used was a very elegant, succinct summary of what he actually extracted from me over a course of hours in the committee stage. So well done, Mr Drum! He actually got the relevant quote that sums up the situation and continues to be the government's position. I know that when I actually made that statement in the Parliament Mr Drum did not seem to immediately welcome it, but I am glad today that he is standing by it, making the government account to it and expecting it to live up to those undertakings, and those are the undertakings that the government set and will be maintaining.

Auswest Timbers

Ms BATH (Eastern Victoria) — My question is to the Minister for Agriculture. I refer to the fact that Auswest Timbers has only 15 months of secure supply of timber for its Gippsland plant remaining and that to justify new investment and secure up to 400 jobs Auswest needs a new long-term supply contract. With up to 400 jobs in eastern Victoria at risk, when will the minister act to ensure that Auswest gets this new contract?

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her question and her interest in employment in her electorate in the timber industry. The matter that Ms Bath raises is one pertaining to an individual company, and I am loath to get into the details of any individual company in the way that Ms Bath's question is inviting. I am conscious of obligations around commercial and contractual questions, and the question very much was around a timber supply contract. I would quite like to take that on notice and to reflect on whether or not I am able to provide any additional information, but I would probably at this stage indicate that that is unlikely.

Supplementary question

Ms BATH (Eastern Victoria) — I thank the minister for her response. With regional unemployment in Gippsland now at 8 per cent, up 2 per cent since the Andrews government was elected, these 400 jobs are critically important to our region. The government was ready to sign a new supply contract with Auswest, with a date set for signing. Why did the minister at the 11th hour revoke this contract and throw the future of Auswest and these 400 jobs into jeopardy?

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her supplementary question. We are a government that is committed to providing job security for people in all regional Victorian communities, and Ms Bath's question was specifically about the area that is in her electorate. We are working hard to ensure the timber industry in Victoria can have a strong and sustainable future. As I indicated earlier, getting into an individual company's circumstances in the Parliament is, I think, irresponsible. While that might be okay for Ms Bath, it is something that I will decline to get into in question time. But we are supporting a number of initiatives in Gippsland and also in the Latrobe Valley, in Ms Bath's electorate, to support existing jobs and to create new jobs in a number of growth industries.

Public sector enterprise bargaining

Mr FINN (Western Metropolitan) — My question is to the Special Minister of State, representing the Minister for Environment, Climate Change and Water. Can the minister confirm that some enterprise bargaining agreements (EBAs) settled since he came to government, including for metropolitan water authorities and the Royal Botanic Gardens, have been paid for out of the Parks and Reserves Trust Account, which is in contradiction of the trust's terms?

Mr JENNINGS (Special Minister of State) — I thank Mr Finn for his question. I can assure him spontaneously that I will not confirm something of which I am not aware of the circumstances, and I certainly will not confirm anything that may be interpreted in the way that Mr Finn is most concerned about to actually make sure that something might breach the guidelines and the terms and conditions of a trust fund. I think the government would be very mindful of maintaining those rules and making sure that they apply. I am confident that will be the case, but I will have to get back to him with the details.

Supplementary question

Mr FINN (Western Metropolitan) — The legislated purpose of the parks and reserves trust is for, quote, ‘conservation, recreation, leisure, tourism and navigation’, so property owners in metropolitan Melbourne, including the west, who pay the parks and reserves trust levy will be very surprised to learn the money is being used for supplementing union IOUs. So I ask the minister: since December 2014 what is the total amount of money paid from the trust account to fund Labor’s EBA agreements?

Mr JENNINGS (Special Minister of State) — I am not quite sure whether I heard Mr Finn describe an EBA as an IOU. If he did, probably I should draw attention to the fact that that is not the legal standing of an enterprise bargaining agreement. That is clearly not the case. To provide him with an answer, I will stick to my substantive —

Mr Finn interjected.

Mr JENNINGS — Good work! That is a very appropriate thing: for all of us to act within our jurisdictional responsibility. I am acting within mine. I am acting within the limits of my knowledge on this particular matter, and I will take some advice and get back to Mr Finn.

Elevated rail proposal

Mr DAVIS (Southern Metropolitan) — My question is for the Leader of the Government. I refer to Labor’s sky rail between Caulfield and Dandenong and ask: will the government undertake a full environment effects statement before proceeding with the sky rail nobody voted for?

Honourable members interjecting.

Mr JENNINGS (Special Minister of State) — My colleagues on the back bench have actually reminded me that in fact the language that Mr Davis is using for this very important project — an undertaking of the Andrews government — has changed. He is in fact far less hysterical and raising far less anxiety in the community. He is mellowing in his use. That is a very reassuring thing to hear, because the government’s obligation is to make sure that its agencies provide appropriate advice and support to communities about the impact of the projects that it undertakes on behalf of the people of Victoria, consistent with its election commitment to get rid of the 50 most dangerous level crossings, of which 9 will be replaced on the Cranbourne line. In fact it is a very significant

undertaking that the government is very determined to achieve.

The government is very mindful of planning obligations in terms of what might be the design and the impacts there may be within the footprint of a reservation that has been put for public transport purposes for many decades. It will satisfy those planning obligations. It will satisfactorily, in the view of the government, complete consultation on and consideration of planning matters, environmental considerations and public amenity issues and an engagement with the neighbourhoods affected by this important project. The government will complete that process in a timely way to make sure that the project is completed within this term of government, as it has to do.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I note that the member seems not to have uttered the words ‘environment effects statement’ in his answer, and I will therefore seek some further response later. But nonetheless, given the massive noise from Labor’s sky rail, the diesel exhaust fumes that will be emitted up to 70 feet in the air and the obvious and substantial visual amenity impacts from Labor’s ugly sky rail, I ask: what submission process will be available to the community to ensure that the government understands these points and is able to make an informed decision about an environment effects statement? In responding to that, the minister might have regard to the fact that this chamber carried a motion calling for such an environment effects statement.

Mr JENNINGS (Special Minister of State) — My substantive answer I reiterate for the public record in relation to the approach that the government may take. In relation to the way in which consultation on and consideration of those matters will take place, I have great confidence that my colleague the Minister for Public Transport will work through those issues appropriately. She will work through them in a way which is consistent with planning obligations, environmental considerations and community concerns. The mechanics of how those matters will be considered will be the responsibility of my colleagues, and I will rely on them if there is any further expectation of me giving details of how that will be undertaken.

Ministerial IT security

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Special Minister of State. How many breaches of the ministerial mobile device IT security

have been reported to him as minister, to departmental secretaries or to CenITex?

Mr JENNINGS (Special Minister of State) — I am not aware of any that have been drawn to my attention. I do not believe that they have been. I will have to take advice on those matters.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — On 12 January 2016 the Minister for Equality's Twitter account was found by Victorian media to have liked a number of pornographic tweets over a six-month period. When the affairs of his Twitter likes and retweets were brought to the public domain, Minister Foley said:

I have been hacked. Apology for the disgusting material. Security measures being taken now.

So I ask: as the minister responsible for CenITex and the Victorian public service, can the minister confirm that an IT security review was undertaken on this matter, and what were the conclusions of that review?

Mr JENNINGS (Special Minister of State) — I will have to take advice on that matter. I was aware of this intrigue in January, because in fact it was given certain prominence in media commentary and I certainly know much to the embarrassment of my colleague, who is a very considered person and very concerned about his public reputation. He would have been very disappointed for any offence that may have been taken by any member of the community who may be his Twitter follower. In terms of the way in which this was pursued, I will have to take advice on the way in which that was subsequently followed up.

Warrnambool Greyhound Racing Club

Mr PURCELL (Western Victoria) — My question is to Minister Herbert, representing the Minister for Racing. The live baiting scandal has led to some massive changes in the administration of Greyhound Racing Victoria. Many are critical that a lot of experience will be lost among these changes, and there is an expectation that there will be many changes across the industry as new legislation is enforced. But last week the entire committee of the Warrnambool Greyhound Racing Club was sacked and an administrator appointed. Committee members say that they have been given no official reason for the sacking. Profitability is not an issue — the club has \$700 000 in the bank and was showing a \$60 000 profit for the first half of the year. My question is: how and why can the

entire committee of the Warrnambool Greyhound Racing Club be sacked without an official reason?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Purcell for his question. It is all happening in Warrnambool — the member has been quite busy the last few weeks with a range of issues and doing a good job on them. On this occasion I will respond by saying the member is correct that Greyhound Racing Victoria — GRV — suspended the committee of the club and installed an interim administrator on 11 March. I am advised that the decision was made due to an internal audit report that highlights significant concerns regarding financial management, administrative, occupational health and safety compliance and governance issues.

Fundamentally I am advised the decision to appoint an administrator to a club is GRV's decision as opposed to the racing minister or the government; however, I am also advised that GRV has worked with the club since about mid-2014 to address these issues. So this has been an ongoing issue on which GRV has been working with the club. Indeed in December last year GRV wrote to the club to request a response to concerns raised in the audit. The club's response was unsatisfactory according to GRV's view, and as a result it decided to appoint an interim administrator. The board of GRV will look at the next steps over the next couple of weeks, I am told, in terms of actively supporting a timely and efficient administration of the club but with a return to a local committee over these next two weeks.

The club may be profitable; however, there are other measures that GRV was concerned about in terms of how a club is run appropriately. I guess I can only say that greyhound racing has been undergoing some change. GRV has a responsibility to the communities where greyhound racing occurs to make sure that clubs are administered according to a whole range of criteria. In this case, as I say, it believed that there were enough significant concerns to put in an administrator.

Supplementary question

Mr PURCELL (Western Victoria) — I thank the minister for his response. It is correct that Greyhound Racing Victoria has been working with the committee for a number of months, and the committee believed that it was on top of the issues that had been raised. The club is run by a passionate group of volunteers with many years experience, and not only have they been sacked from that committee but also their reputation within the community has been somewhat tarnished because they are unsure of what has actually happened.

The sacked president, Philip Mitchem, says that the club has been working through the governance issues and he believes that they were on top of things. All books have been audited, and he was not aware of any problems in regard to that. My supplementary question is: what administrative procedures are in place to assist and educate volunteer committees in their responsibilities?

Mr HERBERT (Minister for Training and Skills) — Yes, a good question. When I was 17 I owned a greyhound myself, with a few mates, and I know the passion that local clubs have in terms of running greyhound racing and the industry. It was a great little dog, in fact it was in the Australian Cup. It did not do any good, but it got there.

An honourable member interjected.

Mr HERBERT — It eventually got over the line; that is correct.

In terms of Warrnambool, I understand that there is clearly a difference of opinion between GRV and the president and the club about where they were when the decision was taken in March to put in an administrator. But GRV does have a range of programs to support clubs, including a dedicated executive position, a general manager of clubs, so it has actually got a very senior position for clubs, who is there to assist committees and work through issues and ensure that standards are met. I am advised that in regard to the Warrnambool club GRV made considerable efforts to address government concerns and offered resources to assist the club in meeting those concerns.

Student public transport costs

Ms PATTEN (Northern Metropolitan) — My question is for the Minister for Agriculture, Ms Pulford, representing the Minister for Public Transport. Today the Federation of Community Legal Centres, together with Julian Burnside, QC, launched the *Fare Go — Myki, Transport Poverty and Access to Education in Melbourne's West*. The report examined experiences of public transport travel, fares and infringements for young people between the ages of 14 and 17 travelling to and from school. The report found that school travel on the Victorian public transport system is too expensive for many students. For young people between 14 and 17 in particular, public transport is proving at times to be a prohibitively costly exercise. In order to protect the right to education of every young person, will the minister make public transport free for students up to the age of 18?

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her question. The matters that the member raised are of course important, and we certainly all need to do what we can to ensure that our public transport system is as accessible as it can possibly be for all members of the community. I have taken questions on behalf of Minister Allan from Ms Patten on public transport access on previous occasions.

I have not had the opportunity to consider the report, so I will refer the substantive question Ms Patten asked to Minister Allan, but what I would indicate is that the government is looking at how fares are enforced, the level and nature of fines, how compliance activities are conducted and the role and training of authorised officers, among other things. What we are not considering is the level of fares themselves or who is charged for those fares, but rather what happens to people who do not have a valid ticket. I understand that media reports have suggested that consideration is being given to reducing fares for certain passengers, but to the best of my knowledge that is incorrect.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I thank the minister for her response, and it leads nicely into my supplementary question. The report also identified that expensive public transport, or 'transport poverty' as the report coins it, is especially significant for young people and that this has resulted, as the minister mentioned, in contact with the infringement system. It noted that it is a complex, ineffective system that contributes to social hardship. The outcomes of this include missing school, homelessness and financial distress. In order to alleviate transport poverty and its negative outcomes, will the minister abolish public transport fines, including outstanding fines, incurred by students under 18 years?

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her further question on this matter. Compliance is of course an important part of an effective operating system, as indeed are the equity issues that Ms Patten has raised and to which I have responded in part in answer to the initial question. I will take that on notice for Ms Patten and seek a response from Minister Allan.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. During the last financial year alone there were 106 substantiated cases of abuse of children in out-of-home care. On at least 106 occasions children

were abused after the state had taken them away from their parents because of protective concerns. During the year before that, in 2013–14, there were 64 substantiated cases of abuse. In fact in the last six years alone there have been over 430 substantiated cases of abuse of children who have been placed under the protection of the state and yet the number of children who have been awarded any compensation for the abuse they have suffered in out-of-home care since 1 July 2000 is two. My question is this: why have not more than two children in the last 16 years been compensated for the abuse they have suffered in the care of the state?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I think the matters that she is referring to relate to some matters that she has been advised of through answers to questions on notice. I want to make a couple of points. The first point is that the abuse of children in out-of-home care is absolutely abhorrent to me. I took a number of steps immediately on coming in as minister to increase the safety of children and young people in out-of-home care. The member would be aware of these. They include increasing the staffing levels of children in residential care, particularly mandating staffing levels around standard residential care units; introducing spot audits into residential care units for the first time; and also introducing \$43 million in targeted care packages, which has actually led, as at the end of January, to 90 children and young people moving out of residential care into home-based care. So we are taking a number of steps.

I take this issue very seriously. We want of course to encourage our out-of-home care providers to work very cooperatively with the department around reporting incidents. The matter that the member has raised in relation to claims of compensation is one that, as she referred to, relates to a period of a number of years. Of course that is reliant on people making applications for compensation. I think the member has made a particular assertion suggesting that people are making applications and are being knocked back. I want to assure her that in fact the department is a model litigant. These issues are being aired very thoroughly through the royal commission into child sexual abuse. In the approach that the department takes in relation to these issues broadly, in terms of mitigating risks for children in care, the department is in fact a model litigant in terms of the protocols that are put in place for people who may wish to make a claim for compensation.

In terms of the numbers that the member has referred to, they go back over quite a period of time, but there are legal processes that people can follow if they feel

that there is a case against conduct, whether it is of the department or of particular agencies, where a young person has been in the care of the state through the out-of-home care system.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. It is very difficult to see how the department can be held accountable for these cases of abuse if the government is not forced to pay compensation when abuse occurs. Surely it is a fundamental principle that if a child has been abused while in the care of the state, the state should be liable for compensation. Why is substantial compensation, perhaps through a statutory redress scheme, not automatically payable to all children who have suffered substantiated abuse in out-of-home care in Victoria?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. In her first question she was referring to more recent matters. The member would be well aware that the Attorney-General has carriage of the development of a redress scheme. In the context of the royal commission into child sexual abuse and the recommendations that have been coming through from that, a recommendation that the royal commission has made is that the federal government in fact lead a national redress scheme. It is very disappointing that the Turnbull government to this point in time has shown a lack of interest in participating in a national redress scheme. The Attorney-General, however, is continuing to lead this piece of work, and there have been a range of measures that we have already taken in response to the *Betrayal of Trust* report recommendations. We have introduced a range of measures already.

The DEPUTY PRESIDENT — Order! The minister's time has expired.

Written responses

The DEPUTY PRESIDENT — Order! In terms of the outcome of question time, I require the Leader of the Government to provide a written response to Ms Wooldridge in relation to the first supplementary question. I take on board the comments made by Ms Wooldridge.

In relation to the question from Ms Bath to Minister Pulford, the minister did offer to take this on notice, and I ask her to do that within the one-day time limit.

In relation to the question asked by Mr Finn of the Leader of the Government, the Leader of the Government did indicate that he was prepared to take

that on board. That is a matter that is not directly his responsibility, so that is two days.

In relation to the second question asked by Ms Wooldridge, I understand that the Leader of the Government also sought to seek advice on the substantive question and take advice on the supplementary question, so that would be one day on both.

In relation to Ms Patten's question of Minister Pulford, the minister offered to seek a response from Minister Allan. Given that it is not one of direct responsibility, that is two days. That was the supplementary, not the substantive.

Ms Pulford interjected.

The DEPUTY PRESIDENT — The minister is prepared to respond to both of Ms Patten's. I thank the minister.

Mr Davis — On a point of order, Deputy President, on the question I asked about an environment effects statement, I am not sure that the minister used those words in the response at all. I thought that he might well come back with an answer from the colleagues that he referred to.

The DEPUTY PRESIDENT — Order! This is an interesting one, but I do believe that the minister did discharge it, particularly given that Mr Davis asked it of him in his role as Special Minister of State, not as the minister representing the Minister for Public Transport.

Mr Davis — I asked the Leader of the Government, to be correct on that.

The DEPUTY PRESIDENT — The difficulty here is that that of course is a matter of opinion, and I think there are possibly some other courses of action Mr Davis could take if he wanted to pursue it in terms of taking note of the minister's answer, for example, but that is entirely up to him.

Mr Davis — With the greatest respect, Deputy President, it is not really a matter of opinion in the sense that it will actually be recorded that way in *Hansard*.

The DEPUTY PRESIDENT — Order! That is certainly my position as it stands, but I am prepared to review *Hansard*.

Ms Wooldridge — On a point of order, Deputy President, you have the capacity under sessional orders to reinstate a question without notice that has a written response that has not been discharged adequately, and

on Tuesday, 23 February 2016, I asked a question of the Minister for Families and Children, representing the Minister for Health, in regard to the Victorian HIV/AIDS monthly surveillance report. The minister did provide a written response to my question without notice, saying that the information was now available via a detailed link which was provided in the answer and an apology that the data had not been uploaded for the last nine months due to a reporting error.

I have triple-checked over recent weeks, and as recently as 2.00 p.m. today that link does not contain the data requested, as outlined in the written response from the minister. Clearly we all rely on the answers to questions without notice and we want to be able to trust that the information that is provided is accurate and not misleading, so I ask that you consider the reinstatement of that question, given the written response, and I am happy to provide you with details of that written response where you too can check the link and that that information is not available where the minister responded that it would be.

The DEPUTY PRESIDENT — Order! Obviously Ms Wooldridge would be aware that I have not seen any of this correspondence, so I would need the opportunity to review the matter.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 2532, 3779, 4724, 4727, 4729, 4754–7, 4760–6, 4778–9, 4782–3, 4790–1, 4820, 4839–44, 4847–8, 4856–7, 4870–7, 4879, 4887, 4892, 4899, 4904–6, 4908, 4912–15, 4917, 4919–20, 4923–4, 4927, 4930, 4936, 4976, 4985, 5064.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Health. I recently received a complaint regarding the emergency department at the Shepparton hospital. My constituent told me he waited in the emergency department for 7 hours with a torn hamstring on the Sunday of the Labour Day long weekend. The delay meant that when he was finally seen he was advised it was too late to receive a scan and to come back on Tuesday because the scanning device was not available on the public holiday. The constituent also told me that there was a patient who waited 9 hours with his upper leg sliced open as deeply as the bone

before it was stitched. He also witnessed many other patients simply walking out of the hospital because the wait to be seen was simply too long. My question is: will the minister immediately commit to the redevelopment and expansion of Goulburn Valley Health's Shepparton hospital so that members of my community are no longer forced to endure lengthy and unfair wait times which are a direct result of the capacity limitations of the current hospital?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My question is to the Minister for Emergency Services, who is also the Minister for Consumer Affairs, Gaming and Liquor Regulation, and it relates to the fire services review. Constituents in my electorate note the findings of the fire services review and that the government is acting on nearly all of the recommendations. Although my constituents are aware that the recommendations vary in difficulty, they would like to know the timeline for when the recommendations committed to will be implemented.

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — I have been approached by a number of people in the past week asking me to request that the Minister for Public Transport consider putting extra services on the Werribee train line while major work occurs over the next 18 months on the Bolte Bridge and Tullamarine Freeway. Obviously congestion is quite extreme and a lot of cars are having to come through Footscray. There need to be extra services — buses and trains — to accommodate that and make up for the fact that people will not be able to drive or it will take them a considerable amount of extra time. I ask the minister to consider putting extra, adequate and frequent services on the Werribee line.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Minister for Police. It relates to the Challenge Family Violence project, for which funding was regrettably cut by the government. I received correspondence from the City of Casey CEO, Mike Tyler, expressing his support for the program. He said:

Local government plays an important role in leading the efforts in preventing, identifying and responding to family violence, due to its strong and existing relationships with the local community through such programs and services as maternal and child health, local laws, youth services, and home and community care.

Noting that the report of the Royal Commission into Family Violence will be handed down next week, I call on the government to commit funding for this important project in the upcoming May budget. It has played a very important role in my electorate in challenging attitudes to family violence and nurturing leaders to tackle this scourge in our community.

The DEPUTY PRESIDENT — Order! I invite the member to rephrase that as a question.

Mr O'DONOHUE — I raise a question for the attention of the Minister for Police, and the question I have is: will the government commit funding to the Challenge Family Violence project, which has played such an important role in my electorate?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to the Minister for Public Transport, Jacinta Allan, and it concerns the shutdown of train services when there is work on weekends and such for the level crossing removals out in the eastern suburbs. It was suggested to me by a constituent that it would be fantastic if Metro actually advertised this on community radio as well as — —

An honourable member interjected.

Mr LEANE — You have put me on the spot. Her name is Elwynne — I cannot think of her second name — and she is the president of the Heatherdale Community Action Group. It is actually Elwynne Kift. I remembered her last name. I thought it was a great suggestion. Could the minister take up Elwynne's suggestion about community radio? I think it is a fantastic suggestion to advertise shutdowns on community radio.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is for the Minister for Roads and Road Safety. The minister is clearly aware of the traffic mayhem on roads in Melbourne's west over the past week. As a result of construction, congestion on freeways and major roads has surpassed what we have come to expect of recent times. At the height of last week's debacle the minister was quoted as advising motorists from Point Cook, Werribee, Hoppers Crossing, Altona and other suburbs in the west to 'take an alternative route'. Having thought about it now for seven days, I ask the minister: to which alternative route was he referring?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety. I have been contacted by a member of my community concerned about the safety and practicality of an 80-metre bike lane on Warrandyte Road in Ringwood adjacent to the Eastland shopping centre off Maroondah Highway. As a local cyclist, my constituent's major concerns are that, firstly, the newly installed 80-metre bike lane is impractical, given cyclists can and must only use it for a few seconds and then have to re-enter traffic. Given the position of the bike lane, this presents an increased safety risk to cyclists. Secondly, the lane does not link with any other bike lanes in the area either, at 80 metres. My question is: will the minister expedite the VicRoads assessment of the bicycle lane as it is currently a safety hazard for cyclists who are brave enough to use this lane?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is for the Minister for Roads and Road Safety. It relates to the Cardinia Road upgrade near Pakenham. A number of minor works are already underway, such as preparatory works around the site compound and works that make the site safe and compliant with OHS requirements. Some of these works started last week. My question to the minister is to provide an update in relation to the schedule for major works at this site.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question today relates to the gas line that is very close to Labor's sky rail between Caulfield and Dandenong. The government has sought to say that it is impossible to move this gas line, but in fact I happen to know that it is possible to move the line at a relatively modest cost, given the importance of the location and indeed of that line to Melbourne. It is also true that the line will need to be replaced in the late 2020s, and given that this project will see the opportunity to replace it earlier, I ask the government and the Minister for Public Transport to reconsider their approach — to consider the prospect of costing and coming up with a better alternative. Therefore I ask them to provide to the house with the figure for moving that line.

Northern Victoria Region

Mr DRUM (Northern Victoria) — My constituency question is for the Minister for Sport. It pertains to the Bendigo tennis complex project. It has a \$2.4 million

allocation, and this project has the backing of Tennis Australia. It also has the backing of the City of Greater Bendigo. The Bendigo Tennis Association hosts an array of high-quality tournaments, but the new facility is vastly and urgently needed. The funding was put into the 2004 May budget under the previous coalition government but was taken out of the Strategic Sporting Infrastructure program in the last two days before the 2014 election and was reprioritised. This has caused continued confusion and concern, and my request to the minister is: this project needs to get going, and will the \$2.4 million be in this year's budget?

The DEPUTY PRESIDENT — Order! That concludes constituency questions. I just indicate, though, prior to moving on to the next item on the notice paper, that members need to be reminded that some of the constituency questions were somewhat tenuous, particularly Mr Melhem's in relation to it being a particular constituency question that particularly relates to his electorate.

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 ensures that the Andrews government reverses this decision and allow students attending government schools to sing traditional Christmas carols.

**By Ms LOVELL (Northern Victoria)
(1793 signatures).**

Laid on table.

Elevated rail proposal

To the Honourable the President and members of the Legislative Council assembled in Parliament:

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)
(280 signatures).**

Laid on table.

Elevated rail proposal

To the Honourable the President and members of the Legislative Council assembled in Parliament:

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)
(10 signatures).**

Laid on table.

DEPARTMENT OF EDUCATION AND TRAINING

New schools public-private partnership project

**Mr HERBERT (Minister for Training and Skills),
by leave, presented project summary.**

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

**Mr DALLA-RIVA (Eastern Metropolitan)
presented *Alert Digest No. 4* of 2016, including
appendices.**

Laid on table.

Ordered to be published.

**Mr DALLA-RIVA (Eastern Metropolitan) — I
move:**

That the Council take note of the report.

In taking note of the report I thought I would just briefly thank the Honourable Edward O'Donohue for his correspondence in respect of concerns that the Scrutiny of Acts and Regulations Committee (SARC) had raised in relation to the Corrections Amendment (No body, no parole) Bill 2016 and the extensive report that has been provided. I also note that in respect of the proposal of no body, no parole, the ALP in Western Australia has followed suit, recommending a similar amendment to its corrections legislation, and Mike Baird has indicated that the New South Wales government is also moving towards that proposal. I would like to acknowledge Mr O'Donohue's innovation and foresight in dealing with this particular piece of legislation, and I encourage members to review the SARC report *Alert Digest No. 4*.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems 2014–15.

Municipal Association of Victoria — Report, 2014–15.

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

Ballarat Planning Scheme — Amendments C189 and C199.

Buloke Planning Scheme — Amendment C31.

Cardinia Planning Scheme — Amendment C162.

Casey Planning Scheme — Amendment C206.

Glen Eira Planning Scheme — Amendment C144.

Glenelg Planning Scheme — Amendment C78.

Greater Geelong Planning Scheme — Amendments C248 and C324,

Greater Shepparton Planning Scheme — Amendment C185.

Indigo Planning Scheme — Amendment C65.

Kingston Planning Scheme — Amendment C128.

Knox Planning Scheme — Amendment C131.

Melbourne Planning Scheme — Amendment C286.

Melton Planning Scheme — Amendment C161.

Mornington Peninsula Planning Scheme — Amendment C188 (Part 2).

Whitehorse Planning Scheme — Amendment C155.

Yarra Planning Scheme — Amendment C196.

Yarra Ranges Planning Scheme — Amendments C138 and C151.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 5 and 10.

Proclamation of the Governor in Council fixing an operative date in respect of the following act:

Kardinia Park Stadium Act 2016 — 16 March 2016 (*Gazette No. S55, 15 March 2016*).

BUDGET SECTOR

Midyear financial report 2015–16

The Clerk, pursuant to section 27D(6)(c) of the Financial Management Act 1994, presented report, incorporating quarterly financial report no. 2.

Laid on table.

VICTORIAN FIRE SERVICES REVIEW

Report

The Clerk, pursuant to section 109 of the Inquiries Act 2014, presented report.

Laid on table.

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter dated 21 March 2016 from the Attorney-General headed ‘Production of documents — documents relating to the level crossing removal project — Caulfield to Dandenong project proposal’:

I refer to the Legislative Council’s resolution of 24 February 2016 seeking the production of all documents relating to the level crossing removal project — Caulfield to Dandenong project proposal.

The process of identifying and collating documents that might fall within the scope of the order is currently underway. When this process is completed, the government will review all the documents for the purposes of providing its response, including considering whether any claims of executive privilege are to be made over any of the documents.

While the government is giving the Council’s order due attention, the Council’s deadline of 22 March 2016 does not allow sufficient time for the government to identify, collate, review and assess all relevant material and respond to the Council’s order. The government will endeavour to respond as soon as possible.

Mr Davis — On a point of order, Deputy President, the minister at the table may be able to shed some light on when that might be, given that the government is seeking to proceed and has begun test drilling on this project. So it is a matter of some urgency.

Mr Herbert — On the point of order, Deputy President, I understand that it is as soon as possible. I think we have been clear on that, very clear.

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, 23 March 2016:

- (1) order of the day 32, resumption of debate on motion relating to the continuing failure of the government to comply with certain orders for the production of documents;
- (2) notice of motion given this day by Ms Pennicuik referring a matter to the Procedure Committee relating to the daily prayer;
- (3) order of the day 35, consideration of minister’s answers to a question without notice and supplementary question on 10 March 2016 relating to StartCon;
- (4) notice of motion given this day by Mr O’Donohue in relation to the Melbourne CBD riot.

Motion agreed to.

MINISTERS STATEMENTS**Kindergartens**

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on the latest progress we are making in having more Victorian children participate in kindergarten. Today I released new data on kindergarten participation rates for 2015, and the news is positive. We have seen a 1.7 per cent increase in participation in 2015 when compared to 2014. Overall 98.1 per cent of Victorian four-year-olds are enrolled in kindergarten in the year before school. This is a fantastic result, but as I have said before, we do not just want universal access to kindergarten, we want universal participation. We will continue to work hard to ensure that every child attends kinder, because quality kinder helps kids transition to school and helps them do better throughout school. This is particularly vital for children who stand to benefit the most but are likely to attend the least.

Last week I presented the data on Aboriginal participation rates to my quarterly Aboriginal children's forum. The number of Aboriginal children taking part in a funded four-year-old kinder program delivered by a qualified teacher increased by 2.6 per cent last year on the previous year, moving up to 82.2 per cent. The data also shows the number of three-year-old Aboriginal children accessing the Early Start Kindergarten program increased by 4.5 per cent — from 37.1 per cent in 2014 to 41.6 per cent in 2015. This means the gap is closing, but we have a lot more to do.

The Aboriginal children's forum brings together leaders from the Aboriginal community plus community sector organisations to reduce the over-representation of Aboriginal children in out-of-home care. Part of this work involves increasing the participation of Aboriginal children in our universal services. Last week I also launched the next stage of our government's Koorie Kids Shine at Kindergarten awareness-raising program, with new promotional packs being delivered to kinders. The campaign sends a clear message to Aboriginal families that it is never too late to enrol their children and ensure they benefit from free quality learning programs in the two years before school.

This year we are also securing enrolment spots in kindergartens across Victoria to ensure vulnerable or disadvantaged children do not miss out if they enrol late or relocate to a new area. The Andrews Labor government is making Victoria the education state.

The DEPUTY PRESIDENT — Order! The minister's time has expired.

MEMBERS STATEMENTS**Marilyn Monroe exhibition**

Ms LOVELL (Northern Victoria) — Last week, together with the Liberal candidate for Bendigo, Megan Purcell, I had the pleasure of visiting the Bendigo Art Gallery to meet with director Karen Quinlan to talk about the benefits for Bendigo of the gallery and hear of some of Karen's future plans.

Our visit was made even more exciting when Karen gave us a personal tour of the current Marilyn Monroe exhibition. Karen has managed to put together an absolutely stunning collection of many of the beautiful and famous gowns from many of Marilyn's movies. The exhibition also includes items of clothing from Marilyn's personal wardrobe; her personal copies of scripts, complete with handwritten notes; and many other personal items. I even learnt her home phone number was Hollywood 62211. The collection of costumes and personal belongings is brought together with the stunning use of visual presentations which depict the public and glamorous side of Marilyn's short and tragic life. I encourage everyone to visit Bendigo Art Gallery to see this fantastic exhibition before it finishes on 10 July.

Bendigo Hospital

Ms LOVELL — Another treat while I was in Bendigo last week was a sneak preview of the new \$630 million Bendigo Hospital. The hospital is absolutely amazing, and parts of it are looking almost complete. I want to thank the former Minister for Health, David Davis, who drove a tough tender process that has delivered a first-class hospital for Bendigo on a single site with an integrated cancer centre and the additional benefits of a four-storey car park, children's and wellness centres, 28-bed short-stay apartments, a 128-bed hotel, a conference centre and much more. Now it is time for Shepparton to also receive investment in a redevelopment and expansion of its hospital, Goulburn Valley Health, and I call on the government to deliver this in the 2016–17 budget.

Bell Street Mall Multicultural Festival and Twilight Market

Mr ELASMAR (Northern Metropolitan) — I was delighted to attend the multicultural festival and night market event held on Friday, 18 March, at the Heidelberg Bell Street Mall. I have attended this annual event for several years, and each time the festival becomes more colourful and more diverse. The Islamic Council of Victoria's executive committee, together

with the City of Banyule and local businesses, organised this wonderful festival of food and entertainment. I would like to thank my good friend, Dr Hussein Haraco, for his ongoing commitment to providing essential job-oriented training programs for the Somali youth in the northern suburbs of Melbourne. I also thank the Banyule council, the mayor of the city, Cr Craig Langdon, and council officers for their continued support of this splendid occasion which brings together residents and traders from all nationalities.

Darebin Community and Kite Festival

Mr ELASMAR — On another matter, on Sunday, 20 March, I was happy to attend the Darebin City Council's annual kite festival. The temperature on the day was mild compared to the high 30s earlier in the week, although the sun shone on all the vibrant kites and the children's faces as they raced around, flying their colourful exhibits to the delight of their parents and families. My thanks go to the local Chinese community and the council for their organisation of a great family day out.

Safe Schools program

Ms HARTLAND (Western Metropolitan) — I am really pleased to be able to stand and congratulate the Andrews government for continuing the Safe Schools program — it is a wonderful program that actually does do a great deal to help young people — and the fact that it has stood up to the federal government, with its transphobic and homophobic attitudes towards young people, and also the Australian Christian Lobby, which seems to have forgotten that the basis of Christianity is love and compassion. I have been contacted by a number of young people and their parents telling me about how important the program is. Also, a post on Facebook last week from my friend Craig Ingrey said:

I need #SafeSchools

Because no child should be bashed and humiliated every day for being different, like I was 30 years ago.

No child should have to face a life battling depression, trauma, alcoholism, drug addiction and self-harm like I have.

Craig has received much support since posting that. The post was shared 2000 times, and there were 15 000 likes. That says to me that there are a whole lot of people out there who do not hate young gay people, do not hate young trans people and actually understand the basis of Christianity is to give love, support and compassion.

Safe Schools program

Mr FINN (Western Metropolitan) — I congratulate the federal government on its decision to amend some segments of the Safe Schools program. In particular I commend those members of the federal coalition who made it their business to lobby the Prime Minister and the federal Minister for Education and Training on this most important issue. The federal government has acted in a considered and respectful way to address an issue causing enormous concern throughout Australia. Compare that to the way the Andrews government has acted on this — anybody expressing concern has been labelled a bigot or a homophobe. Any parent worried about their child or what their child is being taught at school has been labelled as a bigot by no less than the Premier of Victoria and his deputy. One has to ask who the bullies really are. Are they much different from the ferals who attacked and trashed the office of my good friend, Senator Cory Bernardi?

Parents have an absolute right to protect their children from the Safe Schools program. For this government and its mates to employ bullyboy tactics against those concerned about this so-called anti-bullying program is obscene. If the Andrews government is serious about combating the very real problem of bullying, it should first have a good, hard look at itself. The attitude of the Premier and Deputy Premier towards parents throughout Victoria is nothing short of disgraceful. I will continue to fight for what is best for children, and I promise them — —

The ACTING PRESIDENT (Mr Elasmr) — Time!

Victorian Hound Hunters

Mr BOURMAN (Eastern Victoria) — Recently I went to the Victorian Hound Hunters (VHH) registration day at Tallarook near Seymour. The VHH is a family-oriented association; that was evidenced by the large amount of kids at the day and more than a few families that regularly hunt together. I have plagiarised the next bit from the VHH website, but I am pretty sure it will not mind:

The VHH was formed several years ago when hound hunting as we knew it was under serious threat of extinction.

The first year of the organisation had a membership of 130 members. Today the VHH has grown to a current membership of some 3500 members and is growing at a rapid rate. Our members are amongst the most active hunters of all hunting groups. The VHH has become one of the largest hunting organisations in Australia today.

I was pleasantly surprised at the large number of people in attendance at the event, with some vendors taking up the opportunity of setting up stalls. The estimated numbers were around 800 people in attendance and 500-plus hounds that were registered with the Game Management Authority.

Hound hunting is tightly regulated in Victoria and provides yet another method of controlling game animal numbers at no cost to the community, as well as providing free-range meat to the hunters and their families. I must thank VHH for inviting me out there to talk through the intricacies of hound hunting, and I look forward to going out on a hunt one day to see how it is all done, which is now possible as I sat and passed the hound-hunting exam.

Ndaka Nirvana Kanengoni

Mr EIDEH (Western Metropolitan) — I have spoken previously on the great campaign run by White Ribbon to spread the message that violence against women is simply not acceptable. This organisation is working across more than 60 countries and throughout local communities across Australia.

My constituent Ms Ndaka Nirvana Kanengoni organised the launch of Not a Victim but a Survivor on Sunday, 20 March, to acknowledge White Ribbon's contribution to her life, after experiencing the effects of domestic violence herself. Although it was a terrifying and life-changing experience Ms Kanengoni used it to make a positive change in her life and the lives of many other women who suffered at the hands of their partners. The event helped the participants to recognise their potential and to recognise that they are not to blame for these acts of violence. One of the most important messages conveyed was that women who escape family violence are not victims; they are survivors. This is such an important message to send to women, as oftentimes family violence leads to a downward spiral of homelessness, financial difficulties and mental and physical illness. Many find it extremely difficult to seek help. Although there is still more that needs to be done, community events like this are a great start to educate women and men about this issue.

In addition to working hard to raise awareness of family violence in the western suburbs, Ms Kanengoni recently travelled to China to represent Zimbabwe at the Mrs Globe pageant. Ms Kanengoni was awarded the spirit of courage award for raising awareness — —

The ACTING PRESIDENT (Mr Elasmarr) — Order! I thank the member.

South Eastern Metropolitan Region crime

Mrs PEULICH (South Eastern Metropolitan) — The south-east is not faring well under the Andrews Labor government. The three issues of greatest concern at the moment include the concerns surrounding sky rail, which threatens to destroy the amenity of the bayside suburbs, and the worsening traffic congestion and gridlock across the south-east, which is causing all sorts of mayhem for drivers as well as the business community. But I guess the greatest concern can be seen in the recent release of the crime data, which shows an escalation in crime across the south-east. In the Kingston council local government area the crime rate is up 17.7 per cent, with huge increases in abduction, deception, blackmail, robbery and sexual offences, as well as drug use. Crime in the Casey council local government area is up 20.3 per cent, with huge increases in robbery, weapons offences, drug crimes and burglaries. Dandenong crime is up 21.1 per cent, with a 97.5 per cent increase in drug manufacturing and a huge increase in theft and robbery.

These are not good indicators for the south-east. People value their safety, people value their ability to get around to carry on their lives through the various transport modes and people value the amenity of the south-east. This government so far has let down the south-east, and I urge it to pay attention to community sentiment to make sure that it does not ruin the south-east — —

The ACTING PRESIDENT (Mr Elasmarr) — Order! I thank Mrs Peulich.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) — Last month the Australian Institute of Health and Welfare (AIHW) published its report entitled *Young people in child protection services and under youth justice supervision 2013–14*. It is the first real picture we have received in Victoria of the links between child protection and youth justice. This state does not keep any data about crossover between child protection and youth justice, despite the fact that both systems are administered by the same department, the Department of Health and Human Services.

The Minister for Families and Children has told us on a number of occasions that the department is working on these linkages, but she has not provided any time lines. It has taken a federal government agency to combine two existing datasets from the one Victorian department. The AIHW report confirms that during 2013–14 about a quarter of young people in youth

detention nationally were also clients of the child protection system. The extent of crossover is clearly very substantial, and we do need to know much more. This is not about further stigmatising very vulnerable children who are brought into the statutory child protection system; it is about recognising the extent to which we are failing these children. How can we possibly hope to develop a holistic and evidence-based policy in the best interests of vulnerable children while we do not even have basic data linkages like this?

Mount Cannibal Flora and Fauna Reserve

Ms SHING (Eastern Victoria) — On 20 March it was my great pleasure to attend the launch of a Mount Cannibal Flora and Fauna Reserve booklet and virtual ranger trail along with members of the local council and the Friends of Mt Cannibal and also to make sure that members of the public were able to access this important combination of technology and information to better equip people to enjoy the great outdoors. I would like to pay tribute to the family of the late David Piko who were in attendance at the launch of the book. He contributed some spectacular photographs of some of the many beautiful native orchid species that exist in the area. To Isobel, Paul, Christina, Damien, Regina, TJ, Annette and Isabel, David's mother, I say congratulations and job well done. David would be proud.

Donkey Society of Victoria

Ms SHING — I also attended the Donkey Society of Victoria's expo on Sunday, 20 March, in Bunyip. It was a great pleasure to see donkey breeds of all shapes and sizes participating in obstacle courses, agility tests and training. It was fantastic to see that this beast is getting the recognition it deserves as far as contributing a great deal to the enjoyment and fun of people as they enjoy equestrian activities.

Saffron on the Hill

Ms SHING — I also participated in the handover of a \$10 000 animal welfare grant at Saffron on the Hill, which is located in South Gippsland. It was a great pleasure to be covered in pugs, boxers and other species for the period of my visit. Congratulations to Karen, Andrea and Ann for the excellent work they do in rehoming and rehabilitating lost, injured and abused animals.

Seaspray centenary

Ms SHING — The Seaspray Surf Life Saving Club opening occurred on the centenary weekend of

Seaspray, along with a presentation of service awards and national service medals at the Seaspray Country Fire Authority service. It was a fantastic day and congratulations to everyone involved.

Northern Victoria Region projects

Mr DRUM (Northern Victoria) — Last Friday I had the opportunity to attend the turning of the first sod for the redevelopment of the Bendigo Airport. This second stage of works was officially put underway by the mayor of the City of Greater Bendigo and also the member for Bendigo East in the Legislative Assembly, the beleaguered Minister for Public Transport, Jacinta Allan. This project has the support of all tiers of government — local, state and federal — and all three levels of government have tipped into the \$15 million project to make it happen. It is just that during the Labor Party's previous time in government it refused to fund this project at both a state and federal level when the Rudd-Gillard-Rudd governments were in power.

While we understand that it is always taxpayers money being used for these projects, it is interesting to look around Bendigo and see the projects that would be put together and built with the dedication of the state coalition government. Apart from the new airstrip, we recently opened the \$28 million Ulumbarra Theatre, which was built with coalition funds. The \$630 million Bendigo Hospital was originally, under Labor, set down to be a second-rate rebuild that would have had Bendigo's sickest people in a separate building away from the main hospital. I might add that Jacinta Allan's only contribution to the new hospital was that she was always its greatest critic. Now in a staggering turnaround she is claiming that she started the building in 2010, and in her radio advertisements she says she is glad she is going to see it finished. It is one of the greatest turnarounds ever, and only the hypocrisy of Jacinta Allan could ever get away with it.

Electorate office opening

Ms PATTEN (Northern Metropolitan) — I was delighted to attend the opening of my electorate office. I was joined by colleagues, former colleagues and friends, and I was very pleased to be there. It is at 747 Sydney Road in Brunswick, and it is in the middle of a very bustling small business precinct. I have been enjoying meeting all my new neighbours and having the occasional constituent dropping in to give me pearls of wisdom about many areas of my electorate.

As many members know, it has been a fairly long and, one could almost say, arduous process to find the perfect location for the new office in Northern

Metropolitan Region, but I am very pleased to be ensconced in it now. In showing some beautiful bipartisan support the Minister for Emergency Services, Ms Garrett, was there to cut the red ribbon, as were Ms Natalie Suleyman and Ms Ros Spence from the other place. There was even a fruit box delivered from the Legislative Assembly member for Pascoe Vale. I would like to welcome all of you to my new office, and I am very pleased to finally have a home.

Train manufacturing

Mr MELHEM (Western Metropolitan) — I rise to speak on the government's recent order for high-capacity trains. The Andrews Labor government recently increased, and nearly doubled, its order for high-capacity Metro trains from 37 to 65 seven-carriage sets. This makes it the biggest single order of trains in Victoria's history. The new trains will begin arriving in 2018 and will immediately be put to work to reduce congestion on Melbourne's busiest railway line, the Cranbourne-Pakenham line. Such an order will also ensure that every train needed for the Melbourne Metro rail project will be ready by the time the project opens. The 65 new trains will be longer, able to carry more people on each trip and will run on the new cross-city line that Melbourne Metro will create, effectively resulting in 39 000 extra passengers.

It is fantastic news for local jobs since the 455 carriages will be built in Victoria. With a minimum requirement of 50 per cent local build, the new trains will create up to 800 local jobs and support thousands more across the supply chain. In contrast, Prime Minister Turnbull has recently decided to award Spain the tender to build two new supply ships for the Australian navy. Sure enough one thing he can learn from the Andrews Labor government is that we care enough about Victorian jobs to make sure that we order and build locally.

I want to acknowledge the local companies and manufacturers like Bombardier Transportation that are in Queen's Hall today showcasing what they produce in Victoria.

Lifeline Gippsland

Ms BATH (Eastern Victoria) — Recently I met with Lifeline CEO Claire Davis and her team who are part of an organisation that has been caring for their community for almost 50 years. Lifeline Gippsland started in Morwell in 1968. The organisation was funded through financial donations from community groups, church groups, service clubs and the Gippsland community. Currently seven op shops staffed by volunteers generate over 60 per cent of Lifeline's total

income. The 250 volunteers are the backbone of the organisation and perform roles, including as op shop assistants, gardeners, cooks, drivers, furniture restorers, and in the provision of emergency response and crisis support.

In 2015 Gippsland Lifeline answered over 18 000 calls. Key concerns for help seekers include family and relationship issues, mental illness, bereavement and loss, addictions, abuse, and domestic and family violence as well as suicide. Lifeline's main purpose is to support people in times of crisis and equip individuals and local communities to be resilient and suicide safe. It is so important that as a society we reduce the stigma around mental illness and thoughts of suicide and that we have courageous conversations with friends and relatives.

Applications have just opened for members of the public to become Lifeline telephone crisis supporters. Volunteer telephone crisis supporters come from all walks of life, and as full training is provided they do not need any prior qualifications. I encourage anyone with as little as 4 hours a week to get in touch with their local Lifeline centre and learn more about how to become a telephone crisis supporter.

Wangaratta Indoor Sports and Aquatic Centre

Ms SYMES (Northern Victoria) — Last week I met with the dedicated and energetic YMCA staff, Wangaratta council representatives and residents at the Wangaratta Indoor Sports and Aquatic Centre. They were ecstatic to learn that they had been successful in receiving \$1.5 million from the Andrews Labor government to deliver stage 2 of the town's aquatic plan.

The Rural City of Wangaratta has had this project as its no. 1 priority for some time and has worked with me and the department to deliver it. It is very exciting for the people of Wangaratta as they will be getting a new purpose-built hydrotherapy pool, complete with a ramp for easy access and nearby change facilities, which will provide facilities that the whole community can enjoy — from beginner swimmers to athletes to the elderly. It will be the only pool in the region with the 35 degree temperatures necessary for hydrotherapy and injury recovery, so it is a vital service for the health and wellbeing of residents.

The full aquatic plan, including the proposed outdoor Olympic pool, cannot be fully delivered without financial assistance from the federal government. Some in the community are concerned that because they are in a marginal seat, which was lost by the Liberals to the

Independent federal member Cathy McGowan in 2013, they will not see this funding before the election. They fear that important investments such as this and the necessary funding required to complete the Wangaratta racing club project will be converted into election commitments to entice them back to voting for the coalition.

So I am joining the community and calling on the commonwealth Liberal-Nationals government to fund its share now. The federal government is currently in receipt of applications under the National Stronger Regions Fund round 3, and I urge Senator Nash to get on board and approve these projects, which will bring immense benefit to Wangaratta in terms of leisure, health, jobs and boosting the economy.

I also would like to make special mention of Maree Warnett from the YMCA aquatics centre and thank her for the water bottles with built-in green flashing lights. They were very cool, and my kids loved them.

In One Voice

Ms CROZIER (Southern Metropolitan) — On Sunday I attended the In One Voice festival in Elsternwick together with my colleagues Senator Mitch Fifield, who in his capacity as federal Minister for the Arts opened the festival; the member for Caulfield in the Assembly, David Southwick; and the Liberal candidate for the federal seat of Melbourne Ports, Dr Owen Guest. The festival celebrates the diverse and vibrant Melbourne Jewish community. The festival had art exhibitions of various kinds, a kids zone complete with face painting, a street concert, food markets and an area for community groups to exhibit.

Family violence

Ms CROZIER — One such community group that is doing some excellent work in raising awareness and education in family violence is Unchain My Heart.

The Unchain My Heart committee, which was formed in 2014, brings together a number of Jewish women's organisations who are all extremely concerned about the lack of justice shown towards women in the divorce process, known as 'get'. Alarming there are many women within the Jewish community who cannot initiate divorce proceedings. Without a divorce they are unable to remarry in an Orthodox synagogue, and the repercussions for children in these situations have longstanding implications and consequences.

Denying a woman the opportunity to divorce is yet another example of gender inequality. For women to remain in this situation is also a form of family

violence. The emotional and psychological impacts are enormous, and the work being undertaken by Unchain My Heart to highlight the issue and the appropriate attention it receives is to be commended.

This is just one of a number of forms of family violence happening within our multicultural communities. With only days until the royal commission hands down its report that will include findings and recommendations, I sincerely hope it has also addressed many of the issues highlighting culturally inappropriate behaviour that does not reflect a modern and progressive Victorian community in 2016.

ABORIGINAL HERITAGE AMENDMENT BILL 2015

Second reading

Debate resumed from 11 February; motion of Ms PULFORD (Minister for Agriculture).

Ms CROZIER (Southern Metropolitan) — I am very pleased to be able to rise and speak to the Aboriginal Heritage Amendment Bill 2015 this afternoon. I note that it has been some time since the bill was introduced into the Parliament, but nevertheless there is and has been ongoing bipartisan support for acknowledging Aboriginal cultural heritage. Members in the other place have spoken on this bill highlighting the very significant impact that Aboriginal heritage and culture has on not only the Victorian community but also the Australian community.

The purpose of this bill is to amend the Aboriginal Heritage Act 2006 to improve the reporting requirements in relation to Aboriginal cultural heritage, to include provisions regarding Aboriginal intangible heritage, to establish an Aboriginal Cultural Heritage Fund and to further protect and further strengthen Aboriginal cultural heritage.

Many aspects of the bill extend the work that was previously undertaken by the former coalition government in looking at these issues. I would like to highlight one of the speakers who spoke in the Legislative Assembly on this particular bill, the Honourable Tim Bull, who happened to be the Minister for Aboriginal Affairs for part of the coalition government's term. He also represents parts of Victoria where he is very well respected, and he understands the bill's implications for the Aboriginal community which he represents in far eastern Victoria.

Tim Bull was also a member of the Environment and Natural Resources Committee, which undertook an

inquiry into the establishment and effectiveness of registered Aboriginal parties. Its report was tabled in November 2012. This bill very much builds on the exposure draft released following the conclusion of that inquiry. I would like to read into this debate the terms of reference around which that inquiry was undertaking its work, because it goes to the heart of what we are talking about this afternoon. The inquiry was asked to consider a number of areas, including:

- (a) Victorian Aboriginal Heritage Council policies in relation to the appointment of registered Aboriginal parties including the factors that should be taken into account by the council in making a decision such as:
 - (i) the degree to which traditional ownership is contested in the area the subject of an application;
 - (ii) the impact that decisions may have on the community;
 - (iii) the capacity of the applicant to fulfil legislative responsibilities if appointed;
 - (iv) the process used to determine and identify the successful registered Aboriginal party —

known as RAPs —

- (b) the support available to the council in making decisions about the appointment of registered Aboriginal parties including:
 - (i) membership and structure of the council;
 - (ii) council's capacity to inquire into matters relevant to applications, including supporting applicants to provide information needed to fully assess applications; and
- (c) the effectiveness of the established registered Aboriginal parties.

Throughout the writing of this report, as the chair highlighted, the committee undertook significant consultation. It moved around the state, and it received some 70 submissions from Aboriginal organisations, Aboriginal community members, government agencies and various consultants involved in heritage aspects. Committee members also travelled to New Zealand to see the implications of Maori heritage. As someone who has been to New Zealand — as many members would have — and seen the Maori heritage in New Zealand parliaments and how they undertake the management of Maori heritage, I think it is very commendable. They do it extremely well.

Throughout the report there are a number of very relevant issues around the various processes for Aboriginal heritage protection in Victoria. If you look at the definitions of heritage, it goes back for many, many years obviously; we have had cultural and

heritage aspects throughout Australia for tens of thousands of years. Of course in Victoria Aborigines have resided, lived and had communities here for tens of thousands of years. In relation to the definitions of what I am referring to, Aboriginal heritage refers to:

A distinct part of Australian heritage, covering all manner of intangible and tangible heritage forms (including human remains) considered by Aboriginal people to be of significance and worthy of protection and preservation.

The intangible heritage that they are talking about includes 'songs, folklore, oral poetry, stories, languages and customs'. I suppose when I am reflecting on that I automatically think of the Dreamtime and all those stories that you hear from the Aboriginal Dreamtime and the many beautiful aspects that have evolved from the Dreamtime. As we know, that is very significant in northern parts of Australia, but nevertheless it is an interesting element of what cultural heritage means to Aboriginal peoples. It is certainly very significant in respect of the piece of legislation we are speaking about today.

Heritage includes 'places, objects, landscapes and other cultural matters, both tangible and intangible, considered of significance in the present and worthy of preservation into the future'. Tangible heritage can also include things like 'objects, sacred or ceremonial items, buildings, monuments, materials and landscapes'. When we are talking about cultural heritage, it is all those items that need to be considered in this particular piece of legislation.

We do acknowledge the traditional owners on a weekly basis when we are in here, and there are members of our community who expect that to occur and feel very strongly that that cultural heritage is very much a part of their being and their make-up. In terms of what it means to them, it is extremely significant. So giving weight to that acknowledgement, that respect and that understanding has been developed over time, and certainly this bill is building on the 2006 act. As I said, there were many findings in the inquiry back in 2012, when the exposure draft was put out, which are being recognised in the bill we are debating today.

There were a number of concerns and issues that were raised throughout the process of the inquiry in relation to the various elements around the appointment of registered Aboriginal parties, the councils and how that would all be formulated. I think many of those issues have been resolved, but nevertheless there will be some ongoing concerns in relation to how that may be managed in respect of the council having the necessary resources and not being constrained in acknowledging

and managing those various cultural elements that they have responsibility for.

The issue was also raised by the Scrutiny of Acts and Regulations Committee (SARC), which undertook some work in relation to this particular piece of legislation as well. I note that SARC asked the minister to provide some clarification on a number of areas, and that that was undertaken. There was quite an extensive review by SARC, which I think was very helpful in providing some clarification around certain elements of the bill, and the minister's response to the committee's chairperson clarified some of those areas that were raised. I refer to the specifics around section 21A to be inserted by the bill, where clarification had been sought. *Alert Digest* No. 15 of 2015 states:

Section 21A clarifies the intent that secret and sacred Aboriginal objects are no longer able to be lawfully owned by individuals or state entities other than in accordance with Aboriginal tradition.

Much of this is about those various objects and how, if they are found, they are to be appropriately placed in a culturally sensitive facility where that respect and acknowledgement of cultural elements can be rightly identified by Aboriginal persons and be understood by the broader Victorian community. As I said, these objects have significant worth and value, but I do not know how anyone can equate a value with them. In many cases extraordinary Aboriginal pieces can be discovered by mistake, and it is right that they be acknowledged and understood by Aboriginal people and placed in an appropriate museum or culturally sensitive housing so that that particular object can be protected for the future.

In relation to the need for protection of Aboriginal culture and heritage, it is vital to the very existence of Aboriginal people that that culture and heritage be recognised and identified. This is about the sense of belonging to country, and that is why we have welcome to country ceremonies at many formal proceedings and the acknowledgement of Aboriginal heritage is undertaken widely across the country.

I think it is fair to say that we are very fortunate in Australia to have such a unique and extraordinary culture, one of the longest known to civilisation, in terms of our Indigenous peoples. Some reports say that Aboriginal culture goes back tens of thousands of years. When I was reading about how long Aboriginal culture has been in existence I found various claims that the Dreamtime and other serpent mythology have been around for 7000 years, and that can be witnessed in some of those magnificent Aboriginal artworks in northern Australia — in Kakadu and other places. The

age of those works is quite extraordinary. Those visible works are one part of Aboriginal culture, but of course I have referred to the Dreamtime and the serpent mythology and other beliefs that Aboriginal people have.

This piece of legislation establishes the Aboriginal Cultural Heritage Fund, which will provide funds for certain things that need to be undertaken and protected. The funds can be used for the purposes of land management agreements and having various Aboriginal officers in place to be able to oversee what is important to Aboriginal peoples and the broader Victorian community.

The bill goes on to talk about various other elements, such as looking at promoting greater respect for culturally sensitive material. The bill replaces references to Aboriginal human remains with Aboriginal ancestral remains. As I said, various other aspects of the bill go to definition terms or references to how the bill represents and looks at what is important to Aboriginal people.

Going back to what previous governments have done, I know that in the early 1970s some initial legislation was brought in to look at Aboriginal identity and various other elements of cultural and heritage means, and then further work was done in the 1980s. Certainly the Aboriginal Heritage Act 2006, which this bill amends, really gave meaning to the cultural aspects of Aboriginal peoples.

The coalition government obviously was very cognisant of this and, as I said, had done significant work on that. There were some other reforms that were undertaken during the term of the coalition government that particularly relate to Aboriginal Victorians. There was a large degree of consultation across the Aboriginal community, and I think that has been reflected in the debate and acknowledgement by other speakers of the work that was undertaken and the very close relationships and levels of understanding of former ministers. I am sure that the current government is maintaining those relationships to ensure that Aboriginal cultural heritage can be maintained.

Very proudly I think the coalition government undertook some firsts in relation to Aboriginal aspects. It was certainly the establishment of the Victorian Indigenous Honour Roll, which was the first of its kind in Australia. The honour roll recognises the contributions and achievements of outstanding Aboriginal men and women who have made a contribution to the state of Victoria. That was certainly a first, and it was certainly well overdue. It should have

been done some time ago, and the coalition very proudly undertook that initiative. There was a significant contribution in the 2014 state budget for the honour roll and for schools, which was an initiative to provide curriculum materials for schools which recognise the positive achievements of Aboriginal Victorians.

The coalition government in 2014 also delivered the Victorian Aboriginal Heritage Council's strategic plan, with recommendations for change. *Bringing our Ancestors Home — We will not be well until this is done* is the name of that report, which outlines the council's recommendations for changes to the Aboriginal Heritage Act 2006, which we are discussing today. It was very important that that particular report look at the issue of ancestral remains, and certainly this bill focuses a lot on that very element. It is about the appropriate placement of those ancestral remains — where they should finally be stored or put.

In an area that is my responsibility, child protection, I have to acknowledge the work of the former minister, Mary Wooldridge, in appointing the very first commissioner for Aboriginal children and young people, Mr Andrew Jackomos, who has been doing some very good work in relation to the needs and the particular disadvantage issues that are constantly raised about Indigenous children.

Taskforce 1000, which was set up under the former government, specifically looked at the needs of Aboriginal children and young people in care. As I say that, I note that a review was to take place, and I know the minister has alluded a number of times in this place to the status of that task force. I note that in the house only a few weeks ago in answer to a question about Taskforce 1000 the minister commended the Victorian commissioner for Aboriginal children and young people, Mr Andrew Jackomos, for his tireless work in looking at the outcomes of about 1000 children in out-of-home care. The minister said:

We have hired nine specialist workers to follow through on issues identified by Taskforce 1000.

However, that is still ongoing, I believe, and we are still waiting for a report on what is actually happening with Taskforce 1000. It has been going on for quite some time. The pilot was started under the former coalition government. It was to conclude by now. It was rolled out in various areas across the state, I believe — in Gippsland and the Mallee, and parts of Melbourne were also included in the phase 1 stage. It included around 200-odd children. The next few phases were then rolled out across other areas of the state, and then the final phase was supposed to conclude some months ago. It is

imperative that Victorians know what has actually happened with Taskforce 1000. What are the outcomes for those children? What are the specific needs that have been identified? We know that in many cases they have severe disadvantages. Many children under the supervision of child protection authorities are looking to improve their outcomes, but is it actually happening? I think part of this Taskforce 1000 pilot is very critical to our understanding of whether it has worked or whether it has not. If it is working, should we be doing more; if it is not working, why not; and what should we be doing to give these children the best possible outcomes that they can have?

I note in a speech recently that Mr Jackomos delivered in Old Parliament House, he was speaking about the concerns he continually raises in his position. He also talked about the very important element of cultural plans. Certainly it was a focus of the former minister of to have those cultural plans in place for children in out-of-home care and to have some monitoring from the department or from other agencies that they have appropriate cultural plans. I note that in that speech that was delivered just a few weeks ago in Canberra, Mr Jackomos says:

... the message that government agencies caring for our vulnerable children need to embrace is that culture, their culture, is not a 'perk' for an Aboriginal child — it is birth right.

It is vital that the government understands — and equips its staff to understand — that a cultural support plan is not about just taking a child to a NAIDOC march, or sticking up an Aboriginal flag. Cultural meaning comes from connections, relationships and socialisation with other Aboriginal children and role models who will inspire and support the child as their life unfolds.

I think that is a very relevant and pertinent point made by Mr Jackomos because it is not just the symbolic nature of what he says about flags or marches or being a part of possibly some protests that a child or young person does not fully understand, it is about those connections and relationships that they re-identify with in their culture. That can assist them with their development and, in his words, 'inspire and support the child as their life unfolds'. It is absolutely critical that those cultural plans and the work being undertaken is applied in those elements. Those cultural plans — I know that he has very strong views on this — he describes as a core human right.

The issue of culture, the issue of understanding the impacts to Victorian Aboriginal communities and what it means is very significant for many people. I think this bill goes toward understanding that, further embracing it, further providing the protections in place for those

cultural elements to be included, to be acknowledged and to be respected and providing that should they not be respected there will be consequences for doing that.

I note that a number of new offences will be created within the act to place greater enforcement procedures on those who harm Aboriginal heritage objects and for those who do not comply with Aboriginal cultural management plans or permits. This is a significant move in relation to individuals understanding what is appropriate and what is not; and, as I said, should that be disrespected or should a cultural object be defaced, there are consequences in relation to a number of new offences that will deal with greater enforcement procedures, as I have mentioned.

There are some areas around public land owners, who will now also be able to enter into land agreements with registered Aboriginal parties rather than having to apply for a permit for a low to medium impact land management activity. That is certainly cutting the bureaucracy, the red tape if you like, and then it will allow those agreements to take place in a much simpler form. There are a couple of things that I would like to raise in the committee stage about various issues that I will go into, and I am hoping the minister at the table will be able to answer those questions.

I want to conclude by saying that this bill has bipartisan support. Obviously Aboriginal heritage issues have had that support for some years, but I think this bill goes further in recognising those very significant Aboriginal heritage and cultural elements, both tangible and intangible. The members of the committee of the previous Parliament did some significant work in speaking to so many stakeholders and members of community groups and community agencies that are involved in Aboriginal affairs. Aboriginal people working in this area who understand it thoroughly were able to give that committee some deep insight into what is required. This bill continues the work of the previous government, and it gives greater recognition to those areas around Aboriginal heritage and culture. I conclude my remarks there and commend the bill.

Mr BARBER (Northern Metropolitan) — I am delighted to be here supporting this bill that is going to make a number of important changes to the Aboriginal heritage legislation in Victoria. Why is it important that we protect Aboriginal heritage? I cannot speak for Aboriginal people. I cannot begin to describe why it might be important to them that they maintain the connections, the stories, the sense of community pride and identity. As a non-Aboriginal person, I would just say that we live in a state or on a piece of country where for tens of thousands of years tens of thousands of

people carried on their livelihoods. That that has been the only society that so far in human history has managed to continue in a sustainable way for such a long period means that we all have a lot to learn from that story. That is what cultural heritage is. Ms Crozier talked about a number of the components that could go into Aboriginal cultural heritage, but at the end of the day cultural heritage is important because it tells a story. It is a story that is important for us to learn more about and to remember.

We now live in a highly modernised society, in a world of technological triumphalism, but we still struggle to learn how to live together harmoniously and peacefully on this small planet of ours. Therefore the perspectives, the knowledge and the unique culture and way of life that were those of the Aboriginal nations that we now know as the state of Victoria provide an enormously important series of life lessons that we should be doing everything we can to hang onto.

Having met with some members of the Victorian Aboriginal Heritage Council (VAHC) and talked to them about this, I have to say I learnt even more from them about why cultural heritage is important to them. I have had the great privilege of meeting with Aboriginal people on their land in many, many parts of Australia over many, many years. Yet I have to say yet again that meeting with the members of the Victorian Aboriginal Heritage Council I learnt even more. That of course is why we would want to have that kind of cultural exchange between people like me, who represent the nation of the Victorian state, and people whose identity is still very much with the Aboriginal nations and who in many cases have been living on the same piece of country as their ancestors and can trace their heritage back tens of thousands of years. Many of us like to learn more about our own ancestry. We can trace it back a few hundred years, perhaps, depending on the records — and that is a different experience for all of us. It is staggering to imagine a heritage that actually would take you back 10 000 years or more, with people living on the one place. No wonder the members of the Victorian Aboriginal Heritage Council put such an enormous value on the work that they are doing.

The original bill was subject to an extensive consultation process, although there was a bit of a gap in the middle there between the original consultations, the inquiry that was mentioned, the exposure draft of the bill and submissions and the more recent iteration of the bill that has come forward. We have of course read all that material, sought to understand what was in the original submissions, received some further correspondence on the matter and had a meeting, as I said, with the Aboriginal heritage council, and there

might be one or two bits of further discussion here today.

While the bill does not do everything that every person we have consulted with would like it to do, nevertheless the overwhelming view is that this bill should receive support and pass today without delay. There are one or two aspects which I will go into in a moment where the bill has fallen short of some people's ambition.

However, the clear view is that we should pass this bill as quickly as possible and leave those matters for another day. Therefore the Greens will not be proposing any amendments to the bill to pick up some matters that were referred to in various submissions and correspondence. However, I do want to note for the record what some of those matters that have been raised with us were, because I think it is important that I demonstrate today that we have been reading some of the material and listening to some of the submissions that have been put forward to us.

To save time in the Parliament's proceedings, I have one or two questions to put on the record. I have given this information to some of the minister's advisers. If the minister who is at the table is able to answer these questions either at the third-reading stage or possibly at the beginning of consideration of clause 1, that would save us all a bit of time and I will not need to raise matters under various clauses.

What we are trying to achieve here today is to meet the standard set by new section 1(b), which is a new purpose of the act:

to empower traditional owners as protectors of their cultural heritage on behalf of Aboriginal people and all other peoples ...

We regularly acknowledge traditional owners with those exact words — that they are the custodians of the cultural heritage of this land and will continue to be so into the future. This bill is the place where we make those words carry some legal force.

In no particular order I want to raise a few matters that have been raised with me. It has been put to me that the Victorian Aboriginal Heritage Council needs a full-time chair. The current workload expected of the chair is already a significant part-time workload. We calculate that the proposed provisions would require at the least a full-time chairperson position. That is in fact what has been put to us by the Aboriginal heritage council. I can tell all members, having met with the council, that its members take their work incredibly seriously. They understand the heavy responsibilities that are put on them, not just in terms of cultural protection but also in terms of the many, many different duties that are given

under this bill. It is for that reason that I would ask the minister to respond to the questions whether the government intends to create a full-time position for the chair, whether the government has done any comparison with other similar bodies with such weighty, extensive and complex duties and whether it might be just a matter of equity that someone with both the expertise and the level of responsibility of the chair of the VAHC ought to be in a full-time position.

A matter that appears in later clauses of the bill — that is, clauses 26 and 58 — relates to the circumstances in which it is not an offence to harm Aboriginal cultural heritage. Clause 26 amends section 29 so it is not an offence for holders of an Aboriginal cultural heritage land management agreement (ACHLMA) to harm Aboriginal cultural heritage. These agreements are intended to manage and protect Aboriginal cultural heritage on public land. Following on from the matters that were put into various submissions in various iterations of the bill and with a copy of the bill in front of us today we are not 100 per cent clear on whether the existence of one of those agreements, an Aboriginal cultural heritage land management agreement, affects the requirement for a land manager to seek a permit. My question for the minister is: will the existence of an ACHLMA affect the requirement for a land manager to seek a permit for prescribed activities?

In relation to surveys for Aboriginal cultural heritage, a person who intends to carry out such a survey must give written notice of the person's intention to the registered Aboriginal party, the secretary and the owner or occupier of any land. Going back to the heritage council's submission in 2014, the question arose as to where there was no registered Aboriginal party, would the council be notified instead? My question for the minister is: has the minister considered how to give appropriate notification to traditional owners where there is no registered Aboriginal party as the responsible body, and if the answer is that the government believes this is an issue, does it intend to amend this provision?

In clause 42 there is a test to determine if someone who intends to carry out an activity needs a cultural heritage management plan. The submission from Native Title Services Victoria suggests that this gives the secretary almost total discretion about whether to accept or refuse an application and therefore, if you like, any constraints — positive or negative — on the secretary's powers and therefore what would or would not cause the secretary to accept or refuse an application. Again, our reading of the bill is that the secretary is given a lot of discretion there with no requirement to consult with traditional owners. There are some who argue that

registered Aboriginal parties should be given that function. This is possibly the strongest example in the bill of a measure which goes against the new principles of the act as I read at the beginning: ‘to empower traditional owners as protectors of their cultural heritage on behalf of Aboriginal people and all other peoples’. This is a clear example of where the secretary is in fact taking on that responsibility rather than Aboriginal people themselves. I accept that that is the nature of the legislative system we have in front of us.

The Victorian government, I was pleased to note, has been having more wideranging discussions in Victoria about the possibility of a treaty, something that we in the Greens have advocated for for a long time. We think that could be the beginning of a new and much more equal relationship between the Victorian state and Victoria’s Aboriginal nations. Until such time as we have a legal framework such as the one there is in New Zealand, which Ms Crozier referred to, or in Canada or even in certain other parts of the world where indigenous people have in past times or in current times sat down and negotiated a treaty, then it will be a situation where predominantly whitefellas come into this Parliament and make laws for Aborigines. We make the decisions about their cultural property in this case, and right here in clause 42 we have a pretty good example of it. The Parliament, in the absence of a broader political compact, finds itself putting a secretary of the department in charge in place of — standing in the shoes of — Aboriginal traditional owners. That just shows that there are limits to what we can do within the existing legal frameworks.

As I said, this matter was raised in the Native Title Services Victoria submission to the 2014 process, and without further dialogue that matter has appeared in this bill in the form to which that particular Aboriginal group previously objected. That is why I have sought to raise that particular matter.

In clause 50 of the bill we have something called activity advisory groups (AAGs) — that is, advisory groups for the preparation of a cultural heritage management plan in areas where there is no registered Aboriginal party. There is strong agreement that these groups are a good idea, but again it is the secretary of the department who appoints the representatives from any relevant traditional owners, and therefore the question has been raised that there is some ambiguity as to whether everyone on an AAG must be a traditional owner. I would like, if it is possible, the minister to clear up that particular ambiguity that arises predominantly out of clause 50. It may be possible that this is a piece of unfinished business that a further bill could address.

We have the question of intangible Aboriginal heritage, and there is strong support for the inclusion of this and also for higher penalties for using intangible heritage for commercial purposes. We all want to make sure that this provision works. It is good that the definition is broad, but it also needs to be clear. The minister could explain to us a little bit about how the various elements of this issue will come together, particularly how the government would consult with traditional owners to create the criteria. Will guidelines be drawn up? I think this is quite an important issue.

There is a history of injustice, as we know, and there would be many Aboriginal people who would take the right step forward and talk about what has been taken away from them over the period of European colonisation. I would have to say, though, that it is possible for those sorts of losses to continue without Aboriginal people having some control over their own heritage and the way in which it is used, and that is a very important consideration for those of us who want to not just correct historical injustices but find a new and better way of living together where we all get maximum benefit.

Finally — or perhaps not finally — clause 70 addresses 24-hour stop orders that stop people harming Aboriginal cultural heritage. It appears that there would be a necessity for authorised officers to enter land, and I just want to get some assurance from the government about whether or not there should be concern about the limitation in section 166 of the act, which could perhaps be brought into line with other Victorian statutes where authorised officers are given the ability to enter land for the purpose of preventing, in this case, an ongoing offence.

In clause 78 there is an expanded function for the Victorian Aboriginal Heritage Council, welcomed by all stakeholders as far as we are aware, and that includes promoting public awareness and understanding of Aboriginal cultural heritage in Victoria. I think that that is a welcome provision. There is also in this bill a provision in relation to the Victorian Aboriginal Heritage Register. The VAHC submitted in 2014 that it should be maintained by the council instead of the secretary. Certainly this bill would have been an opportunity to do that, and the VAHC argued persuasively that the traditional owners are uniquely expert in the management of Aboriginal cultural heritage and that the act should be amended consistent with this principle. It would be good if the government could clarify whether it is still committed to supporting the transfer of the register to the Victorian Aboriginal Heritage Council over time.

I think I will just leave it there. This is a piece of legislation that I was part of bringing into law. At the time, the most important question, I think, that we had to raise was the sustainability of this model. If the Victorian Aboriginal Heritage Council and its related parties are given the responsibility — the enormously important responsibility — of protecting this cultural heritage, not just for all of them but for all of us, for we would think many, many thousands of years into the future, then is the model sustainable? Are the various groups being given sufficient resources to carry out their jobs properly, which I know they are enormously desirous to do?

In closing I would say that that still remains the most important question that the Aboriginal heritage council put forward to me: is this a sustainable model? However, it was very clear that it welcomes these new changes and that it is keen to see the changes put in place as quickly as possible, and I am pleased that with the cooperation of all members we will be able to do that here today.

Mr DRUM (Northern Victoria) — It is with great pleasure that I take the opportunity to rise to talk on the Aboriginal Heritage Amendment Bill 2015. This bill is in effect very close to the work of The Nationals, because there are many Indigenous communities living in The Nationals regional electorates. The member for Gippsland East in the Legislative Assembly was the previous Minister for Aboriginal Affairs. He has a close connection to his Indigenous communities, as did the minister before him, Jeanette Powell, the former member for Shepparton in the Legislative Assembly, who had a very strong Indigenous community based around Shepparton. Taking up the opportunity to have very genuine and very real relationships with our Indigenous communities is something we consider very natural.

I grew up in Shepparton and went to school with many Aboriginal children, and that seemed to be at a time before racism. Looking back now, I can see that that is probably not true; we probably just did not realise we were saying the wrong things. But we did have many friends, just natural friendships. Some were black and some were white; some were from families that picked fruit and some were from families that had fruit orchards. It just seemed to be a rather innocent time, growing up in the multicultural community of Shepparton throughout the 1970s.

The amendments in this bill build on work that was done by the previous government. The coalition was able to introduce this legislation. It is predominantly about putting Indigenous people in charge of

Indigenous culture. As Mr Barber pointed out, that is the fair and right thing to do. It is common sense that when you are trying to preserve a specific culture you would put the people who have the greatest knowledge about that culture in charge of caring for it. It is a very rich history that we have presented to us. We have to work very hard to ensure that we preserve that history and give it the prominence it deserves, and we can do that by putting in place registered Aboriginal parties (RAPs) that continue that unbroken link and that unbroken connection to the land of which the members of those parties have been custodians for so many thousands of years.

There is one particular issue that I wish to use this contribution to discuss. It has to do with the Bangerang Aboriginal Corporation and its application for registered Aboriginal party status in the Goulburn Valley, in that central Victorian region. This area is currently under the control of the Yorta Yorta. Certainly my contribution should in no way be seen as favouring one Aboriginal party over another, nor should it be construed that I am in any way unhappy with the leadership or the directorship shown by the Yorta Yorta or the decisions it is making. What my point is purely about is that we do have an Aboriginal corporation that has a full, strong and unbroken link back to beyond the time of European settlement in a given area, and the members of that corporation have been custodians of that land along with other groups. They have shown beyond any doubt that they have a very strong and robust connection to that land — an unbroken link to that land.

The Bangerang Aboriginal Corporation submitted an application to the Victorian Aboriginal Heritage Council in order to obtain registered Aboriginal party status, and it had that RAP status denied. I and other members of The Nationals have made promises to the Bangerang, following conversations and following consultation with them, that we will continue to push their case for genuine recognition and for giving them the opportunity to have, possibly, joint RAP status for that region. I remember very clearly that the legislation enables joint RAP status for all regions across the state, and I think the legislation might even indicate that having two or three RAPs for a region would be acceptable. So where it is shown that a registered Aboriginal corporation or a clan has that unbroken link, they should be given control or at least some say over the land on which they live and to which they have an indelible link.

That is something I wish to put on the record. I know that former members of Parliament Bill Sykes and Paul Weller have played a very strong role in advocating for

the Bangerang to be given the role of caring for that land. My understanding is that the Victorian Aboriginal Heritage Council has had the corporation's current application before it for many months now — I think for more than a year. I think the council could possibly even be in breach of the act in relation to the time it has taken to adjudicate on the corporation's current application. I might use the adjournment debate to raise this matter with the minister. However, it is worth mentioning it in this contribution as well.

It also needs to be said that we have set up the right model. We have set up a model where it is not up to the minister or their staff or advocates to decide who is in, who is out or who controls land. It is the right model to have the Victorian Aboriginal Heritage Council determining RAP status across the state. We just have to ensure that it is working. We need to be harsh where we need to be harsh and critical where we need to be critical, but also, where necessary, we need to be positive, supportive and congratulatory. We need to acknowledge where this is working, and we need to acknowledge where it is not working. Once we have the right model we have to ensure that along the way all of the boxes have been ticked.

Hopefully the reporting procedures introduced by this legislation will enable the strengthening of the position of the traditional owners and give them further ability to care for their land, to work with potential developers and work with people who wish to use their land. I hope it allows them to do that in a more forthright manner and to create direct relationships. The legislation also allows for the establishment of an Aboriginal Cultural Heritage Fund. I think this is something that will actually lead to more harmony and a better preservation of what we currently have, and it will get that message out to the broader community that our Indigenous predecessors do in fact have an amazing culture. We all need, firstly, to understand it, and secondly, to have the opportunity to share in it.

With those few words, I hope this bill goes through, and I hope that all of the registered Aboriginal parties around the state continue to care for the land.

Mr MELHEM (Western Metropolitan) — I also rise to speak on the Aboriginal Heritage Amendment Bill 2015, and in doing so I would like to pay my respect to the Aboriginal people and their elders past and present. I also want to acknowledge that all parties in this house are supporting this particular bill. It is a great thing that we have that universal support from the various parties to ensure that we acknowledge, pay our respect to, recognise, protect and celebrate Victorian Aboriginal culture. That cultural heritage is a priority

not just for the Andrews Labor government but all members of this Parliament. I acknowledge the work that was done by the previous government in relation to this particular issue, and I acknowledge the comments of Mr Barber in support of this bill.

I also want to acknowledge the good work of Minister Hutchins. She is the responsible minister who has done a lot of work in bringing this bill to this house and also in some of the initiatives she has implemented since becoming the Aboriginal affairs minister. For example, for the first time in our Parliament, at the beginning of each week we now acknowledge the Aboriginal people as the custodians of this land, and we pay our respects to them. I think that is a great thing.

So this bill, as previous speakers have stated, will ensure that Aboriginal Victorians will have a greater say in the protection of their cultural heritage. The bill will also build on the \$20 million invested in the Victorian Aboriginal Cultural Heritage Strategy through the 2015–16 budget. It will also look at reducing some of the red tape and improve the efficiency of Victoria's best practice management system for Victorian Aboriginal cultural heritage.

The bill will empower the Victorian Aboriginal community to start making decisions affecting them, and I think that was touched on earlier. I think it is very important that we empower them to do that. For far too long governments on both sides have spoken and have told the Victorian Aboriginal community what to do and when to do it. These amendments will empower the Victorian Aboriginal traditional owners and community to determine what is best for them and for their community; it will not be just us thinking we know best for them.

I want to pay tribute to one of the people who did some work on this. Allan Murray is one of Minister Hutchins's ministerial advisors. He is of Aboriginal descent, and he was very passionate about putting this legislation together and providing sound advice to Minister Hutchins in relation to her portfolio. The point I am making is that I think it is important for us to listen to people who come from the community. Mr Barber commented earlier in relation to white people making laws for Aboriginals. I think over time we give the Aboriginal people more power to self-determine what is right for their community, so I think it is a step in the right direction.

Also, this particular policy was actually started by the Bracks Labor government. At the time it was regarded as best practice for Victorian Aboriginal culture. There were two reviews of the act back then, one by the

department and one by the then Environment and Natural Resources Committee. So the work started years ago in relation to this, and I think this bill is a result of all that work over the years to bring it before the Parliament. As I said earlier, I am pleased that it does enjoy the support of everyone here.

The bill also talks about the Aboriginal intangible heritage not being currently protected by intellectual property or patent laws or copyright law, for example. Examples may include stories, songs, dances et cetera. The bill will provide a process for registered Aboriginal parties and other eligible traditional owner organisations to nominate particular intangible heritage for registration. Once registered, anyone wishing to use that intangible heritage for their own purposes will require a formal agreement with the relevant traditional owner organisation.

Also the bill introduces a comprehensive Aboriginal ancestral remains process to centrally coordinate the treatment and return of Aboriginal ancestral remains. It will also modernise and improve the enforceability of the act and improve existing offences and penalties. It will also better support financial sustainability by introducing an Aboriginal Cultural Heritage Fund. So there are many improvements to the current act to further support the Aboriginal community in Victoria.

I am sure people will say some more work may need to be done, but I think this particular bill is definitely a step in the right direction. It has been worked on for a number of years, going back to the Bracks government and the former coalition government, and now it is before this Parliament. I think it is very important that there is that consensus on the part of various political parties that the Aboriginal community in Victoria deserves first-class recognition, because at the end of the day they are our hosts. They are the ones who have actually been hosting us for the past 200 years or so. The Aboriginal community had occupied this land for 10 000 or 20 000 years before white settlement in the 1700s, and I think the least we can do is pay our respects and try to improve their living standards, protect their heritage and empower them basically with self-determination to be able to make decisions that affect them instead of us telling them what to do.

Mr Barber raised a number of issues and a number of questions in relation to how the bill was put together and to some of the processes. I am sure the minister will respond to those issues. My understanding is that he will respond to them adequately, so I will leave that to the minister. With those comments, I commend the bill to the house.

Ms BATH (Eastern Victoria) — I am pleased to rise this afternoon to speak on the Aboriginal Heritage Amendment Bill 2015. I would like to identify that the purpose of the bill is to amend the Aboriginal Heritage Act 2006, the principal act, to improve the reporting requirements in relation to Aboriginal cultural heritage, to include provisions regarding Aboriginal intangible heritage and to establish the Aboriginal Cultural Heritage Fund. The additional purposes also include to empower traditional owners to be the protectors of Aboriginal cultural heritage for all people; to strengthen the ongoing right to maintain the distinctive spiritual, material and economic relationship of traditional owners with the land and water and other resources with which they have a connection under traditional laws and customs; and to promote respect for Aboriginal cultural heritage.

If we look into the background of this bill, we see it is essentially a revised version of the exposure draft the coalition produced in 2014 after undertaking a review of the Aboriginal Heritage Act 2006 and conducting a parliamentary inquiry into the establishment and effectiveness of registered Aboriginal parties (RAPs). The review of the act received over 140 submissions and has led to the proposed legislative amendments. In addition, a further consultation occurred during the exposure draft process in 2014, with 49 submissions made that further refined the proposed amendments. The government has included a number of new provisions the coalition was not privy to consultations on. There have been a number of provisions added to this new amendment bill, including provisions relating to the protection of intangible heritage; the establishment of an Aboriginal heritage fund; stronger enforcement tools, including a strict liability offence; and the creation of land management agreements.

Turning to the main part of this bill, one of the key focus points is looking at Aboriginal ancestral remains. The bill introduces a process for the treatment of Aboriginal ancestral remains which would be administered by the Victorian Aboriginal Heritage Council (VAHC). The amendment mandates that all public institutions, such as museums and universities, report to the Victorian Aboriginal Heritage Council within two years about any Aboriginal ancestral remains they have in their possession. The VAHC will have the power to determine what is to be done with these precious remains.

The bill also looks at the establishment of an Aboriginal heritage fund. This fund will work similarly to the Victorian Heritage Fund established under the Heritage Act 1995. All fees and charges collected under the act will be deposited into this fund for use by the Office of

Aboriginal Affairs Victoria in consultation with the VAHC.

In terms of governance, there is provision in the bill for increased enforcement and compliance around offences. There are a number of new offences that have been created to place greater enforcement procedures on those who harm Aboriginal heritage and on those who do not comply with the Aboriginal cultural heritage management plans or their permits. A new preliminary Aboriginal heritage test will be available to allow industry to have greater certainty about when an Aboriginal cultural heritage management plan is needed, and public landowners will now be able to enter into land agreements with registered Aboriginal parties rather than having to apply for a permit for low to medium-impact land management activities. As we have heard today, the secretary will also be provided with an opportunity to establish an activity advisory group in areas where no RAPs currently exist to enable sponsors to coordinate with them about cultural heritage management plans or permits.

One of the important features of this bill is to increase Aboriginal self-determination. A greater emphasis will be placed on the Aboriginal heritage council's role in managing and maintaining Aboriginal heritage and culture as well as overseeing Aboriginal heritage management plans and registered Aboriginal parties. There will be greater security measures placed on the Aboriginal heritage register, and with that, intangible Aboriginal heritage aspects — those that cannot be seen, including stories, songs, dances and language — will be able to be registered under the Victorian Aboriginal Heritage Register. Traditional owners can nominate particular intangible items for registration.

My own electorate of Eastern Victoria Region covers the areas of the Gunaikurnai and Bunurong people. The Gunaikurnai are the traditional owners of Gippsland to the east, and the eastern expanse is a beautiful, beautiful space. There are approximately 3000 Gunaikurnai people, and their territory includes all along the coast of the magnificent Wilsons Promontory, with its spectacular granite outcrops, eucalyptus forests, tree ferns and aquamarine sea. It travels on through the Gippsland Lakes into East Gippsland and inland areas to the southern slopes of the Victorian Alps.

Also, I am privileged to be in the electorate where the Bunurong territory extends from the Mornington Peninsula through Western Port and its two main islands and to the south down to Wilsons Promontory. Contained along those shorelines are middens with charcoal and shellfish, and they identify the camp sites of the Bunurong people from long ago. This is now

called the Bunurong Marine and Coastal Park. I am blessed to be in a region that is rich with Aboriginal heritage, both tangible and intangible.

I would also like to take this opportunity to highlight the good work of the Ramahyuck District Aboriginal Corporation and what it is doing across Gippsland. The corporation holds the name of an Aboriginal mission which was established in 1963. However, today's Ramahyuck is a vibrant organisation which comprises four main sites in Sale, Morwell, Drouin and Wonthaggi and which has outreach clinics at Stratford, Loch Sport and Rosedale. It is a major health care provider for Indigenous communities in Gippsland. Statistically our Aboriginal communities are amongst the most disadvantaged in our community.

Ramahyuck is a fantastic organisation. It is a self-funded organisation that makes self-determination a reality. There is strong governance and a great spirit of collaboration within the organisation. Just as it is significant to preserve tangible and intangible heritage for our Indigenous people — it is really important to acknowledge and cherish the past — it is also vital that their primary health needs are met today in a culturally appropriate manner. Ramahyuck provides opportunities for 100 jobs and is also a registered training organisation.

Recently I had the pleasure of attending the Gunai Lidj day care centre in Morwell with the shadow Minister for Aboriginal Affairs, the Honourable Heidi Victoria from the Legislative Assembly. We had a wonderful tour of that facility. The improvements to that facility were provided by a federal coalition grant. We had the opportunity to meet the young people there — the students, the beautiful young children — and the passionate staff whose head is Michelle Went. I am appreciative of the blessings that my region provides in terms of rich Aboriginal cultural heritage and its people.

Just going back to the areas of concern in the bill, there are a couple. One of them is the increase in the powers and requirements of the Victorian Aboriginal Heritage Council, which is a good thing. The bill includes providing it with a greater oversight of registered Aboriginal parties, requiring it to provide an annual report to the minister on the performance of its functions and requiring that it report to the minister on the state's Aboriginal cultural heritage every five years. However, my concern is that the VAHC may not be adequately resourced to undertake some of the additional powers and functions that this amendment now requires.

The Scrutiny of Acts and Regulations Committee's (SARC) *Alert Digest* No. 15 of 2015 outlines that clause 20 inserts new section 21A(3). It makes it a criminal offence for a person who has custody of an object but who is not the owner to fail to take responsible and reasonable steps to transfer the object into the custody of the Victorian Aboriginal Heritage Council as soon as practicable. SARC observes that the effect of new section 21 is to deprive any non-Aboriginal person who currently owns or comes to own a secret or sacred Aboriginal object in Victoria of that ownership and to criminalise his or her subsequent custody of it. This effect does not apply to any Aboriginal person who is the object's rightful owner, under section 21A, whether or not that person is the traditional owner of the object or of the area where the object is reasonably believed to have originated.

The committee considers that clause 20 may engage the charter right to equality and to not be deprived of property other than in accordance with law. The committee goes on to note that new section 21A does not provide any mechanism for determining or resolving disputes around the classification or ownership of secret or sacred objects other than the criminal prosecution under the new section or for compensating the current owners of such objects. There are some grey areas there — that people may be in possession of sacred objects that they do not realise they are in possession of. That potentially could make them subject to a criminal offence, and I think that area needs to be cleaned up.

The last point I would like to raise in terms of concerns is whether the Victorian Aboriginal Heritage Council and the registered Aboriginal parties are adequately resourced to undertake the new duties and responsibilities they now possess. With those remarks I would like to say that the bill provides a good step forward in protecting Victoria's Aboriginal cultural heritage for generations to come. It is timely, but I feel it lacks clarity in some areas and there is some ambiguity in it.

Ms PATTEN (Northern Metropolitan) — I am very pleased to speak briefly on the Aboriginal Heritage Amendment Bill 2015. When I was considering the bill I could not help but think that in the brief time I have been in Parliament we have spoken and thought about Aboriginal people but never in a good way. It has always been looking at the gap in health and education and the fact that Aboriginal people, particularly in my area, are far more likely to be involved with the justice department, far more likely to be involved with the welfare department and far more likely to be involved with the prison system.

The Aboriginal Heritage Amendment Bill provides further efforts to increase self-determination amongst our Aboriginal friends in Victoria, and that can only be a positive step. Ensuring that traditional owners are at the centre of decision-making in matters of their traditional heritage I think is sensible and appropriate. I am optimistic that it will also have ramifications in other areas of society, not just in protecting the heritage, which of course is terribly important. In protecting that cultural heritage we will increase pride in that heritage amongst the Aboriginal community in Victoria.

I am very pleased that we are seeing legislation that ensures that secret and sacred Aboriginal objects can be returned to the owners and that there is a system now in place to ensure that there is good reporting on this and that there are offences for not reporting. From reading the reports I think that largely the institutions that may hold some of the objects are very supportive of this move and recognise the importance and validity of these culturally significant items, of respecting these cultural ties, of recognising the intergenerational trauma that has gone on for so many generations and of recognising that this population, this heritage and this culture are tens of thousands of years old. We have evidence of that, and we need to not only protect it but celebrate it. This bill goes a long way to doing that.

I was very pleased to see further protection for the intangible heritage as well. This is a very difficult thing. It should not be difficult, but in the past we have struggled to capture language and we have struggled to capture ownership and recognition of ownership of those intangibles — those songs, those dances and those designs. This bill better enables us to capture those. The Sex Party is very supportive of the Aboriginal Heritage Amendment Bill. We hope not only that it will increase self-determination around cultural heritage, be it tangible or intangible, but that it also goes further to create a greater understanding and pride for the Aboriginal heritage that we should all hold dear in this land.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — In effect the bill before us improves the protection and management of our Indigenous culture and heritage. It maximises the efficiency of Victoria's best practice in relation to Aboriginal cultural heritage management systems and further reduces red tape for both industry and government. More importantly it provides a degree of respect for our Indigenous communities right across Victoria, which may have been missing or absent within this legislative framework. I think we can all agree, as we have seen and heard from the contributions this afternoon, that that is both a good thing and

something that everybody across the chamber supports. So I look forward to answering questions from members around the chamber.

I want to thank everybody for their contributions and for the good faith, the positive remarks and the positive way in which the debate has been had, because when it comes to dealing with issues of Aboriginal heritage and looking out for it we owe the Aboriginal people a duty to make sure that we do all we can to assist and protect their heritage in recognition of the fact that they are the first peoples of Australia.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The ACTING PRESIDENT (Ms Dunn) — Order! We are dealing with the Aboriginal Heritage Amendment Bill 2015, a bill for an act to amend the Aboriginal Heritage Act 2006, the Borrowing and Investment Powers Act 1987, the Cemeteries and Crematoria Act 2003 and the Coroners Act 2008 to improve the reporting requirements in relation to Aboriginal cultural heritage, to include provisions regarding Aboriginal intangible heritage, to establish an Aboriginal Cultural Heritage Fund and to provide for the further protection of Aboriginal cultural heritage and for other purposes.

Ms CROZIER (Southern Metropolitan) — In the interests of saving time I will put my questions regarding clause 1, which obviously outlines the purpose of the bill and the amendments made by the bill. There are a couple of questions I would like some clarification on, which were alluded to in the course of the debate. One of the areas that I would like to have confirmation from the minister about, after seeking some advice from the departmental advisers who are in the advisers box, is in relation to Museum Victoria's capacity to store Aboriginal ancestral remains if it is required to do so. I do not envisage it would be an enormous issue, but should some significant burial site be found that contained significant ancestral remains, would the museum have the capacity to handle such a situation?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for her question. What we can do is provide some certainty or some clarification around this. Whilst I am not able to

speak on behalf of the museum, it certainly would be this government's intent, and I assume it would also be the intent of future governments, to make sure that every effort was undertaken to preserve culturally significant sites such as the example the member provided. I certainly can give the assurance that this government would work with museum authorities to ensure that it would provide resources to do what it could to ensure that that site of significance was protected.

Ms CROZIER (Southern Metropolitan) — I thank the minister for his answer. If there was such a situation in relation to a significant number of ancestral remains, then the museum obviously would have the capacity to store it — is that what you are also confirming?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I do not want to give the guarantee that it would be the museum that would do the storage. We would work obviously with the Aboriginal landowners, or those connected to that land, and with the appropriate people to protect that site and also any of the artefacts. Obviously we would do what we could to ensure the appropriate storage of those, and if that lent itself to being done at the Melbourne Museum, then of course we would work with the museum to ensure that storage occurred.

Ms CROZIER (Southern Metropolitan) — I jump to clause 23 of the explanatory memorandum, where it says:

It is intended by this clause that the museum is not required to accession into its collection any Aboriginal ancestral remains transferred to it, but is required to accept and store remains transferred to it for safekeeping.

So it appears that there is an obligation on the museum to undertake that storage if it is within its capacity to do so. Hence would the government provide additional resourcing to the museum if such a situation arose?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Crozier for her question. Again, the point of this clause is to ensure that the museum absolutely takes temporary custody of those sensitive ancestral remains while the council determines the appropriate action to be taken. Of course if the museum is required to do that, then obviously we would need to ensure that we resourced it appropriately to be able to undertake the appropriate course of action.

Ms CROZIER (Southern Metropolitan) — Can I just move on to another point in relation to the capacity of the Victorian Aboriginal Heritage Council (VAHC) and its ability to have the necessary resources and

funding to undertake the additional powers and functions that the legislation enables it to. Could the minister reassure the house that those additional resources and funding will be provided in the instance that the Victorian Aboriginal Heritage Council requires them?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — The answer to Ms Crozier’s question is yes.

Ms CROZIER (Southern Metropolitan) — In relation to a concern about how the Aboriginal heritage council’s funds would be distributed, could the minister please confirm how that would be undertaken?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Crozier for her question. What I can advise her is that the council will make recommendations as to the use of those funds, and it will be up to the department to then facilitate that transfer.

Ms CROZIER (Southern Metropolitan) — I have got one final question, if I may. In relation to new fees that are required for land developers to pay, especially for any large-scale developments, could the minister give an undertaking or confirm for the house the impacts of those fees and how it will actually work in a situation where a fee is proposed?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Crozier for her question. What I can tell her is that those fees at this stage have not yet been set and that it is the government’s intention to continue stakeholder consultation with industry in particular to ensure that, whatever appropriate fee is set, that is done in consultation with industry during the process.

Ms CROZIER (Southern Metropolitan) — Just on that issue, the fees have not yet been set and there will be more consultation taking place. Can the minister confirm how long that consultation process is anticipated to be and when it should conclude?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I can tell Ms Crozier that it is our expectation that consultation will continue for at least a further six months with industry to ensure that we get the appropriate feedback from industry itself.

Mr BARBER (Northern Metropolitan) — I did raise a handful of questions for the minister during my second-reading contribution. I believe he is going to address those now.

Ms BATH (Eastern Victoria) — My question relates to clause 20, and it is in relation to the proposed new section 21A.

The DEPUTY PRESIDENT — Order! We are still on clause 1. We are using that as a vehicle to essentially get to the crux of a number of questions. It sounds as if the member’s question is quite specific to a particular clause later on. As I understand it, in Mr Barber’s second-reading contribution he had a series of questions that relate to a whole range of clauses, so it actually might assist if Ms Bath does go ahead with her question now so that the minister can provide a response to the substantive questions of Mr Barber, and it might also pick up the concern that she has.

Ms BATH (Eastern Victoria) — In relation to clause 20 and the proposed new section 21A, I quote from the bill’s explanatory memorandum:

Section 21A clarifies the intent that secret and sacred Aboriginal objects are no longer able to be lawfully owned by individuals or state entities other than in accordance with Aboriginal tradition.

I could keep reading on. This question relates to clause 20 and the proposed new section 21A. Following on from my contribution earlier and the Scrutiny of Acts and Regulations Committee (SARC) report in regard to new section 21A, the thought of SARC is that:

... new section 21A does not provide any mechanism for determining or resolving disputes about the classification or ownership of secret or sacred objects ... or for compensating current owners of such objects.

So my question is: what mechanisms are there within this bill to provide for resolving disputes around ownership of objects? That is something I would like the minister to answer.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Bath for her question. Ms Bath’s interpretation or understanding of the legislation is correct: there is no dispute resolution component to it, nor is there any compensatory clause to it. It is simply a matter of if you effectively have control or custody of an object that is classified as a secret or sacred object but you are obviously not the traditional owner of that, then you are required under this legislation to part company with that as soon as possible once the legislation comes into effect.

In relation to disputes, the only method of resolving that dispute is actually through legal recourse and through the court system, but there is no provision for that within this legislation.

Ms BATH (Eastern Victoria) — I thank the minister for his answer. My only comment or concern would be that there may be a number of people in possession of artefacts that they may have bought on holiday and they now may be querying whether they are sacred and ancient or reproduced goods. What advice would the government give within this bill, if that is possible, with respect to those?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Bath for the question. The best answer or explanation is simply for the individuals concerned to liaise with the council directly in relation to their concern about whether or not they are in possession of a sacred object and whether or not that object is something that would be of such significance that they would be required to give it up to the council. I think people acting in that good faith way with the council is the best way of resolving any issue.

Ms BATH (Eastern Victoria) — I thank the minister for his response. My last question in relation to this is that there are some amazing and beautiful paintings hanging in the lounge rooms of a number of people across Australia, in art galleries, in halls and the like: what would be the effect of this bill on those?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Bath for the question. I can absolutely confirm for Ms Bath that artwork is not considered within the scope of this framework, within the scope of this legislation, and certainly would not be considered a secret or sacred object under the legislation in the clause that we are discussing.

The DEPUTY PRESIDENT — Order! In relation to a response to Mr Barber's questions, I call on the minister.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — For the benefit of Hansard, I have been provided with a list of questions across the totality of this legislation by Mr Barber in relation to a variety of clauses, which I will work my way through now. Deputy President, I beg your indulgence. If at any stage Mr Barber wishes to clarify one of my answers to his questions, I would appreciate him indicating so at that point in time.

I start with clause 1. Mr Barber has put to me the question of whether a full-time position for chair of the Victorian Aboriginal Heritage Council will be created in recognition of the current and future responsibilities of the role. I can tell Mr Barber that we will consider

that request should that request come from the heritage council itself.

In relation to Mr Barber's second question for clause 1, he requested information in relation to the expertise needed to be the chair of the VAHC, considering the level of responsibility for Victoria's heritage and the critical importance of that heritage to the wellbeing of our Indigenous and Aboriginal people. I can tell Mr Barber that when appointing the council the minister will take into account the knowledge and culture, the heritage and the relevant technical skills, and the council itself will appoint the chair.

At that point we have a question in relation to clause 26 and its reference or relationship to clause 58. That question is: will the existence of an Aboriginal cultural heritage land management agreement (ACHLMA) affect the requirement for a land manager to seek a permit for prescribed activities? The answer to that very clearly is: if it is an ACHLMA, no.

I move on to clause 30. There was a question in relation to whether or not there had been consideration of how to give appropriate notification to the traditional owners where there is no registered Aboriginal party (RAP). What we can tell Mr Barber is that a decision by the department is never made without reference to Aboriginal Victorians. A further question was also asked about whether the government intended to amend this provision so that the council is notified. My response to that is, no, the council has no role, and it is the RAPs that are the decision-makers.

Moving along to clause 42, the questions are: why has the secretary been given many discretionary powers; what measures will our government put in place to give greater certainty to the process and ensure notification and meaningful consultation at every stage of the preliminary Aboriginal heritage test process; since there is no formal appeal provision, what can the minister do to avoid procedural unfairness; and finally, will the government commit to reviewing these provisions?

To answer those numerous questions in relation to clause 42, I can tell Mr Barber that, from our perspective, no change will be needed. This is a voluntary process, not a decision-making process. This is for the formal cultural heritage management plan process that cannot be avoided, so hopefully that deals with those concerns.

Moving along to clause 50, there was a question in relation to whether or not we can confirm that only traditional owners will be appointed to an activity advisory group. I can tell Mr Barber that, yes, that is the

case, unless of course asked for by the traditional owners, in which case obviously then we will take note of that very specific request.

Furthermore, in answer to why we decided that the secretary should make appointments rather than the VAHC, I can tell Mr Barber that it would create a conflict with the council's role in appointing RAPs — registered Aboriginal parties.

Furthermore, there is a question about whether we would consider future changes to hand this function over to the VAHC. I can tell Mr Barber that in the event the state is covered by RAPs, it would be considered.

There are additional questions — two more for clause 50. One is: will the secretary still make appointments when the secretary is also the sponsor of a cultural heritage management plan? Our answer to Mr Barber is that it is highly unlikely.

Finally for clause 50 there is a question in relation to whether or not we can confirm that a process will be put in place to ensure that the VAHC and Native Title Services Victoria (NTSV) are consulted on appointments and that its expert recommendations are acted upon. What I can tell Mr Barber is: no, as conflicts of role and interest in there are our expectation.

Moving to clause 59, there was a question: how will the secretary determine whether something is not widely known to the public? Our answer to Mr Barber is that we will seek advice from, obviously, relevant experts.

The next question is: how will the government consult with traditional owners to create relevant criteria? The government will look to the council and relevant traditional owners for advice on those criteria.

Furthermore, there is a request in relation to whether guidelines will be drawn up to ensure that peak bodies with relevant expertise, such as the VAHC and the NTSV, are always given the opportunity to consult. Our response, as Mr Barber would expect, is that the relevant peak bodies' views will always be considered by the government in those situations.

Finally on clause 59, in relation to the NTSV comparing the process unfavourably with similar mechanisms like the commonwealth Designs Act 2003 or the commonwealth Trade Marks Act 1995 and the question about whether or not the government will put in place measures to increase clarity and avoid arbitrary decisions that are open to legal challenges, the response to Mr Barber is that we will of course monitor the operation of the new provisions, and we will, once we

have been able to assess those provisions accordingly, obviously be able to make determinations at that point in time. That takes us through clause 59.

Moving on to clause 78, Mr Barber had a query in relation to whether or not the changes have the effect of broadening the VAHC's functions by clarifying that it will be actively promoting public awareness and understanding of Aboriginal cultural heritage in Victoria, not just developing the measures to do so, and whether it will still be developing the measures of its own program. The answer, very emphatically, is yes. That is obviously the point of self-determination, so we will be moving forward with that.

Additional questions on clause 78 include a question in relation to authorised officers entering land without permission and bringing that in line with other Victorian statutes so that stop orders can be delivered. The response to Mr Barber is that they can enter private land to hand out stop notices under clauses 95 and 96. Finally in relation to that clause there is the question of how the government will ensure that the limitation of issuing stop orders will not lead to damage to Aboriginal cultural heritage on long weekends and public holidays. The answer to that for Mr Barber, unsurprisingly, is that in fact officers will be working 24 hours so there will be no need to potentially delay until after a public holiday. They will work as required to assist.

Moving to clauses 84 to 87, Mr Barber has a concern or a query in relation to supporting the transfer of the register of the Victorian Aboriginal Heritage Council and whether that is in fact our government commitment. The government's response to Mr Barber is that at this stage we cannot commit to that but it can be considered separate to this debate, pursuant to, obviously, the legislation passing.

Furthermore, there is a question solely for clause 87: what measures will the government put in place to strengthen oversight of access? The government's response to Mr Barber is that this bill allows for such strengthening of access and it will be monitored to ensure its effectiveness, of course.

Moving to the final set of questions, we move to clause 92. The question is whether or not we have considered the submission from the NTSV in 2014 and 2015 about clause 92, and the answer to that is also yes, very much so. It has indeed been considered. That then leads on to a question about what we would do to make sure that the term 'external perimeter' does not cause any unintended consequences. Again the answer to Mr Barber is that we will be monitoring this and we

will consider changes if in fact there are issues that relate to the very nature of the issue that Mr Barber has raised in his question.

There were three questions in relation to clause 105. The first was whether or not it is still the practice to consult with the VAHC in developing training. That answer very simply is yes. The next question was whether the government would consider formalising that approach as recommended by the VAHC, and I am happy to inform Mr Barber that the government is prepared to consider that. Mr Barber has also asked in relation to clause 105 whether it was an unintentional oversight and if it will be corrected. If we refer back to the last answer, in which I said we would consider it, obviously it is not an oversight and obviously a correction will be considered if the current approach fails.

I move to clause 131 now, which leads to Mr Barber's final two queries in relation to the legislation. The first is Mr Barber's question about why clause 131 is being repealed and what the government will do to make sure the act continues to be effective and efficient. The answer to that for Mr Barber is that the consequence of the consultative process used to arrive at this point is that clause 131 is no longer needed and that is the reason it has been taken out.

Hopefully all those answers deal with Mr Barber's concerns.

Mr BARBER (Northern Metropolitan) — I thank the minister, and I also thank the people from the office of the Minister for Aboriginal Affairs for responding to our questions.

Clause agreed to; clauses 2 to 141 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

LAND (REVOCAION OF RESERVATIONS) BILL 2015

Second reading

Debate resumed from 10 December 2015; motion of Mr HERBERT (Minister for Training and Skills).

Mr LEANE (Eastern Metropolitan) — I fully support the bill.

Ms FITZHERBERT (Southern Metropolitan) — It is a pleasure to rise to speak on the Land (Revocation of Reservations) Bill 2015. The opposition, as in the Assembly, will not be opposing this bill, which is largely routine in nature. The Land (Revocation of Reservations) Bill revokes permanent reservations over areas of Crown land. In Victoria permanent reservations can only be amended through acts of Parliament, hence this legislation is before us today.

Four of the seven items that are addressed in this legislation were introduced by the former government in its own bill in 2014, although the Parliament did not proceed to debate that bill at the time. That bill included a number of areas which are in the bill before us. They are in Ballarat North, Caulfield and Wedderburn. One of the reservations to be revoked by the bill is in Albert Park, which is to create a new school site. I will address that later. I will first make a few comments about some of the more straightforward changes of reservation.

The Ballarat North part of the bill, which was part of the former government's bill, refers to part of the North Ballarat Football Ground. Currently half the sports club building is on Crown land. The bill marks that land as freehold for the club, which will give the club certainty over the grounds that it uses and its facilities. It means that it will now be able to focus on keeping people fit and playing football, which is what the club is all about.

Additionally, there is a change in relation to Caulfield Park. This item was also part of the 2014 bill. The south-west corner of Caulfield Park was initially marked to have a public pool built on it some years ago. I understand this was in the 1960s. For various reasons, this has not occurred. This bill brings that section of the land back in line with the rest of the park to ensure that there is uniform management of that asset within the electorate of Caulfield.

The bill also includes the revocation of a small amount of land on the Murray River in Cobram. This is Crown land on which part of a house was unknowingly built. The changes that we are being asked to consider today are intended to give the current owners certainty so that one day when the house may be sold it will be a

straightforward process rather than what I imagine would be a legal nightmare, trying to explain that part of the house was actually on Crown land.

The bill also revokes part of the Main Ridge Nature Conservation Reserve in Flinders. This is to facilitate the use of a track for practical and legal access for adjoining landowners. Also, as was part of the former government's 2014 bill, this bill revokes the permanent reservation over the old Wedderburn Mechanics Institute and temporarily re-reserves the site for public purposes. The Loddon Shire Council will be the committee of management.

The part of this bill that interests me the most is of course that regarding the Albert Park reservation. We are being asked to change the reservation over this section of land so that the government can act on one of its election promises and proceed to build a school on the land. I have a number of issues and a number of queries about this which I will be raising in the committee stage, but I want to make a few comments about it. The first is that it surprises me that it has taken so long to move with what is a pretty routine piece of legislation. Particularly if it is the case that the government needs to have certainty and control over this piece of land by the education department rather than the environment department before it can progress one of its election promises, I am very surprised that it has taken so long to do this. But I make the observation that that is in keeping with the general speediness of the government in relation to building this school.

Building a school on the site has a number of problems. Some of these have been highlighted recently through FOI documents. I note at the outset, though, that the department is still hanging onto the majority of the FOI documents which it has agreed in principle to hand over but for some two months has been unable to get signed over by management so that they can be released. I regard this as simply wasting time quite deliberately because it is convenient to the government to not have that information come out at this time. That is an issue I have taken up with the FOI commissioner, so we will deal with that on that front.

However, we do know so far that the government pledged \$11.5 million to build the school but has not yet allocated that money. It has allocated through last year's budget \$1 million only, which was for planning. I understand there was a community meeting in Albert Park last night — which I was unable to attend, unfortunately, as I had another commitment — and it was said at that meeting that another \$1 million is being allocated towards getting Parks Victoria out of the school site. I did have a look online this afternoon to

see if there was any form of formal announcement on this. I could not find one. It is unclear where that money is coming from, which budget it might be in and whether it is Parks Victoria money or whether it is education money. Again, that is an issue to look at in the committee stage.

The Parks Victoria relocation raises a lot of questions as well. It is clear from the documents that I have received already that Parks Victoria wishes to make one move only, if that were possible, and reduce costs in doing so and have more certainty over what its future would be. Instead it appears that what will happen is that Parks Victoria is going to have to have a temporary home as well as a permanent home. This will add to the cost of this whole project, and I will be asking the minister about that down the track.

I also wonder what impact this has on the Albert Park master plan, again something that seems to have been put on hold while the government works out what to do in relation to the school and the reservation over this land. It is unfortunate that that has happened. The master plan has not been overhauled in some 20 years. It was begun again in 2014 but has just ground to a halt since the election while the government focuses on these issues.

There is also the issue of Orchestra Victoria, which is currently a tenant at the site as well. Prior to the election the now government promised that Orchestra Victoria would be co-located on the site of the new school and that the school would have a music curriculum. Those who watch these things closely will have noticed that the music school has not been mentioned much lately by the government. There is a very good reason for that. It would appear that no-one actually asked Orchestra Victoria whether it wanted to be part of this situation, and in the documents that I have seen Orchestra Victoria has made it very clear that it does not see its job as being education. It sees its job as supporting the Victorian Opera and so on, as it has done for many years. Given that Orchestra Victoria has indicated that it does not want to go ahead with the school, it has been asked to leave, and that brings into play another set of unexpected costs for building this school.

I want to just pause here and clarify that everybody agrees that there needs to be another school — two more schools — in South Melbourne. They are desperately needed. But this is an even more problematic site than was clear before the election. I am just going to quote from the South Melbourne Park Primary School feasibility study, stage 1, which says:

Our discussions with ... Orchestra Victoria indicate that whilst they are happy to remain on the site, they have expressed strong views against co-sharing facilities with the school, noting that the goals of their organisation are not aligned with music education.

Given this feedback and the 'operational' constraints observed during our site visit we have assumed any co-location involving Orchestra Victoria will be in a separate purpose-built facility with its own access.

Some of the 'operational' constraints noted include:

There is no timetable for their current use of the existing space. Rehearsal schedules are dependent upon the performance seasons of other organisations the orchestra works with including the Australian Ballet, Opera Victoria and others;

Rehearsal times fluctuate; the facility is used both during the day and after hours. This will result in orchestra members accessing the school site during school hours;

Orchestra Victoria has also recently commenced a series of public concerts within the existing hall. These concerts are open to the public and whilst they are conducted outside of school hours do bring a number of visitors through the site;

Orchestra Victoria require access to their loading bay at all times, which could present a safety issue if co-located with the school;

Orchestra Victoria would prefer a permanent rather than shared facility as it takes approximately 2 hours to pack away/set up equipment for rehearsal, this would make sharing the hall space with the school challenging;

The existing building does not offer enough secure storage space for musical equipment within close proximity to the loading bay. Consequently, equipment is being stored in the hall as well as in two off-site locations; and

It is difficult for the orchestra to conduct 'blind' auditions in their existing space due to limitations with the existing layout.

Orchestra Victoria has laid out its quite reasonable and very practical issues, and as a consequence it has been given its marching orders.

I am now going to refer to a media release headed 'Only Labor will build South Melbourne Park Primary School', which was issued on 15 July 2014. This was when the member for Albert Park and the now Premier announced that they would build this school. Here is a quote attributable to Mr Foley:

The primary school will share the site with Orchestra Victoria and they will collaborate on music programs — it's a visionary step and it's the future of education.

Under 'Key facts' we read:

A music program will be incorporated into the school's curriculum, developed in partnership with the Australian

National Academy of Music and Victorian College of the Arts and Music at the University of Melbourne.

There is one problem with that. It just looks like no-one asked Orchestra Victoria until it was all over. This brings us to the other problem, which is: where is Orchestra Victoria supposed to go, and what will it cost?

The documents that I have received indicate that at the moment Orchestra Victoria pays Parks Victoria \$100 000 a year in rent. This is income that I imagine will simply be lost to Parks Victoria, which is unfortunate. It would appear that Creative Victoria has looked at where to house Orchestra Victoria and whether it is possible to move it to a permanent home first or whether there needs to be a temporary home while a permanent situation is organised. It has quite specific requirements, as that list I read out earlier indicates. There are also issues, as I understand it, with sound and height, which are relevant to the work that it does.

Creative Victoria, in a briefing in relation to this project, said that it thought that conservatively it would cost about \$250 000 a year in rent in commercial terms if Orchestra Victoria had to go to other premises. This obviously has budget implications, but the key point with Orchestra Victoria is that what was promised is not being delivered. Not only is it not being delivered, it is not even being referenced. No-one in the government has had the courtesy to actually advise the local community that there has been a slight change of plan in what they were promised before the election.

The second thing that needs to be done is for it to be spelt out what it will actually cost to put Orchestra Victoria in separate premises and when that will happen. The documents I have make it clear that the Orchestra Victoria group was expected to be out of that building by June of this year. It was trying to make that December, but it is not clear how that one actually played out.

I will be looking for answers about the timings of all of these things. In the documents I have seen, what becomes very clear is that there were three separate government departments involved in a relatively complex project. It was not clear that anyone was actually running it — that anyone had taken on the job of overseeing and liaising with those three separate departments, working out how they would work together to move people in and out of the site as necessary in a way that actually suited the organisations that had a reasonable stake in it, and working out how they would work together to actually create a school together and get it done on time.

The original promise that was made was that the school would be delivered within this term of government, which I think most people within the electorate of Albert Park took to mean that the school would be open by 2018. Last year there was a quiet announcement that it would actually open in 2019. On the basis of what I have seen and how long we know it takes to build a school, I would say that that is looking dodgy at best.

There is another issue, which is who is to pay or what is to pay for the cost that will be incurred by Parks Victoria in getting new premises both on a temporary basis and on a permanent basis. I have seen an exchange of emails and so on within the FOI documents which shows that Parks Victoria was looking for a budget allocation in last year's budget but was unsuccessful in getting anything, and it made it clear that it was not even prepared to do planning to move out of this site until it was funded to do so.

Now, I imagine that is why we have this sudden announcement, which I cannot actually find anywhere written down, that there will be an extra \$1 million, but I am not sure where that has come from. I did read, however, that Parks Victoria is intending to look for funding for its new premises from the Parks and Reserves Trust Account, and it is seeking that through this year's budget. It noted that it would need approval from the Treasurer to have that allocation, and again that is an issue that I will be asking the minister about when this goes to the committee stage.

The process to provide a new school has been, I think, complex, but the government has been at best disingenuous in the way that it has described this process, the amounts involved and the timings involved. I am just going to refer to a couple of examples of this. I am holding a copy of a printout from the Department of Education and Training's website. I printed this out today, and it is the section under 'Buildings and Infrastructure' that is headed up 'South Melbourne Park Primary School'. It was last updated, I think, in October last year — some time ago, anyway. Yes, it was 19 October last year, which was after I put in my FOI application in September, so the documents I have are from before that time. What this says is:

We aim to begin works in mid-2016 but a precise date is yet to be determined.

Well, on 19 October last year that was simply untrue. At that time the department was still haggling with the tenants of that building as to when they would leave. It was hoped that they would leave by June 2016, but it was extremely unlikely that any work on actually building a school would happen at that time. The fact that it still says 'We aim to begin works in mid-2016' is

simply dishonest, because on any view that will not happen.

This website says under the heading 'Budget':

The government committed to \$11.5 million in the 2015–16 budget for feasibility and master planning of the new school.

That is simply incorrect, and it needs to be corrected. The government has said that it will at some point allocate \$11.5 million to build the school, but it has not yet done so. In the 2015–16 budget it allocated \$1 million, which was for planning and preparation of the site.

I also turn to the debate of this issue in the Assembly, which happened late last year, and in particular a contribution that was made by the member for Ivanhoe. He referred to the media release that was put out by the member for Albert Park, which was headed 'Architect appointed for South Melbourne Park Primary School', and he quoted from it, and I will do the same here:

The Andrews Labor government is one step closer to delivering on its election commitment to build South Melbourne Park Primary School in Albert Park.

Member for Albert Park, Martin Foley, today announced that Gray Puksand will be the architect for the project, with construction expected to get underway in mid-2016.

Now, on 19 October that was simply not true. It was hoped that the tenants would leave by roughly that time, but on any view construction was not going to happen. It has not happened, and it is not likely to happen now, many months later. The member for Ivanhoe said:

Clearly the legislation in the house today helps enable this election commitment made by the member for Albert Park to be delivered. On 19 October, just this year, architects have been appointed after funding was allocated in the budget this year. Work will be underway some time in the next six or seven months, a clear indication that 18 months into government shovels will be in the ground in Albert Park, fulfilling one of the government's election commitments in relation to schooling.

That is simply not true. There are several holes in all of that. Yes, there have been architects who have been appointed, and yes, there has been \$1 million made available for that early planning phase of the project. But this complex project is at a very, very early phase, and it is simply dishonest to continue to hold carefully staged community meetings where worried local parents are invited to attend and must RSVP by name. They cannot just turn up at the local church hall; someone has to know who they are and check them out. Worried parents are asked to turn up to these meetings, and they are being effectively patted on the head and

told that all is okay, when in fact this project has been running off the rails virtually since the government took office, and the government has chosen not to share that. In particular it has chosen to just not mention the fact that it is not going to be a music school and that Orchestra Victoria is going to have to leave. It has sat on its hands and gone through a quite tortuous process of government departments not really connecting with each other in order to get on with delivering this process.

Most important of all, it has not allocated any money, so the big question for this government as we approach the next budget, which will now be in April rather than May, is: what is the cost? There is the commitment to fund it to the tune of \$11.5 million, but we have the department of education saying that it will be more than that. I estimate that it will be some \$15 million, and that does not include the fact that the site has asbestos and that also there will need to be work done on contaminated soil at the site, which I stress is not unusual in the City of Port Phillip; it is usually a question of the degree of contamination. What is the cost of moving Parks Victoria on what will probably be two occasions needlessly? If someone had just got their act together and organised a permanent home for it by funding it as soon as the government got into office, as it promised to do, Parks Victoria could move out in an orderly fashion and work could start as planned.

You need to add into this as well the totally unanticipated cost of moving Orchestra Victoria away and into a new home, probably providing it with a temporary home along the way and paying commercial rents at the same time, and add into that equation as well the lost income in rents to Parks Victoria. So what I am looking for today is some understanding of what that cost will be and how much of it will be provided in the next budget, because — and I really do need to stress this — if there is not full funding for this in the next budget, I think it is extremely unlikely that this complex site can be fixed and that a new school can be opened on that site with students turning up to learn at the start of 2019.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to be able to speak on this bill, the Land (Revocation of Reservations) Bill 2015. As other contributors have said, this is a bill that has a number of parts in relation to providing for the revocation of permanent reservations over seven areas of Crown land and where applicable re-reservation and the

appointment of committees of management. This will enable the sites to be used for other purposes or be sold.

Ms Fitzherbert has gone into some detail in relation to one of the components of the bill, which is the revocation of a permanent reservation over Crown land at Albert Park and the subsequent re-reservation of that site for educational purposes, as she has done for Cobram, as she has done for Flinders and as she has done for Waaia and Wedderburn.

Ms Fitzherbert also mentioned Ballarat North, and it is that particular revocation that I wish to briefly make some comments about. When my office was in Ballarat one of the first of my constituents to visit was Gerald FitzGerald, the CEO at North Ballarat Football Club — the Roosters. He came to see me about a problem the club had been dealing with in relation to a number of the owners of the land on which their clubrooms were sited. The club also had some problems with some of the arrangements it had with the City of Ballarat in relation to licence fees, and it was having some difficulties in attracting the finance to expand its clubrooms under the Crown land arrangements. I must say this took some time, and that was back in 2011 — —

Ms Pulford interjected.

Mr RAMSAY — Would Ms Pulford like to make a contribution?

Ms Pulford interjected.

Mr RAMSAY — I see. I thought she was aiding and abetting my contribution.

The DEPUTY PRESIDENT — Order!
Mr Ramsay, to continue.

Mr RAMSAY — Thank you, Deputy President. I appreciate the support from the other side in relation to my contribution on this bill. As I was saying, in 2011 I had a number of conversations with the club in relation to how to deal with this matter about the land that, from memory, almost split the clubrooms in half in relation to the ownership being part Crown land and part freehold. As I said, the financiers were reluctant to finance any upgrades of the facilities because part of the club was sited on Crown land. So without any formal freehold it was difficult for the Roosters to be able to attract finance and do the redevelopment work it was seeking.

I and other members of Parliament made a number of overtures to the government of the day about rezoning that land, or moving the ownership from Crown land to

freehold for the club, and we dealt with the City of Ballarat in relation to its involvement in the licensing of part of those lands where the club sits. So it is pleasing for me to be able to see that the bill in part provides for the revocation of permanent reservations over two Crown allotments, totalling 0.1 of a hectare, situated at the North Ballarat Football Ground, which is also known as Eureka Stadium.

The revocation of these reservations will support the proposed redevelopment of facilities at that site. That is a good thing, because when in government, before the last election, the coalition made a number of commitments to the Eureka precinct, part of which obviously was to the North Ballarat Football Club itself but also to the other stakeholders in that precinct. That included the agricultural society, which we supported by helping it to make decisions in relation to either a relocation to Victoria Park or in fact an upgrade of its facilities so it would have a proper exhibition centre at which it could promote the agricultural industry around the Ballarat region.

There was a lot of work done during the time the coalition was in government in relation to how to best utilise the Eureka precinct. I am really pleased to say that as an election commitment we fully funded, with the City of Ballarat, the proposed new Ballarat basketball stadium, which was to be a national centre of excellence. We committed \$15 million to that project, and Peter Eddy was very excited about the fact that finally he would be able to build, without the dependency on any other funders, a national centre of excellence for basketball. But it was not only for basketball; there were to be table tennis facilities, and other stakeholders would have been able to use that stadium to stage national events.

Unfortunately, as we know, the Andrews Labor government committed some money, only \$9 million, to the basketball stadium, and that has now left us in a position where further funding will have to be attracted in order to build the six courts that would be required to reach a national standard and to be able to run national competitions. At this stage we are still seeking that further funding, and of course other centres will be looking to host those national events. It is disappointing that the Andrews government did not see fit to invest fully in this new national basketball stadium. It decided to invest in other parts of the city, but we still require further additional funding for those projects to be completed.

Ms Pulford interjected.

Mr RAMSAY — In this area, Ms Pulford, again in relation to the Eureka Stadium, we only have a part-funded project, and the Roosters will have to seek ongoing funding to fully complete the work it was seeking to do in relation to developing the stadium site.

Having said that, it is pleasing that this bill addresses one of the hurdles or challenges the club has faced over many years by enabling it to have full ownership of the land where its clubrooms are sited, which would give it greater capacity to be able to borrow funds and start development work. The two Crown allotments are situated immediately to the north of the oval, and these Crown allotments, along with the adjoining freehold land, are legally occupied by the North Ballarat Football Club and constitute the site of the North Ballarat Sports Club building. The sports club incorporates a bar, restaurant, clubrooms and other facilities. Upon revocation of the permanent reservation, the land will be deemed to be unalienated Crown land. It is then proposed to sell the two Crown land allotments to the football club at market value. This will consolidate ownership and management of the sports club. Obviously, as I said, with the current government's commitment and with other commitments in relation to the precinct, we will be able to redevelop the whole Eureka Stadium precinct.

That is the only part of the bill that I really wanted to address, and I wanted to do that because I have some intimate knowledge of the work that has been done in the past by many of the stakeholders, including the City of Ballarat. The former coalition government supported the club in reclaiming the Crown land to full freehold ownership that would allow the club to expand. I am pleased to see that Ballarat North is included in the Land (Revocation of Reservations) Bill 2015, which we are debating in the house this afternoon.

I do wish the bill a passage through the house so that the North Ballarat Football Club at least can continue its work in developing its precinct unhindered and unencumbered by the fact that Crown land did actually create challenges, given some of its buildings were sited on it.

Motion agreed to.

Read second time.

Committed.

*Committee***Clause 1**

Ms FITZHERBERT (Southern Metropolitan) — My first question is: is it possible to commence the building process without having the reservation changed on this piece of land? I ask that in relation to the land at Albert Park where a school will be built. The reason we are changing the reservation on this land is to move it from the authority of environment to education, so again my question is, in a very roundabout and inarticulate way: is it possible to start building without actually having this reservation changed?

Mr JENNINGS (Special Minister of State) — I think the simple answer would be that it might be unwise to, so whilst it may be physically possible to, that is not really what we are going to be doing here. We are going to get the sequence right.

Ms FITZHERBERT (Southern Metropolitan) — Further to that, why is it that it has taken so long, then, to do something that is so simple and so routine as to repack the bill that was left by the previous government, add on the two new components, one of which is in relation to Albert Park, and get it back to the Parliament?

Mr JENNINGS (Special Minister of State) — I think the member probably will be consoled by the fact that we are now going to the committee stage on the next piece of legislation — another piece of environment legislation — and when we are in committee I will be asked about something that was intended to be implemented by the Labor administration in 2010. It was subsequently subject to a piece of legislation by the coalition government in 2014 which was not completed — it did not get taken through the Parliament. Subsequently there is a piece of legislation by this government to deal with that matter, again some six years after it was originally dealt with by the Labor government — six years ago. The reason I answer that by giving that example is that sometimes the legislative program seems a simple thing — a simple, quick thing — and sometimes it takes longer than what otherwise might have been the case.

Certainly in this case this piece of legislation has been on the notice paper for quite some time. This is not the preferred time frame of the government to deal with this piece of legislation, but the legislative program and the backlog that has been created within the Legislative Council has added to the time frame — undesirable, but that is the fact of life. I take the point that is implied in the question — that it would be desirable to get on with

these issues and resolve them and provide confidence to the community as soon as we possibly can, and in that regard the government does accept that the sooner we get on with that the better.

Ms FITZHERBERT (Southern Metropolitan) — When does the government now expect that building will start on this site?

Mr JENNINGS (Special Minister of State) — I am advised that we would anticipate, upon the passage of this piece of legislation, that the construction would commence in the second half of this year, but beyond referring to it commencing during that second half of the year, I am not able to indicate precisely when that date may be. Certainly it is the government's intention, as I say, to commence it later this year and certainly have the school open for term 1 in 2019.

Ms FITZHERBERT (Southern Metropolitan) — Sorry, just to clarify: is the plan to start building the school at some point in the second half of this year?

Mr JENNINGS (Special Minister of State) — Absolutely.

Ms FITZHERBERT (Southern Metropolitan) — Has the master plan been started yet?

Mr JENNINGS (Special Minister of State) — Some of the work has been embarked upon already, and indeed it has not been completed. The complete answer is: the master planning phase is currently being facilitated by the department to incorporate the feedback and input of the recently established new school planning group. The new school planning group will be involved, which would engage the relevant stakeholders in terms of the community of interest in relation to the school. The department has appointed a qualified architect and a surveyor to design and cross-manage the development of the school. Based upon the department's requirements, the expectations of the local community, the input of those professionals and the completion of the work being costed by a quantity surveyor, that will hopefully be completed shortly and available on the department's website.

Ms FITZHERBERT (Southern Metropolitan) — Earlier when I spoke on this in debate I referred to the Department of Education and Training's website, which has a section under 'Buildings and Infrastructure' headed 'South Melbourne Park Primary School'. In that, under 'FAQs', one of the questions is:

When will construction begin and what will be built in the first stage?

The second frequently asked question is:

What will be involved in the master planning phase?

It says:

The master plan has not yet been developed.

So I take it, then, that this project is still at the community discussion stage. Is that right?

Mr JENNINGS (Special Minister of State) — I think that the answer that I started to volunteer — and then I read some extracts from some material that I have been provided with — would indicate that a lot of the intellectual input of the department, the architect and the quantity surveyor and the input of the school and the new school planning group have been put together now to crystallise the master plan. So it is a contemporary place of work that we would anticipate being completed soon.

Ms FITZHERBERT (Southern Metropolitan) — Could the minister elaborate on that? When does he think the master plan might be finished?

Mr JENNINGS (Special Minister of State) — Regardless of what I think, I would be better to take some advice on it.

I am reliably informed that between now and the end of June there will be opportunities for the community to have a look at the proposals that would underlie the master plan and that the intention is to conclude that consultation phase and consideration of that so that the master plan is completed by the end of June.

Ms FITZHERBERT (Southern Metropolitan) — Just so that I understand this properly, the community consultation phase is happening now. That will inform the master plan, and there is something that the community is going to be asked to comment on before the end of June. Could the minister just clarify?

Mr JENNINGS (Special Minister of State) — There is a new school planning group that is working in conjunction with the department, which is an appropriate level of community engagement. I think what I am indicating is that by the time the master plan is completed there will be an opportunity for some public demonstration of that so the broader community could actually have a think about it and have a say about it.

Ms FITZHERBERT (Southern Metropolitan) — I am still unclear. When do we think the master plan might be in a fit state to be exhibited, if I am understanding the minister correctly?

Mr JENNINGS (Special Minister of State) — During June.

Ms FITZHERBERT (Southern Metropolitan) — How long will the master plan be in the public eye for questioning and discussion before that phase is finalised?

Mr JENNINGS (Special Minister of State) — Hopefully, in accordance with the time line I have been advised of, it will be approximately within a month's time frame. That is something I actually tried to get some advice on, and the best advice I received at that time was around the month of June being important in relation to becoming visible to the broader community, and then by the end of June it is the intention to actually complete it.

Ms FITZHERBERT (Southern Metropolitan) — Assuming that that all goes as planned — and without trying to be difficult or rude, it has not really gone as planned so far — —

Mr Jennings — No, you're not being difficult or rude.

Ms FITZHERBERT — I am glad you think that — there's still time! We have the master plan presented to the public, and people can look at it from June. Then we will finalise that stage. Is the next stage to start working on the architect's plans, after the master plan is completed?

Mr JENNINGS (Special Minister of State) — They are running concurrently. In terms of what is happening, the architect will be working to a footprint use of the site and making some proposals in accordance with what that footprint may look like in terms of the design elements. They will be in a form that will be able to be, obviously, fast-tracked by the end of the master planning process by the end of June if we are going to go to completion in terms of getting construction underway in the second half of the year.

Ms FITZHERBERT (Southern Metropolitan) — But in terms of the architect's plans, they would be, I would imagine, of a preliminary nature while the master plan is still not finalised. Surely it would only be after that stage had been successfully concluded that the architect could sit down and actually start doing the detailed work that needs to be done to design the school.

Mr JENNINGS (Special Minister of State) — I think in the absolute finality of what the architectural completion of the design elements and the technical requirements of the build are, Ms Fitzherbert is quite

right to say they will be concluded in their final form. This is my imagining. In my imagining, there would be key elements of the design, in terms of the requirements of a school and in terms of the education department's ongoing requirements for essential components of the design to be a fairly mature set of parameters that need to be included in any school design in relation to the size of classrooms and of amenity areas, there is a standard template that would apply to architectural designs. I am not actually saying that this would be done in an inappropriately truncated fashion, but I would imagine that there would be many of those elements that would be fairly clear to somebody who is experienced as being an architect in the education sector, and they would be able to bring those elements together fairly quickly — and I have received the appropriate nodding from the team who are supporting me to indicate that that is what their expectation is too.

Ms FITZHERBERT (Southern Metropolitan) — So when, then, do we think the architect's plans will be finished to such a state that they can go to council for council approval?

Mr JENNINGS (Special Minister of State) — The learned advisers have informed me that it is not a usual requirement for schools to receive planning approval in this way. There is a standard planning exemption that applies to school buildings, but they do inform me that the council is represented in terms of the design elements as part of the new school planning group. They also indicate to me that one of the reasons why council approval may have been required for previous proposals relates to the co-location and co-design of that proposal not being continued with.

The DEPUTY PRESIDENT — Order! In accordance with standing orders we will now take the dinner break, and we will resume at 8.00 p.m.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Ms FITZHERBERT (Southern Metropolitan) — Before the break we were talking, among other things, about the master plan for the school at Albert Park, and I was wondering if the minister could refresh my memory on its timing. If I recall correctly, we discussed the master plan being put out for public comment around June. Can the minister run me through the timing of that? I am a bit fuzzy on it. We discussed it going out for comment in June but also it being finished in June, if I remember correctly. Can the minister clarify that for me?

Mr JENNINGS (Special Minister of State) — I have very good news for Ms Fitzherbert in that her

memory is working pretty well. In conjunction with the new school planning group, the department has embarked upon the work that will lead to a speedy conclusion, it believes, in relation to the master plan. That is being supported by architects and a quantity surveyor. The master plan will be considered by the department and the planning group, and by June it should be available for the broader community to have a look at the footprint, the options and the recommendations that will be embedded in the master plan. There will be a period of consultation from that time in and around June. I would say the logic of what I have outlined to the chamber is for about a month's time, and somewhere around the end of June or soon thereafter the master plan would be approved and adopted. Then the final design and construction phase would be completed in the second half of this year.

Ms FITZHERBERT (Southern Metropolitan) — To confirm, there will be a short public consultation period on the master plan in June. It will go for about a month, and then following that there may be some feedback and the design process will start in earnest. How long does that design phase go for?

Mr JENNINGS (Special Minister of State) — Before the break — and I may be incentivised to actually not go into the committee stage before the break — I was indicating that there will be preliminary works undertaken by the architect to support the master plan, then some technical detailed matters of what would be the elements of the design will start to be dealt with and the construction engineering documentation that would support the architectural brief would be completed soon after the master plan is completed. I am advised in good order that then in fact the work would begin on the site in the second half of the year.

Ms FITZHERBERT (Southern Metropolitan) — Is it the case that there needs to be work done in relation to asbestos before the building work proper begins?

Mr JENNINGS (Special Minister of State) — I thank Ms Fitzherbert for her perseverance and understanding. I have received some advice that would indicate that it is expected that there would be some contamination on the site, which indeed may include asbestos, and that probably in the work that is undertaken within the first six months of the site being established the various elements of the reconfiguration of the site and the early works and demolition would be supported by an assessment of those matters and be adequately catered for. Prior to extensive redevelopment of the site a lot of preparation work

would be undertaken in the first few months of that phase of the development.

Ms FITZHERBERT (Southern Metropolitan) — My understanding from the documents that I have seen about the school site under FOI is that it is not a case of having to assess for asbestos because there is asbestos within the building and that there is also evidence of soil contamination, which as I said earlier is widespread in the City of Port Phillip. So there are two issues there: there is the soil and there is the building. In relation to the site, it has been a defence force property for more than 100 years. It has been used as a vehicle depot and still is today. Is the minister able to shed any light on the more specific nature of the contamination of that site as a possible consequence of being a defence force site?

Mr JENNINGS (Special Minister of State) — I certainly do not want us to be at cross-purposes. I certainly indicated to the member that I was not splitting hairs in relation to whether or not there is the presence of asbestos. I think it is acknowledged that there is. The scope of it, the condition of it and the plan that would be associated with its removal was really what I was referring to in trying to identify exactly the dimensions and the nature of the containment and the removal of it from the site in terms of its safe handling. That was really the issue that I was drawing the member's attention to.

In relation to the contaminants, I received advice that it would be appropriate for that issue to be evaluated in the context of the demolition and the early works phase. The complete nature and scope of these issues would be properly assessed, as your instincts would tell you. Part of the nature of contamination is in fact how deep the footings may be and how deep the works may be that are required in terms of certain aspects of the site. So in fact there is a bit of an iterative relationship between both the nature and the depth of material that you might find and how you actually treat it. I do not want to pre-empt that. I think that it is something that should be appropriately done on site by people who would evaluate those matters.

Ms FITZHERBERT (Southern Metropolitan) — Leading on from the minister's answer just now, which I appreciate, he has indicated that it probably needs to be an iterative relationship, depending on what you might find. It is hard to pre-empt what might be there. I do stress that we do know that there is soil contamination, we do know its history and we do know that there is asbestos. Is it the case then that it is not so much that building is going to start straightaway as there being an indeterminate period of time in which

investigations will be done about the state of the site and what sort of work needs to be done to bring it up to scratch so that building may start?

Mr JENNINGS (Special Minister of State) — Again, I do not want to necessarily give the impression that I am trying to split hairs. I am quite happy to concede that in fact the works on the site will be extensive. I can see from the material that I have been briefed on about the construction of the new buildings, which is scheduled to be completed late in 2018 to enable the school to commence in 2019, that probably between now and that time almost half of it will be spent in preparation and half of it will be spent in construction.

Ms FITZHERBERT (Southern Metropolitan) — How many staff are currently working in the Parks Victoria building?

Mr JENNINGS (Special Minister of State) — This is an inventive question; the answer is not immediately to hand. We are not using Google, but we are using some means of communication to ascertain the answer to Ms Fitzherbert's question. I can come back, if Ms Fitzherbert would like.

Ms FITZHERBERT (Southern Metropolitan) — In that case, I might go on with another question while the minister does not Google it, and we can come back to that answer. When is it planned that Parks Victoria staff will move from the building?

Mr JENNINGS (Special Minister of State) — By the end of this year.

Ms FITZHERBERT (Southern Metropolitan) — Has a specific time been chosen, and can the minister share that with us?

Mr JENNINGS (Special Minister of State) — The reason why I said so confidently by Christmas is because I have been given the time frame of November. It is the end of the year, which is what I said.

Ms FITZHERBERT (Southern Metropolitan) — Could the minister perhaps outline the moving process to it? When I spoke on this earlier in debate I referred to the documents I have seen, which talk about how Parks Victoria wanted to move out preferably in one go and go to its permanent home, which I think is expected to be the old State Bank building, but there was discussion of whether it might need two moves because its new digs will not be ready when it needs to go. Could the minister please take us through the movement process? Will there be one move or two? Where is Parks Victoria moving to and when?

Mr JENNINGS (Special Minister of State) — I have some material in front of me. Whilst it would be preferable for the one move, I cannot necessarily rule out two. The time frame, as I am advised, is anticipated to be November. I think it would be wise to give us a month or so grace in relation to that.

In terms of any subsequent advice beyond that, I can confirm after advice that there will be two. There will be a temporary location. That has provided me with confidence on the basis of the confidence factor in relation to the time frame of getting out by the end of this year. That again has necessitated a temporary solution whilst a permanent solution is secured. I can provide certainty in the time frame but cannot provide certainty in relation to one move.

Ms FITZHERBERT (Southern Metropolitan) — Leaving aside Orchestra Victoria, given that Parks Victoria is hopefully moving out in November, if there is any time delay by December — if I understand the minister's answer correctly — when does the building work that the minister referred to earlier start? Is that starting before it leaves or after?

Mr JENNINGS (Special Minister of State) — No. Two questions ago from Ms Fitzherbert I answered the question to indicate that between now and when we anticipate the school to be completed, which is somewhere around the third or fourth quarter of 2018, which is about two and a half years away from now, I would estimate that the preparation work would take about half of that and the construction work of the new school would take about half of that period of time.

Ms FITZHERBERT (Southern Metropolitan) — Just out of that, did I hear the minister correctly — that the school will open somewhere between the first and third quarter of 2018, or did I mishear him?

Mr JENNINGS (Special Minister of State) — No. The school is to open at the beginning of the school year in 2019, to be completed by the last quarter of 2018.

Ms FITZHERBERT (Southern Metropolitan) — Perhaps I could ask my earlier question more clearly. What I am getting at is: if Parks Victoria is not leaving until the very end of this year, will any work be possible at the site, including the preparation work — the asbestos stuff, looking at what need there is for soil remediation? Will any of that be able to start while the staff are still there?

Mr JENNINGS (Special Minister of State) — Let us go back a couple of questions. A number of staff — 20 full-time and 5 part-time staff — currently work out

of the Parks Victoria office and will need to be relocated. My instincts told me that whilst the staff were there, cautious work could take place around them, and indeed it is the intention for cautious work to be taken around them before they leave. Rather than create a great degree of anxiety for Ms Fitzherbert or the community, or indeed the workers, earlier on in this committee stage, before the dinner break, I volunteered to Ms Fitzherbert what I have been reliably briefed about and continue to be reliably briefed about — that construction will start in the second half of 2016. I would personally like to refine that to indicate the difference between early works — the demolition process, which is construction activity — as distinct from the construction of the new school buildings. That might assist in terms of the clarity that we have been subsequently trying to work our way back through from that time.

Ms FITZHERBERT (Southern Metropolitan) — Where is it that Parks Victoria staff are going to be relocated to permanently, and when might it be ready?

Mr JENNINGS (Special Minister of State) — The reason why, within the time frame that I have outlined, the temporary move has been arranged is because that provides certainty over the works — the preparatory works and the construction phase on-site at the school site. This is the reason why it ended up that it has to be a temporary solution with a temporary move. The reason why the permanent move cannot be delivered within the time frame, up until November or December, with confidence is because there has not been a final determination on the permanent location.

Ms FITZHERBERT (Southern Metropolitan) — Given that this was announced as a pre-election policy in July 2014 and a commitment was made that work would start on this straightaway when the government commenced, why is there still uncertainty about where Parks Victoria staff are to go?

Mr JENNINGS (Special Minister of State) — I think this may be the first government in the history of Victoria or the history of Australia to make commitments that in terms of their implementation may take a little bit longer than what might have been originally envisaged or preferred! The commitment is to deliver this outcome within the term of the government. That is the time frame that the government is determined to deliver on, and that is what will be delivered.

Ms FITZHERBERT (Southern Metropolitan) — If I could take the minister up on that, the commitment was to deliver the school within the first term of

government, and I think what most people who were voting thought that meant was that a school would be opened within this term of government, not that it would be opened in 2019. But be that as it may, I want to ask the minister about costings for relocating Parks Victoria. Can the minister give us any information on what it will cost to temporarily house Parks Victoria? Surely there is some sense of what it will cost to provide it with a permanent home.

Mr JENNINGS (Special Minister of State) — I certainly can confirm that the department of education is responsible for the costing of the Parks Victoria move, but the funding allocation for that I have not had confirmed to me. The total cost of the final move has been allocated \$5 million, which would include the total fit-out and the completion of the task. Within that \$5 million envelope for the establishment of the new Parks Victoria operation, there is a component of that \$5 million that will be allocated to the temporary location, which I am certain by intent will be a smaller envelope within that \$5 million, and for commercial reasons it is preferable not to disclose it.

Ms FITZHERBERT (Southern Metropolitan) — The report that I have had today that has come through the local Leader press says that last night the Minister for Education was talking about an additional million dollars to get Parks Victoria out of the building — that is the phrase that was used to me, not one that I am choosing to use. Is that part of the \$5 million, or is that separate?

Mr JENNINGS (Special Minister of State) — That is included within the \$5 million.

Ms FITZHERBERT (Southern Metropolitan) — Just to clarify: the \$5 million covers very likely two moves and a temporary home for Parks Victoria, but we do not know where, and getting it into its new digs — all done.

Mr JENNINGS (Special Minister of State) — Yes.

Ms FITZHERBERT (Southern Metropolitan) — That money is to come from the education department — is that right?

Mr JENNINGS (Special Minister of State) — Yes.

Ms FITZHERBERT (Southern Metropolitan) — Why is it not coming from environment instead of education?

Mr JENNINGS (Special Minister of State) — I would think that the expectation of the community would be that the appropriation would see the

associated cost with the development of a school being incurred within the appropriation of the education department, so I do not think the community would have a different expectation that that should be the appropriate location for the funding.

Ms FITZHERBERT (Southern Metropolitan) — How much of the \$5 million has been budgeted? What I mean by that is: has education delivered the \$5 million to Parks Victoria already?

Mr JENNINGS (Special Minister of State) — No.

Ms FITZHERBERT (Southern Metropolitan) — So is that something we may expect to see in the next budget?

Mr JENNINGS (Special Minister of State) — No, I would not anticipate that to be the case at all. What I would anticipate is that the \$5 million would actually be paid directly to those who are responsible for the establishment, the relocation, the fit-out and the completion of that project, and those payments, I would assume, would go directly from education to those who undertake that work.

Ms FITZHERBERT (Southern Metropolitan) — There was a suggestion in the documents that I have obtained that the money for the relocation of Parks Victoria was going to come from the Parks and Reserves Trust Account, and it was indicated that an out-of-session expenditure review committee submission was being made as part of the 2016–17 budget. This will, in all likelihood, be funded from the parks and reserves trust. The given amount must be endorsed by the Treasurer, and the majority of funds will be available in the next budget, which I take it means that the remainder will have to come from subsequent budgets. Can the minister shed any light on whether any funds for this are going to come out of the Parks and Reserves Trust Account?

Mr JENNINGS (Special Minister of State) — I am strongly advised that that is not the case.

Ms FITZHERBERT (Southern Metropolitan) — Is the minister able to tell us what the current balance is of the trust account?

Mr JENNINGS (Special Minister of State) — Unsurprisingly I am being advised that, no, I cannot provide the member with that number. I am not quite sure what process would be required to be gone through to extract that number at this time of the day. I will take some advice on that question.

Rather than make up the contemporary number as of today, can I assure the member that the Department of Environment, Land, Water and Planning will in its annual report indicate not only the quantity that is in the fund but also the allocations that are made within it. So the member can be certain that, within the time frame that we are actually talking about for this project, we are confident that at no stage in that annual report will you see an acquittal for this project being drawn down from the fund.

Ms FITZHERBERT (Southern Metropolitan) — So it is \$5 million for Parks Victoria. We also know from the education and training department brief that the Minister for Education was told that it would cost more than \$11.5 million to build the school. Can the minister tell me what the government believes it will cost to build the school?

Mr JENNINGS (Special Minister of State) — Well, I was trying to do a bit of a fast commercial transaction with the people who advise me, but they did not want to prejudice the financial position of the state of Victoria by giving a number that may undermine a potential to drive a hard bargain with those who tender for this project. That is what we will continue to try to secure — the best price for the people of Victoria. I do not really want to give a headline number that may guarantee that we pay up to that, if not exceed it.

Ms FITZHERBERT (Southern Metropolitan) — Can I just confirm, because I am just a bit fuzzy on this, that the old State Bank site is going to be the permanent home for Parks Victoria?

Mr JENNINGS (Special Minister of State) — No, I am not in a position to confirm where the permanent location will be.

Ms FITZHERBERT (Southern Metropolitan) — Last year \$1 million was budgeted for planning for this school — it is on page 29 of budget paper 4. I am just wondering how much of that has been spent to date.

Mr JENNINGS (Special Minister of State) — Within the \$1 million a lot of the issues that we have been discussing up to this stage in the committee are considered to be in the planning phase, in terms of the master plan preparation, some degree of community engagement, the architect, the quantity surveyor and what the appraisal will be in relation to the scope of the remediation practices. All of those issues will be included within the planning phase of the school. We would anticipate that funding through that planning phase will be acquitted by the time that the work, the physical activity, starts to take place in relation to the

early works, the demolition and then the consolidation of the final architectural plans for the site. That will be the point when that \$1 million will be acquitted. We are anticipating that time frame being close to the end of this calendar year. Within that we think probably the majority of that \$1 million allocation will be acquitted from now until the end of this calendar year. Probably somewhere about a quarter of that \$1 million has been spent in terms of the preparation of the work that has been undertaken up until about now.

Ms FITZHERBERT (Southern Metropolitan) — When the government originally committed to this project, it said — and I am quoting from a Labor Party media release from July 2014:

There will be no net loss of open space in the Albert Park reserve for this project ...

Given that this parkland is being changed to education, is that still true?

Mr JENNINGS (Special Minister of State) — Yes, it is true.

Clause agreed to; clauses 2 to 5 agreed to.

Clause 6

Ms FITZHERBERT (Southern Metropolitan) — I have some questions about Orchestra Victoria. Under the original election pledge we were told that Orchestra Victoria would be co-located with the school, that Orchestra Victoria would be moved out while the building work was happening, it would move back in and it would contribute to part of a music curriculum; but evidently that has changed. I first became aware of this when I read it in documents I got under freedom of information. It has never been publicly announced; it has just been sort of quietly lost. Could the minister update us on the status of that campaign pledge?

Mr JENNINGS (Special Minister of State) — I remember a long time ago seeing a Fellini film about an orchestra rehearsal, which was a fascinating film about how disruptive life may be if you actually try to make an orchestra do what it does not want to do. That is something on which the government through the creative industries portfolio and the Department of Education and Training has been working collaboratively with Orchestra Victoria to find a landing place that it will be happy with to maximise the potential for there to be a good outcome for Orchestra Victoria and a good outcome for the school and to actually see what possibilities there may be for Orchestra Victoria to find a happy home. The

Department of Education and Training has been assisting it in that endeavour.

Orchestra Victoria has now expressed to the government a preference for where it may end up, and the government is currently working with it to see what may be again an outcome that may suit the maximum correlation between the original commitment, what Orchestra Victoria's preference may be, its connection to the Australian Ballet and how the permanent home will be located in the neighbourhood. That is a project that both the Department of Education and Training and the creative industries part of the employment portfolio are dealing with to arrive at that outcome.

Ms FITZHERBERT (Southern Metropolitan) — Is there still going to be a music school?

Mr JENNINGS (Special Minister of State) — I think what might be interpreted or described in a way as a music school may be a slight overreach in terms of the involvement of Orchestra Victoria in terms of its permanent location and playing a role to support the music activities of the school. I am sure the government has not deserted its interest in maximising that potential and the synergies that may be created between Orchestra Victoria, the school and the music at the school. That continues to be our policy objective, and we will continue to pursue that with vigour.

Ms FITZHERBERT (Southern Metropolitan) — I am just going to take you to the media release from when this school was announced. The member for Albert Park is quoted as saying:

The primary school will share the site with Orchestra Victoria and they will collaborate on music programs — it's a visionary step and it's the future of education.

Below that in 'Key facts' we read:

A music program will be incorporated into the school's curriculum, developed in partnership with the Australian National Academy of Music and Victorian College of the Arts and Music at the University of Melbourne.

When I read these documents and saw the response that Orchestra Victoria made about co-location it occurred to me that it was never consulted before the election, and I am just wondering whether it was consulted and if you can confirm that. Also, what is happening with the Australian National Academy of Music and the Victorian College of the Arts? Is there any dialogue with those organisations or has the music curriculum idea just gone?

Mr JENNINGS (Special Minister of State) — It could never just go.

An honourable member interjected.

Mr JENNINGS — No, not necessarily. The determination can actually linger. The ability to deliver that desired outcome may actually fall short, and it may fall short because in fact organisationally people may change their mind. People actually may determine that they want a different pathway from what might have been originally indicated or perceived to have been indicated or acted upon. The government has not deserted the intention to have a very healthy music curriculum activity at the school. We will continue to pursue that, and we will work with the partners that are willing participants in that.

Ms FITZHERBERT (Southern Metropolitan) — In the feasibility study, stage 1, that was prepared on the school there is quite a lot of detail on Orchestra Victoria, and it says — and this is reporting to the education department:

Our discussions with ... Orchestra Victoria indicate that whilst they are happy to remain on the site, they have expressed strong views against co-sharing facilities with the school, noting that the goals of their organisation are not aligned with music education.

Given this feedback and the 'operational' constraints observed during our site visit we have assumed any co-location involving Orchestra Victoria will be in a separate purpose-built facility with its own access.

Then there are eight or so operational constraints that I listed earlier in debate, which I am happy to read for the minister again if he wishes. It just seems to me that no-one ever asked Orchestra Victoria before the election whether it wanted to share its premises with the school. After the election, when it has been asked, it has been told, 'We do not want to do that. It is not what we're actually about', and it has been kicked out. Is that not what is happening?

Mr JENNINGS (Special Minister of State) — I think my answer to Ms Fitzherbert's question two questions back did give an indication that Orchestra Victoria has not been the most willing of partners in relation to this enterprise and is reserving its right to get a different outcome. There is no doubt about that. I was not gilding the lily in relation to that; I volunteered it. The best way in which collaborations can occur is in the spirit of goodwill. The government actually wants to pursue the maximum goodwill to achieve a preferable outcome for Orchestra Victoria, to achieve a preferable outcome for the school community and to keep alive the promise of a very strong musical curriculum activity within the school.

Ms FITZHERBERT (Southern Metropolitan) — Why is it then that any reference to a musical school has disappeared from the government's publicity about this site?

Mr JENNINGS (Special Minister of State) — I think the issue is that the messages that actually may be provided in relation to the implementation issues — the consequences of what the member and I have been talking about for the last 5 minutes — may mean that we do not want to perpetuate an expectation in the community that may not be realised and that in fact we contain the clear elements of the proposal that will be easily achieved and some of the more aspirational elements of the work that require a degree of collaboration and integration of those activities. There will be some space and time afforded to try to deliver those outcomes whilst we draw attention to the key milestones and the deliverables of the early works, the demolition and the construction phase. Supported by a master planning arrangement, they are the issues that we have actually drawn attention to, and we will continue to communicate with the community about their input into those matters.

Ms FITZHERBERT (Southern Metropolitan) — Can the minister confirm when Orchestra Victoria is leaving the site and where it is going to?

Mr JENNINGS (Special Minister of State) — Consistent with the answers that I have provided for the last three questions in relation to Orchestra Victoria, they are matters that have not been finally agreed with Orchestra Victoria. It is the government's view that they will be agreed within an appropriate time frame to allow everything else that we have been talking about to occur. I cannot predict the agreement of Orchestra Victoria, although I can say the government is determined to achieve an agreement and a preferred outcome for Orchestra Victoria to allow for the time frames that I have described.

Ms FITZHERBERT (Southern Metropolitan) — So given that Orchestra Victoria needs to leave the site later this year, it needs to go somewhere. Is there any sense of whether it is going to a temporary or a permanent home? One or other of those options has to be in play now if it is to be out of the building within the agreed time frame.

Mr JENNINGS (Special Minister of State) — Sometimes glaciers and tectonic plates shift all of a sudden and actually move quite rapidly. In terms of how it relates to this decision, it may well be that there has not been a lot of movement for some time, and that may turn around very rapidly to enable a permanent

location to be secured to enable an immediate relocation. At this moment it is envisaged that it would be a temporary solution that is found, and the parties — the parties being the Victorian department of education and the creative industries on the government side and Orchestra Victoria — are working to find a level of agreement, and we believe that solutions can be found. If this permanent solution is actually found in a timely way, good and well; otherwise there will be a temporary solution.

Ms FITZHERBERT (Southern Metropolitan) — In the documents I have seen it was revealed that currently Orchestra Victoria pays rent of \$100 000 per year to Parks Victoria. So presumably when they go their separate ways — when the divorce comes through and they leave the marital home — that income will be lost to Parks Victoria. But it was also estimated that if Orchestra Victoria had to go elsewhere and pay commercial rent, it would probably be about, from memory, \$350 000 per year. Is that the minister's understanding of what is going to happen?

Mr JENNINGS (Special Minister of State) — I congratulate Ms Fitzherbert on a good question. Many of them have been good, but this one is a good question. The reason why it is a good question is that the answer needs to be worked through with Orchestra Victoria in terms of the goodwill and the consequences of that goodwill in relation to the final landing place, which may involve some additional construction work. It may actually involve a fit-out; it may actually involve a relationship with the Australian Ballet that may at one level look after itself. It may be that an asset investment is required, which would then mitigate the need for ongoing rental. It may well be that rental is required to be part of the final relocation outcome. So there are two potential solutions here: one is a fit-out that could suit it for all time that may not involve any of those expenses, or there may be some ongoing requirement for ongoing rental in a property where it is a fee-paying tenant. That needs to be addressed in the negotiations between the government and Orchestra Victoria. The issue about the current rent paid by Orchestra Victoria is understood by Parks Victoria to be rental forgone.

Ms FITZHERBERT (Southern Metropolitan) — Can I just clarify the minister's comments about the Australian Ballet, because in the documents I have seen the possibility of Orchestra Victoria moving in with the Australian Ballet was flagged. It was pretty much rejected by the Australian Ballet last year, as I understand it. Is the minister suggesting that it is still in play? I guess my other question comes out of all of this. The documents I have relate back to prior to September last year, when it was unclear where Orchestra Victoria

was going, and it seems that it is still unclear. It has been known from the start that it did not want to stay. Why on earth has it taken so long to sort this out?

Mr JENNINGS (Special Minister of State) — I do not want to add to the degree of agitation or concern either of Orchestra Victoria or the Australian Ballet, or to get in the way of productive conversations between the parties. But the extraordinary proposition is that if Orchestra Victoria sees the Australian Ballet as its parent organisation and it wants to locate with the Australian Ballet and the Australian Ballet says, ‘No. That’s not our preference’, then that is an issue that the Victorian government has to work its way through. These are the types of issues that we need to work our way through.

Ms FITZHERBERT (Southern Metropolitan) — Can I ask then about what sort of budget allocation the government is making to facilitate this move, which was unforeseen in the original project? Which departmental budget is it coming out of? Is it going to come out of education, as with Parks Victoria?

Mr JENNINGS (Special Minister of State) — That final determination will be made on the basis of the permanency of the relocation and of what elements may be contained within it. At the moment the education department will be responsible for a temporary solution. As to a long-term solution, again I have just indicated to the committee that in fact it may warrant some degree of asset investment or capital investment. It may actually warrant some degree of ongoing rent subsidy. Those options will be pursued through a specific proposal that would come to government, and the appropriate way in which that would be addressed will be addressed subsequently.

Ms FITZHERBERT (Southern Metropolitan) — Is the minister ruling out that there will be an allocation in the next budget to resolve Orchestra Victoria’s homeless state?

Mr JENNINGS (Special Minister of State) — I am not ruling it out. Let us be pretty clear about it: whatever the outcome — by design, by agreement — that has been struck between the Victorian government, Orchestra Victoria and wherever it may move to, that arrangement may not be in place prior to the Victorian budget, which will now be released one week earlier than we originally envisaged. The Victorian budget is now only a month away. I would be very surprised if all those elements came together where you would see a budget allocation that would specifically address the issues I have just been describing. In fact there are a variety of ways in which that project and that relocation

could occur, and it should be appropriately funded. What I am saying is that there will be plenty of capacity in the budget for 2016–17 to take account of this issue, and I am confident that it will be accounted for in the fullness of time.

Ms FITZHERBERT (Southern Metropolitan) — So given that the minister does not know where Orchestra Victoria will be going or when, how can he be at all confident that it will actually be out of the building by the end of this year, as he said earlier?

Mr JENNINGS (Special Minister of State) — I am confident on the basis of the advice I have received, on the goodwill that I believe will be found and the determination of the Victorian government to achieve that outcome.

Ms FITZHERBERT (Southern Metropolitan) — Can I just ask about the likely temporary relocation of Orchestra Victoria. The minister said that funds for that would be covered by the education department. Will a budget allocation be made for that? Can the minister tell us how much will be made available for that?

Mr JENNINGS (Special Minister of State) — Again it is a bit like the question I was asked previously in relation to Parks Victoria. There are some issues of trying to protect the commercial interests of the state in relation to what might be our negotiating position in relation to the commercial aspects of it. It would perhaps be unwise for me to pre-empt that in relation to those commercial arrangements. Clearly it is the expectation that they will be acquitted, for temporary relocation within the education portfolio, and then any longer term solution would subsequently be dealt with by further budgetary considerations.

Ms FITZHERBERT (Southern Metropolitan) — On a related issue, is the government considering permanently or temporarily locating Parks Victoria outside Albert Park Reserve? Given that the minister has said it is not clear where it is going, is the government looking at going beyond Albert Park Reserve?

Mr JENNINGS (Special Minister of State) — I am advised that it will be within Albert Park.

Ms FITZHERBERT (Southern Metropolitan) — It appears that the Albert Park master plan has been put on hold while all of these various chess pieces are considered, if not moved. Can the minister confirm that that is the case, and if not, what progress has been made on the Albert Park master plan? You are enjoying this, Gavin.

Mr JENNINGS (Special Minister of State) — Yes, indeed I am. I am learning a degree of detail about this project that perhaps I was not mindful of before I came in — and every aspect of it is fascinating. The issues that come into the master plan for Albert Park more broadly are now taking account of the project that we have been talking about all the way through today's committee stage, but they also include the redevelopment of the Junction Oval, which is a significant moving part. It will not move, but conceptually it is a moving part of the master plan.

There is a background paper and an issues paper that have been circulated on the Parks Victoria website. There have been some conversations with the community, and stakeholders have been invited to participate in conversations that will lead to the master plan. I was given some degree of encouragement that the master plan process we think will be able to run pretty much in parallel after the master plan has been established for the school site within the months of the second half of the year to come to completion, and presumably somewhere around the end of this year the master plan for Albert Park would be completed.

Ms FITZHERBERT (Southern Metropolitan) — I have just a couple more questions. We have been going through quite a complex site. It involves several different departments. Who is actually running it? It seems to me that this is all over the shop and no-one is actually running it. Can the minister contradict me, maybe?

Mr JENNINGS (Special Minister of State) — No, I can collaborate with the member. I think tonight the member and I are running it. Tonight that is what is happening. I think during the course of tonight we certainly have clarified in relation to budget allocations the process in terms of the project management of these various elements. Certainly in relation to the school the Department of Education and Training is running the project. In terms of its consequences for actually securing the site to deal with the immediate relocation of entities, whether they be Parks Victoria or Orchestra Victoria, it is the Department of Education and Training that is the project manager of these issues.

How this then relates to the ongoing and permanent outcome for Parks Victoria is that when Parks Victoria is relocated permanently it will then be responsible for that outcome. In relation to Orchestra Victoria when its outcome is finally determined by agreement, it will not be the Department of Education and Training that will maintain an enduring commitment to Orchestra Victoria. If there is a solution to be found by the state of Victoria, it will be found elsewhere within government.

In relation to the master plan for Albert Park, clearly that is the responsibility of Parks Victoria, and it will lead to the outcome of that particular aspect of the range of issues the member has discussed.

Ms FITZHERBERT (Southern Metropolitan) — Parks Victoria land is currently exempt from the congestion levy until 30 June 2016, and Orchestra Victoria is also under that exemption. Will the government extend the exemption to the congestion levy for the remainder of its tenure — that is, until the end of the year — or will Parks Victoria and Orchestra Victoria be charged from 1 July?

Mr JENNINGS (Special Minister of State) — I have been advised that the exemption is in place until October and that currently there are discussions being undertaken with the relevant departments — education, environment and Treasury — in relation to what relief may be appropriate if there has not been an outcome secured for Orchestra Victoria by that period of time to make sure that there is no further disadvantage to it.

Ms FITZHERBERT (Southern Metropolitan) — I just want to ask about noise considerations, which have been part of the feasibility study for this school, in relation to the grand prix. Is it because of having to deal with noise considerations and what I know are discussions with the Australian Grand Prix Corporation? Have they also contributed to the delay of this school?

Mr JENNINGS (Special Minister of State) — I do not believe so, but as somebody who lives in the neighbourhood can I say to the member that in the 21 years — —

Honourable members interjecting.

Mr JENNINGS — I have made it pretty clear in this chamber on any number of occasions that I live in St Kilda. I have lived so for the whole duration of the grand prix experience at Albert Park, and this was the quietest grand prix by a long way in the 21-year history of this event. The noise control mechanisms that were in play this year far exceed what has ever been achieved previously, much to the improved amenity of those who live in the adjacent areas, and I would think it would be a hallmark of a positive future for the event.

Ms FITZHERBERT (Southern Metropolitan) — I am glad the minister is less troubled by the noise of the grand prix at home than he used to be, but that is really not what my question was looking for. Within the — —

Mr Jennings — It was a bit of a cheeky question.

Ms FITZHERBERT — It is quite a reasonable question; it is not at all cheeky. In the documentation I have seen in the feasibility study that has been done there is quite a long section about noise considerations. When my FOI application was under consideration the grand prix corporation was consulted about my request, and it thought it was a very bad idea for anything about that to be made public, but I am sure there is something in that that the minister would be willing and able to share with us. It is a very real concern that members of his community and mine have raised about the school being in that location. I ask again: is there anything to do with noise considerations or otherwise accommodating the grand prix in the same area that has held up the development of this school?

Mr JENNINGS (Special Minister of State) — The reason why I used shorthand inappropriately through my interjection of ‘It was a cheeky question’ was that there is no indication why those matters would have delayed the planning and the implementation of this — none at all. But the issue of noise is a legitimate issue in my view, and a relevant issue, and I responded to the impact of the race, its preparation and its running on the amenity and wellbeing of the neighbourhood. So I believe my answer was apposite to what are the circumstances of the race being held in that vicinity and the noise attenuation that has finally occurred and been brought to bear at the grand prix. I think that is a good thing, and I think the school community may be happy about the outcome. I do not see that the issue has played a role in delaying where we have got to in the planning regime for the project.

Clause agreed to; clauses 7 to 25 agreed to; schedule 1 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

RULINGS BY THE CHAIR

Questions without notice written responses

The DEPUTY PRESIDENT — Order! Before I call Mr Davis, I will give an update to the house in relation to the matter that he raised in question time earlier today in regard to the elevated rail proposal. I had an opportunity to review *Hansard* this afternoon. In relation to the substantive question whether there will

be, and I quote, ‘a full environment effects statement’, Minister Jennings was apposite in his response to the question by confirming the government’s planning and environmental obligations. In relation to the supplementary question about ‘what submission process will be available to the community’, I believe that Mr Jennings stated that the mechanics of such a process are the responsibility of another minister.

BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015

Second reading

Debate resumed from 11 February; motion of Ms PULFORD (Minister for Agriculture).

Mr DAVIS (Southern Metropolitan) — The Building Legislation Amendment (Consumer Protection) Bill 2015 is a bill brought to this house by the government a long period after it came into government. It is a bill that is based in some measure on the bill that was in the Parliament in 2014 — one of many bills that was dicked around, to pick a phrase, by the previous opposition in the Legislative Assembly. It was held up, along with a long list of other bills, by game playing in the Assembly. Some of the worthy parts of this bill are in fact taken from that earlier bill that Matthew Guy, now in the Legislative Assembly and then the Minister for Planning, had had introduced into the Legislative Assembly.

There is a need to improve the regulation of our building industry. Our building industry is one of our largest industries. It obviously provides accommodation for all of the population, whether that be flats, apartments, houses or whatever type of accommodation is provided, but it is also a major employer in the community, providing significant work for more than 200 000 Victorians — likely the state’s second largest provider of full-time jobs. It is an important industry that needs proper regulation.

It is an industry that is important also because of the consumer interface. When a new home is built for a family or individual, the consumer obviously puts significant resources into it. In most cases it is the largest purchase that people and families make, and in doing so they need sufficient protections and arrangements in place to guarantee that their investments are made in a safe way, that the requirements that they have in terms of quality are met and that they are not left without sufficient support when those matters go astray, as they sometimes do.

What is clear is that there is need for reform of regulation of these consumer protection issues in the building industry. It is also important, I think, to put on the record that there have been a number of investigations by the Victorian Auditor-General's Office, and there have been other investigations as well on a whole series of issues around the proper regulation of the building industry. Mr Guy spent considerable time reforming the Victorian Building Authority and seeking to put it on a firm footing, including by making changes in personnel and in some administrative structures to put in place a better system, providing higher levels of assurance for consumers.

That is not to say that there is not still a great deal more to do, and this bill does address some of these issues, although there are many that it does not address. I have points to make about deficiencies and questions about the operations of this bill when it becomes an act. I put on record at the start that the opposition will not oppose this bill, but we will seek some information and clarification on a number of points in the committee stage. I have consulted widely on this bill with a number of building specialist groups, consumer representatives, surveyors and some of the major organisations, like the Master Builders Association (MBA) and the Housing Industry Association.

The bill does a number of things, and I will seek to summarise these relatively succinctly, given the hour. It establishes a new conciliation framework for domestic building disputes that will see the establishment of Domestic Building Dispute Resolution Victoria and gives parties to particular disputes greater incentives to resolve disputes earlier and more cost effectively. It will enable, it claims, the issuing of dispute resolution orders to domestic builders and consumers as a means of resolving matters in contention in domestic building disputes. These orders are set to require rectification of defective work and the payment of money. The bill will also require builders to give information to consumers about domestic building before entering into major domestic building contracts.

I should say about the conciliation that I have no objection in principle to the conciliation, but it is one of those occasions where the implementation of this will be critical. The opposition expresses the concern that if the right people are not appointed to senior conciliation positions, we will not get the outcome I think all desire, which is swift and speedy dispute resolution at low cost with fair outcomes. If there is a hint that the conciliators carry a bias or a level of favouritism to either party, that will in my view quickly become fatal to the effectiveness of conciliation of this type. It is possible for these sorts of services to work, but it is very much a

matter of the tone that is set and the minister being determined to ensure that a totally even-handed and fair system does operate. I think this requires a very clear set of statements from government to the bureaucracy to make sure that it does in fact operate in that way.

I do not think that you need to be of great knowledge in the world to know that in these sorts of disputes there are people with legitimate points. There are people who have very strong views, and many of us as members of Parliament have had significant correspondence from people who have legitimate points and longstanding disputes. But these disputes are often seen from different perspectives, and you do, on some occasions as a dispute settler or a conciliator or another adjudicator, to use a broader word, need to have the wisdom of Solomon to solve some of these challenges. Equally there are glaring cases where works have not been done in the right way and people and families have been left in difficult positions, and in such cases orders or decisions would have assisted.

There are equally difficult consumers who have made life impossible or unbearable for builders, and builders who by and large do the right thing and seek to get good-quality outcomes are of course at some risk. Many are small firms that do not have large reserves or liquidity and in themselves are often quite vulnerable to long and complex disputes which can put them and any employees they have at risk. Therefore I am not pretending for a moment that the decisions that have to be made in these situations are easy or straightforward or do not carry some inherently significant challenges.

In terms of the requirement that builders give information to consumers about domestic building before entering into major disputes, there is a strong case for the provision of greater information. I think there is still significant work to be done in this area. The bill goes a certain distance, but ultimately there is more opportunity for further steps in terms of more information that puts the contracts on a firmer and clearer footing from the start and makes it clear to consumers precisely what they are getting into but also lays out the obligations both on consumers and particularly on builders.

The bill will impose stronger registration requirements, introducing time-limited registration and enabling the regulations to specify in greater detail what a particular class of registration authorises that person to do. It will impose greater restrictions on the carrying out of domestic building work unless a builder is registered in a category or a class of registration that authorises that particular type of work. I might add that the mere existence of time-limited registration does not in and of

itself mean very much. Will it in fact lead to better outcomes? That, I think, will be known in the fullness of time, but there are many examples around the countryside of registration arrangements that are time limited that do not necessarily deliver the outcomes that you would seek. In terms of continuing education many of the same points can be made.

The bill also enables the Victorian Building Authority (VBA) to issue a series of show-cause notices to a registered building practitioner if the VBA reasonably believes a ground exists for taking disciplinary action. Applicants who are dissatisfied with the outcome of such a process can of course either seek an internal review first or resort to administrative law at the Victorian Civil and Administrative Tribunal. It is important to note that the Building Practitioners Board will be abolished and that the functions exercised by that board will be transferred to the VBA.

Let us be quite clear here: the VBA is a body with a deeply chequered history. I am not pointing the finger at anyone here; I am just stating what is a matter of bald fact — that no-one should believe that that body will easily meet the challenges and capacity targets that are required in this arrangement. It is not clear to me at all that the VBA is necessarily up to these tasks. That is not to reflect on some of the senior management who do have capability, but there are real questions as to whether it will in fact deliver as people would seek that it delivers through this process.

The bill strengthens powers to give directions with respect to building work and to ensure various orders made by building surveyors and the VBA can be exercised more appropriately. It introduces a range of measures to ensure owner-builders are appropriately qualified to build homes and that unregistered builders cannot use owner-builder status to avoid registration. This is a vexed area because, as I understand, the view of the building organisations is that they make a cogent case that there is some level of avoidance of the proper arrangements and that deregistered builders and others who ought not to be undertaking owner-builder activity in fact do undertake owner-builder activity.

Equally I think none of us would want to see genuine owner-builders restricted unnecessarily. There are people — and I have family members and friends — who have devoted significant enthusiasm in life, beyond the mere physicality of the building process, for whom this becomes a labour of love in the true sense of the words. They are very much engaged in the process of building their home, which is of great significance, and putting excessive restrictions in the way of owner-builders carries some risk. I note there are

concerns that the five-year restriction may be too onerous, because there are people who legitimately would want to undertake another owner-builder operation within that period. There are divorces, the death of a partner and all manner of circumstances that may see somebody wishing to be an owner-builder quite legitimately within a period of less than five years, and I think there needs to be some sensitivity to the approach that is adopted by the regulatory authorities in this regard.

The Greens I think have a significant amendment here. Ms Dunn will move her amendment, which she has foreshadowed to members of the chamber in recent days, and I will await her discussion on this matter. The coalition has the view that there is some merit in it. We also have a couple of concerns which we will talk through in the committee stage. But I think the points she makes do have some merit. I also note some concerns expressed to me by a number of the building organisations.

The bill also establishes a power for the VBA to appoint a manager of a private building surveying business where the private building surveyor has ceased to function and has failed to make alternative arrangements. This change is reasonable and is supported. For example, a manager may be appointed where a surveyor has died, been suspended or become insolvent. The focus needs to be on ensuring that the consumer gets the outcome that is required.

There are also changes in the bill for surveyors more generally and bans on allowing builders to appoint surveyors. Consumers are required to directly appoint surveyors. That states what is partially the case now in the sense that surveyors are meant to operate on behalf of the consumer. The bill appears to make it somewhat clearer, but whether it will operate in that way is unclear and we will see as the legislation is actually implemented. The relevant building surveyor is not able to be appointed by the builder. The bill prohibits the building surveyor from accepting an appointment in that way.

I do note that I have had considerable discussion with building surveyors, and I will say more about a number of their issues in the committee stage as well. I think that we have to be careful. In many respects there are strengths to the building surveyor system in Victoria that we can easily put at risk. The issues around insurance for surveyors are indeed significant and growing. We need to make sure that costs are not loaded onto the surveyor when in fact many areas of responsibility lie more naturally with the builder.

The Building Legislation Amendment (Consumer Protection) Bill 2015 does include significant aspects of the previous bill. The issues around our building system are significant, and we have heard a lot of discussion recently about the quality of materials coming into the country, about the need for national building codes to properly reflect the standards that we would expect and also about the reliability of information associated with particular products. I look forward to more public statements in this regard by relevant building ministers nationally, because in part this is a national problem, but in the end it is an area where we may need to take a greater role ourselves. We have obviously seen the example of the Lacrosse fire and a number of other significant situations where the quality of the product has not matched its description.

The Master Builders Association has had a significant amount to say about this bill. It does express a number of concerns, and I want to draw these to the house's attention. The dual regulator approach of Consumer Affairs Victoria and the VBA does add additional layers of confusion and potentially significant costs, and I think that unless there are clear memorandums of understanding that lay out some of these matters, there is a risk of this becoming more confusing and complex. It will be a matter of building confidence in the dispute resolution process. If there is not a high level of confidence, it is completely possible for such an alternative dispute resolution or conciliation process to fail and actually add another layer of cost and delay into the system. I stand open to seeing the process work, but I also stand wary to watch, because what I do not want to see happen is this additional layer of cost and regulatory burden laid on without the concomitant advantages.

The MBA also points to issues around the code of conduct which enables the VBA to prepare and approve a code of conduct in consultation with any prescribed organisation representing building practitioners or alternatively approve a code of conduct prepared or submitted by an organisation representing building practitioners. It says:

Whilst we are pleased with the consultation mechanism, this does give the regulator a power to make law, which is concerning.

The appointment of surveyors is a matter which was raised by builders as a concern, but we will see how that actually plays out. They point also to the requirement for builders to re-register every five years. They of course want greater levels of regulation in terms of builders and building practitioners of all types, but they tend to be more concerned about the discretionary decision-making and the resource levels

at the VBA at specified renewal periods. This will be an administrative burden for the VBA, and I am interested to know how the government seeks the funding for that. Will this be a cost recovery operation — that is, funded through the extraction of more fees from the industry? I will seek some indication of that in the committee stage.

I also think that there are some real issues around the resources that come from the building levy. My information is that the quantum of the building levy is in the order of \$18 million, and I will seek in committee some clarity on the split of that money formally between Consumer Affairs Victoria and the VBA. I will want to hear from the minister exactly how that is to operate.

I am also, as I said, very aware of the position of consumers and seek to support them, and I note the significant number of consumers who have had poor experiences. I think it is just simply wrong to dismiss the large number of consumers. There are clear problems in the system, and I am not sure that in fact this bill gets to all of them. It does some things around the edge. The conciliation process may help, but let us wait and see. I think there is much more that is not actually tackled by this bill.

The position of owner-builders is also something I do want to say something further about. Phil Graf, the manager of Australian Owner Builders, has written to me and provided information. The owner-builders express significant concerns about whether in fact this will lead to the outcomes that are required. I think there is a risk, which is pointed to by groups of owner-builders, a number of builders themselves and many consumers, that where the costs, the complexity and the restrictions around becoming an owner-builder build up to a great level there is a natural tendency for some people, against the law, to turn into do-it-yourself builders, and a lot of works may happen without the proper registrations and the proper arrangements in place.

I think this will be one of the specific challenges that will arise with this bill. It is one thing for the Parliament to legislate; it is quite another for it to actually ensure that what is legislated for happens in a structured and proper way on the ground. Too much regulation and too restrictive regulation can actually see things go underground, and we all get a poorer outcome. So this, in a sense, is a warning to government that it needs to follow this very closely.

I am also, as I said, in receipt of communication from a lot of consumers. I do not want to suggest in any way

that I could cover the field today and I simply am not going to seek to. I am going to quote one person, Steve Harrison, who I think laid out cogently some of the problems. He laid out the problems with the legislation and the current situation first, but I think his view and the view of many in the consumer movement with respect to building is that this bill will not achieve its objective. It will not put consumers in the position that they need to be in. It will not put consumers in a position where they have confidence. Many consumers who come to MPs, particularly to shadow planning ministers, I might say, do not have confidence in the VBA. They did not have confidence in the precursor organisations either. I think this bill does not do that much to change the basis of their lack of confidence.

The building surveyors make many interesting points. I am in receipt of a lot of communication from them. They point to the need for greater professional standards. This is an area of significant reform. I think the Australian Institute of Building Surveyors is a good advocacy body that has sought to put a number of these things on a better and more professional footing at every turn. The truth of the matter in Victoria is that building surveyors carry a big load and have statutory responsibilities. They are required to act in certain ways. They do need to have that responsibility sharpened and reinforced. I think more can be done to lift the professionalism of surveyors in that way, and that would be for the good of the system overall.

The transfer of consumer functions to Consumer Affairs Victoria is a point of some wariness for many, and we will see how that works. I am not going to go into all of the insurance issues tonight, but we have last resort insurance, as the community knows and often complains about. There is of course a legitimate point that people are making here. They have paid insurance which is not claimable for most incidents, most defects and most problems. It is only genuinely there for those extreme occasions when a person dies, a builder is struck off or some other matter of that type. I think we need to get a better system there, and it is for government to come back with a way forward. Consumers do have legitimate points.

I think industry also has legitimate points. Some of us remember the old Housing Guarantee Fund, how it operated many years ago and the costs that it built into the system, often with very non-substantial outcomes for consumers. We have got to be very careful in striking that balance. As I have said, the opposition will not oppose this bill. We will seek clarification of a whole series of matters in committee.

Ms DUNN (Eastern Metropolitan) — I rise to speak on the Building Legislation Amendment (Consumer Protection) Bill 2015. Certainly the Greens support the bill and its intent. We believe that these are sensible amendments and reforms in this area. The bill responds to a couple of reports, including one from the Victorian Auditor-General's Office (VAGO) from May 2015, which reported on Victoria's consumer protection framework for building construction and which once again criticised the current system for providing inadequate protection for consumers. The bill also responds to VAGO's report, as well as to earlier reports, including a report by the Victorian Ombudsman in 2012.

The bill covers a range of areas. Firstly, for the dispute resolution of domestic building work disputes there is a new process for conciliation and resolution of disputes — Domestic Building Dispute Resolution Victoria. It is headed by the chief dispute resolution officer and supported by conciliators and technical assessors. Conciliation will be mandatory before an application to the Victorian Civil and Administrative Tribunal (VCAT) or to a court. The bill provides for reduced costs for consumers and builders and for reduced stress in relation to these matters. It provides for dispute resolution orders to require rectification of defective or incomplete work, payments to builders and payments into trust funds pending the completion or rectification of work. The bill also provides for the establishment of a trust fund.

In extreme cases where work is poor and it is not reasonable to allow the builder to attempt rectification, an order could be used to compel the builder to pay for the rectification by an alternate builder. Where a party refuses to participate, the bill also provides for the dispute to still be considered. If an assessor is appointed and a dispute resolution order is issued, the party that does not participate will be liable for costs in the preparation of the report. If they apply to VCAT for review and are unsuccessful, costs will be awarded against them.

The bill also turns to the matter of the regulation of builders. The bill abolishes the Building Practitioners Board and transfers the board's registration and disciplinary functions to the Victorian Building Authority (VBA). It also strengthens the regulatory powers of the authority, and the authority will be given new powers to direct builders to fix non-compliant or defective building works.

The bill goes to the registration of building practitioners, improving registration standards, including the renewal of time-limited registrations.

Practitioners will now be required to seek a renewal of registration within five years and will need to demonstrate ongoing competency through, for example, having complied with any prescribed continuing professional development requirements. The bill therefore allows the authority to attach conditions to registration. This will make the registration system more capable of reflecting the particular competencies of different building practitioners and address the VAGO findings. Further, to make it clearer to consumers and practitioners what work a person is qualified to perform the bill also provides for the scope of works for registration categories and classes to be prescribed.

Finally, the bill replaces the current good character test with a broader fit and proper person test. Professional standards will be reinforced through new codes of conduct for building practitioners, although we do note that they are not prescribed in legislation. A practitioner will have the ability to seek an internal review of registration decisions by the authority, along with the right to appeal at VCAT.

The bill looks to disciplinary processes and sanctions, delivers more timely outcomes and gives consumers greater certainty. The most significant change is the introduction of a more efficient show-cause disciplinary process. Under the new process, if the authority reasonably believes after investigation that there are grounds for disciplinary action, it will be able to require the registered building practitioner to show cause why a disciplinary sanction should not be imposed. Practitioner rights will be safeguarded because practitioners will be able to seek an internal review of disciplinary decisions by the authority, followed by a review at VCAT.

The bill introduces more effective disciplinary sanctions, including the power for the authority to impose a condition on a registration, to suspend a registration or to partially suspend a registration. The grounds for disciplinary action will be expanded and made clearer to take into account the new dispute resolution system and to ensure that practitioners will be held to account if they do the wrong thing. This means that, in addition to the current grounds that an immediate suspension is in the public interest, a practitioner will no longer be able to practise if they are bankrupt or insolvent; if they have contravened a prescribed provision of the Building Act 1993, the Domestic Building Contracts Act 1995 or a prescribed law; if they have been convicted of an indictable offence involving fraud, dishonesty, drug trafficking or violence; if they have not paid a required amount; or if

they are no longer being covered by the required insurance.

The bill goes to building surveyors as well. It addresses the potential for conflict of interest for building surveyors — this was identified in the VAGO report — and prohibits builders from appointing a relevant building surveyor on behalf of the owner in relation to domestic building work. It therefore keeps at arm's length the relationship between building surveyors, builders and the consumer of those works. The authority and building surveyors will be given stronger powers to direct builders to fix defective work. An authorised person or performance auditor from the authority will have the same power to issue directions under this section as the relevant building surveyor. There have been instances where domestic building consumers have been left without domestic building insurance cover because the identity of the builder who was party to the domestic building contract and the builder who was named on the certificate of insurance differ. The existing requirement on a building surveyor to check if there is insurance coverage, because the parties to the contract and certificate of insurance are the same, will be tightened.

There are other improvements, including that each building practitioner in the chain must ensure that the building work they are engaged to perform is compliant and covered by a building permit. The bill also goes to strengthen regulation of owner-builders, which I will talk to a bit further down the line in my contribution. The bill addresses some of the anomalies with owner-builders and gives the authority the same performance audit power and power to direct owner-builder sites as it does for other building work.

In summary, looking at the bill, it improves information for consumers because consumers will have to be provided with the information by builders before entering into a contract. It provides for better conciliation of domestic building disputes, which will be done through the new body, Domestic Building Dispute Resolution Victoria. That will include conciliation and informal extrajudicial mediation-type processes. It will be mandatory, and it will minimise costs and stress for all parties. It provides for better dispute resolution of domestic building disputes. Dispute resolution orders can be made to require the completion of unfinished work, the fixing of substandard work and payments to builders and payments to trust funds until completion of work, and if a party refuses to cooperate, a dispute can still be dealt with and costs made payable by a non-participating party.

The bill contains better registration requirements in that the registration of builders will be strengthened. There is an introduction of time limits, a provision of categories of registration to reflect the competencies of builders, professional standards through new codes, and strengthened restrictions. It provides for better disciplinary action, better consumer certainty, power to introduce conditions or suspensions on registration, accountability for breaches and immediate suspensions of practice if it is in the public interest, and of course I have mentioned there are several grounds around that.

Of course there are also a raft of other measures, including improved governance addressing conflicts of interest within building surveyors — —

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Ms DUNN — Picking up where I left off, the other measures it provides for include compliance with building permits, assurance for consumers as to the qualifications of builders and improved building standards, among others.

I particularly want to turn to the matter of owner-builders. When the Greens examined the bill it seemed the government's main purpose for tightening up the owner-builder laws was to stop disreputable builders, including builders who deregister as a result of this bill, from using owner-builder laws as a loophole to keep their businesses going when they are not fit to be in the building business. We certainly support that aim. The secondary purpose is to bring Victoria's owner-builder laws into line with those in other states and make sure that subsequent purchasers of owner-built houses can be confident that the quality and standard are as good as for any other house. The Greens also support that aim.

Mr Davis, in his contribution, mentioned correspondence from Phil Graf of Australian Owner Builders highlighting concerns about unintended consequences of the legislation. Certainly those matters I will explore further in the committee of the whole, or perhaps the minister can include those matters in his address-in-reply to this bill. I have given the minister the courtesy of some advance notice of the theme of my questions, because I want to make sure the minister has the information available to give me some detailed answers, including, I hope, some information about how the government intends to assist owner-builders, which of course we know is on the public record via *Hansard*.

Phil Graf from Australian Owner Builders says that people want to owner-build for a range of reasons. One is that it saves them money, and another is they want to make something individual or unique or high quality which is not available through what I will describe as cookie-cutter building companies and their product, and it is their dream to do so. I know of a particular instance of a person who became an owner-builder because in relation to their kitchen fit-out they wanted to use all recycled timber products. They simply could not find a builder who was prepared to do that in their case, so they became an owner-builder and sought out a cabinet-maker eventually who was prepared to do that cabinetry work for them. If that option had not been available to them, those people could not have achieved their dream and got the kitchen that they wanted from recycled timber, because it simply was not available as an off-the-shelf option for them.

People want to owner-build because they can owner-build. An ordinary person who puts in the time and effort can do it. They can be the project manager and contract qualified tradespeople for everything that they cannot do themselves. If this legislation takes away the cost saving of being an owner-builder, if it takes away their ability to choose their preferred tradesperson for the job, if they have to do a building course that includes information that is not relevant to their project or if they cannot get two owner-builder permits within five years in legitimate circumstances, it might tend to drive some people to operate outside owner-builder laws, and the Greens certainly would not want to see that.

Mr Graf fears that this will especially happen for renovation works that will not show on the outside of the building, and those are the sorts of things like kitchen or bathroom renovations or knocking out internal walls. If that happens, it will undermine the government's purpose, which we support, of providing greater certainty of the quality of owner-built work.

We should be encouraging people to do their owner-building by the book because of the greater certainty for future owners of the property, and we want to raise the standing of building generally. If an owner-builder receives a certificate of consent for the works, every other consumer protection kicks in. When the work is inspected they receive a certificate of final inspection. If the owner-builder sells the property or the dwelling within six-and-a-half years, a defects report is created by a prescribed practitioner. The report must be less than six months old and must be provided to the homebuyer. If the owner-builder sells the place within six years, the owner-builder must also obtain domestic

building insurance covering the work and providing the homebuyer with a certificate of insurance.

There are also additional assurances for the homebuyer that are included in the bill, including making the details of the register available online and providing greater oversight. If the owner-building is driven underground, we lose all those really important protections.

The Greens are proposing amendments to retain all of the measures that are aimed at closing the loophole for disreputable builders, but the amendments create an exception to let an owner-builder do their work legitimately.

Greens amendments circulated by Ms DUNN (Eastern Metropolitan) pursuant to standing orders.

Ms DUNN — The amendments turn to the issues of the longer waiting periods and expiry of certificates of consent. Currently, in terms of the waiting period, an applicant cannot get a certificate of consent if the applicant has had a building permit as an owner-builder on any land they own or co-own in the last three years. However, the certificate of consent lasts for three years, so the owner can do multiple tranches of work, including holding more than one building permit during a three-year period. Then they have to wait for three years after their last building permit expires before they can get a fresh certificate of consent for this property or any other property they own or co-own.

In relation to this bill, it proposes via clause 30(2) that the waiting period be extended to five years. Clause 31 would make a certificate of consent expire at the end of the prescribed period, which is either 12 months, unless otherwise prescribed, or on the date that any building permit lapses, if one is issued. The effect is that an owner-builder can only undertake one tranche of work on their own dwelling every five years, which makes the more stringent and expensive application process less cost and time effective. The effect in the community will be that owner-building will either be drawn to a halt or be driven underground, and we simply do not want to see that type of building being driven underground.

The intention of the government reform is to crack down on disreputable builders using owner-builder laws as a loophole — for example, building or renovating a home they own but do not live in and selling it, or even forming a consortium that co-owns multiple properties and applies for certificates of consent for renovations in different names during a three-year period. What is intended should be effective

in stopping that loophole; however, the unintended consequence is that a genuine owner-builder who wants to work on their own home will have to wait five years after, say, underpinning some brick walls and repairing the floors before he or she can get a certificate of consent to maybe look at the bathroom or look at the kitchen — whatever their desire is next in terms of their owner-builder home renovations.

In relation to the amendment, it seeks to insert an exemption for owner-builders, and it does that by adding two subparagraphs to proposed paragraph (e) of section 25E(1), which is set out under clause 30(2) of the bill. The additional subparagraph (i) relates to the dwelling on the land to which the application relates. That same addition is mirrored in proposed paragraph (f). That amendment is seeking to create an exception from the five-year rule if the building permits issued to the applicant owner within the previous five years relate to the dwelling on the land to which the application relates. So it has to be related to that particular dwelling — that specific house that the works are attached to. It also captures any class 10 buildings that might be ancillary to that dwelling, and those class 10 buildings are the likes of fences, sheds and those sorts of things.

In relation to any potential concerns about whether that would be extended beyond just the dwelling where the works are happening, in the case of, say, a subdivision which might create multiple dwellings on a site, neither the bill nor this amendment that I am proposing will alter the contents of section 25E, which provides that the authority can only issue a certificate of consent — and I quote from section 25E(1)(c):

... in relation to, or ancillary to, a single dwelling; and

(d) the applicant resides and will continue to reside, or intends to reside, in the dwelling ...

So this rules out multiple buildings on a subdivision. It is really important that the amendment refers to ‘the dwelling on the land to which the application relates’, so there can only be one owner-built dwelling per application.

In terms of the questions that it would be good to see the minister address in his reply, we are interested that clause 28 provides for the need to get a certificate of consent, which is essentially an owner-builder permit.

We note that the bill suggests that it looks to projects that cost more than \$16 000 as opposed to the current level of \$12 000. We think it is reasonable to amend that to \$16 000 in response to inflation and to counterbalance the other reforms that make it harder to

get a certificate, but we do have concerns that under the current rules we might see people split their projects into sections that are less than \$16 000 to avoid the need to apply for a certificate of consent because of the proposed more onerous conditions on owner-builders.

Clause 28 provides that owner-builders cannot contract out a major domestic building project unless the person they contract out to is a builder registered under part 11. A major domestic building project is defined by the Domestic Building Contracts Act 1995 as having a contract price of more than \$5000. We know that owner-builders often contract unqualified people to do specific work — it might be works like landscaping, tiling, roofing, carpentry or concrete slab construction, for example. They must also contract in some elements like the licensed trades — licensed plumbers and electricians.

We are wondering whether each of those tradespeople need to be registered builders under part 11 if the contract price is above \$5000, and we are also wondering about an owner-builder being able to pay someone either an hourly or a daily rate to work on their team, perhaps as a labourer — so not as a trades person per se. Could that person work, without being a registered builder, as part of that construction team? We would like to know whether the same rule applies to registered builders when they are contracted to build a home that is contracted in the usual way, not by an owner-builder. In relation to that, does each person on a registered builder's work team have to be registered under part 11? Does each contractor brought in by a registered builder have to be registered under part 11?

When we look at the VBA website, we note that there are a number of different types of contractors who are registered builders in Victoria. As it stands at the moment there are 9 reblockers, 35 structural landscapers, 9 underpinners, 27 earthworks and excavation trades, 79 bricklayers and no tilers. What we are wondering is: if a qualified tradesperson, like a tiler, wants to be registered under part 11 so they can continue to work under the new regime, what will he or she have to do? Will there be separate limited categories of registration for individual trades so they do not have to go through all the same education and financial hoops as general builders? If so, how will that work — for example, a tiler? What would it cost to do each of those elements — compulsory education, registration fees, insurance and continuing education? Does the government have any estimates of how many tradespeople intend to step up their registration?

We are also interested in knowing if the government will commit to some transitional provisions so that

owner-builder contract work by qualified tradespeople who have not registered under part 11 does not fall in a heap on the commencement date of 1 July, and if so, what will those transitional provisions be? We are also wondering whether there will be any exceptions where owner-builders want to contract in specialist work of a type that is not done by any builder that is registered under part 2 or where that specialist skill is not available in their local area.

In relation to clauses 29, 30, 31 and 33, which all go to the term 'prescribed knowledge', instead of what happens now, which is that an applicant for a certificate of consent signs a declaration that they have read the statement of duties, the authority will need to be satisfied that the applicant has the prescribed knowledge of the duties and responsibilities of an owner-builder. Is it reasonable to allow the authority to consider the applicant's ability to undertake the task? They are currently not able to do so. Our concern is that it could be too onerous and too expensive and could drive the works underground.

I am sure there will be plenty of opportunities to explore in the committee of the whole matters that are not covered by the minister and also to explore further the Greens amendments. In summing up, this bill introduces a number of measures designed to strengthen protection for consumers and the provision of information to consumers, and to provide for the application of building standards, builders' registration and dispute resolution, and the Greens support this bill.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank all the members for their contributions and look forward to canvassing a range of options with them in the committee stage, taking their questions and providing the answers as best we can to all of them. The government would like to acknowledge that there are longstanding flaws in the Victorian building system, as particularly identified by the Victorian Auditor-General in May last year. We need to act now to protect consumers as we know that when things go wrong the system is failing the community.

We are establishing the domestic building dispute resolution service, where conciliation will be mandatory before an application can be made to the Victorian Civil and Administrative Tribunal or a court. Dispute resolution orders can be issued to require rectification of defective or incomplete work. This service will be funded from the Domestic Builders Fund administered by Consumer Affairs Victoria.

Furthermore, the Building Practitioners Board will be abolished. It is currently responsible for registration and discipline of builders but has been criticised by both the Auditor-General and the Ombudsman. Its functions will be transferred to the Victorian Building Authority (VBA) to centralise regulatory powers. The VBA will also be given new powers to direct builders to fix non-compliant or defective building work.

The bill also allows for improved registration standards. Builders will now be required to seek renewal of their registration within five years and will need to demonstrate ongoing competency. The bill also allows the VBA to attach conditions to registration to restrict what work a builder can perform. Professional standards will be reinforced through new codes of conduct.

A disciplinary system that gives greater certainty was needed and a more efficient show-cause process will be introduced. If the VBA believes after investigation that there are grounds for disciplinary action, it will be able to require a builder to show cause why a sanction should not be imposed. New grounds for immediate suspension will also be specified. The bill will ban a builder from appointing the relevant building surveyor on behalf of the owner in relation to domestic work.

Consumers will be given more information early in a project to assist them to make better decisions. The builder will be required to give the consumer an information sheet setting out the roles and responsibilities of each party to the building project, including the consumer, builder and surveyor. The VBA and surveyors will also be given stronger powers to direct builders to fix defective work.

Each practitioner in the chain must ensure that the building work is covered by a building permit, an issue highlighted following the investigation into the tragic deaths from the wall collapse in Swanston Street. It was apparent through this investigation that within the current system those who control the carrying out of building work do not effectively oversee compliance with regulatory requirements. A new provision will prohibit an owner of land from permitting any building work to be carried out which requires a building permit unless one has been issued and is in force. We will also ensure owner-builder provisions cannot be used as a loophole to avoid regulation and registration requirements for builders.

There is more to be done. We need a building system that is clearer for consumers and for builders. We cannot allow the current system to continue, and the reforms in this bill are only the start of the

government's program to fix these flaws. More is required and more will be done to improve the regulatory regime in our next tranche of legislation later in 2016.

Motion agreed to.

Read second time.

Ordered to be committed next day.

ADJOURNMENT

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

That the house do now adjourn.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is regarding the urgent need for the immediate expansion and redevelopment of Goulburn Valley Health's Shepparton hospital. My request of the minister is that she immediately commit to the expansion and redevelopment of the Shepparton hospital and not use the upcoming health survey being conducted by Goulburn Valley Health and Melbourne University as yet another excuse for the Andrews Labor government to delay the project.

It was recently announced that the University of Melbourne and Goulburn Valley Health are undertaking a research study to determine what health services will be required in the Goulburn Valley in the future. A health study was conducted in 2001, the results of which were instrumental in the development of health services in the Goulburn Valley at that time, and earlier this month the federal government's National Health and Medical Research Council announced that the project will be repeated. The new study will look at the improvements that have occurred over the past 15 years, as well as identifying what more needs to be done. This is a fantastic announcement, and I welcome that such a prestigious university is working with Goulburn Valley Health to look specifically at our community's future health needs. Of course we need to be aware of what our region's health priorities are likely to be in 5 years, 10 years, 50 years and so on.

The upcoming study does not mean, however, that there should be any delay in the expansion and redevelopment of the Shepparton hospital. The minister must not use this study as yet another stalling tactic to further delay the expansion and redevelopment of the hospital by claiming that it is necessary to wait for the

study to be completed to understand the community's service needs. The hospital's service plan was completed and released last year. The master plan and the business case have also been completed. Copious research has gone into these studies to make sure that the hospital rebuild will include the services that our community needs.

It is time for the Andrews Labor government's stalling tactics, which have so far included pretend community consultation, listening tours and photo opportunities, to finish. The Shepparton community cannot afford to wait any longer for the expansion and redevelopment of Goulburn Valley Health's Shepparton hospital, and I do not want my community further disadvantaged by a government clutching at straws and weak excuses for why it will not immediately commit to this project. My request of the minister is that she immediately commit to the expansion and redevelopment of the Shepparton hospital and not use the upcoming health survey being conducted by Goulburn Valley Health and Melbourne University as yet another excuse for the Andrews Labor government to delay the project.

West Gippsland Healthcare Group

Ms SHING (Eastern Victoria) — The matter that I rise to address this evening is for the attention of the Minister for Health in the other place, Ms Hennessy, and it relates to the West Gippsland Healthcare Group. The hospital located in Warragul provides a range of services to people from the West Gippsland area and has a large catchment area with a steadily climbing number of babies born per year. It has been the beneficiary of two extra beds for the purposes of the maternity ward and is in the process of being able to accommodate additional patients as a consequence of this. It also has an excellent number of facilities relating to aged care and specialist treatment arranged through a rotating system of visits from Melbourne and with other hospitals in the area, including Latrobe Regional Hospital and Casey Hospital, as well as the smaller hospitals — for example, those located at Neerim South and down south in Wonthaggi.

The matter that I wish to bring to the minister's attention this evening relates to a departmental review of the needs of the West Gippsland health service as a consequence of an election commitment which has now been discharged and to the further planning required to actually make sure that the hospital is in a position to understand what the needs are now and into the future and to understand what further services may need to be provided to patients to account for a very significant population growth in the Baw Baw Shire Council area and beyond. To that end I would ask the minister to

provide a further update as to what steps can now be taken as a consequence of the departmental needs-based analysis and when we will be in a position to understand how it is that West Gippsland Hospital can be better equipped to provide services in the medium to long term for patients, families and people who rely upon active assistance — for example, at Cooina Lodge and the aged-care facility in the area.

I would also ask the minister to consider paying a visit to the hospital to better understand the progress of departmental analysis works and to understand for herself firsthand the way in which services can be improved through the provision of a new hospital, whatever form that may take into the future.

Motorcycle ministerial advisory council

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Roads and Road Safety, and it relates to the Motorcycle Advisory Group. The action I seek from the minister is that he elevate the role of the Motorcycle Advisory Group to a full ministerial advisory council consistent with the previous Victorian Motorcycle Advisory Council.

This request is important because elevating the diverse interests and challenges of motorcyclists and those with an interest in motorcycling to a ministerial advisory council will give those interests a direct voice and a way to engage directly with the minister. It will provide a way for those groups and organisations and those voices within them to speak with the minister directly and for the minister to hear what the issues are for motorcyclists in Victoria, as they perceive them. Sitting behind the request at this time is the very distressing fact that the road toll in Victoria is up quite significantly this year. Many of those fatalities have involved motorcyclists.

One of the key areas of concern for many is the availability of objective, verified and consistent data. This has been a consistent recommendation of parliamentary inquiries over the last two decades, indeed as recently as the inquiry into motorcycle safety, which was conducted by the Road Safety Committee in December 2012.

As I said, I ask that the minister give consideration to this matter. I note that he has, by way of a letter to the Independent Riders Group dated 3 August last year and addressed to Mr Damien Codognotto, OAM, advised that some consideration is being given to this matter. Now that it is seven months on, I request that he make a

decision and give motorcyclists that voice around the table.

Northern Metropolitan Region playgroups

Mr ELASMAR (Northern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Families and Children, the Honourable Jenny Mikakos. This week is National Playgroup Week. The Andrews Labor government is releasing new grants for community playgroups. They give children the chance to come together and play before starting kinder. I am interested in how families in my electorate can benefit from this in places such as the City of Whittlesea and the City of Hume. The action I seek from the minister is that she advise me as to what support the Andrews Labor government is giving families and their children to participate in playgroup programs in Northern Metropolitan Region.

Jumps racing

Mr PURCELL (Western Victoria) — The matter I raise tonight is for the Minister for Racing. We are again looking forward to a great racing season in western Victoria this year, especially the jumps racing, which has just started. Jumps racing is a huge employer in western Victoria. It employs many jockeys, trainers, farriers and also grain merchants. Racing Victoria has recently announced that first-time winners will receive an additional \$10 000, \$8000 of which will go to the owners and \$2000 to the trainer. I must congratulate the racing minister, Mr Pakula, on this support for this essential industry.

Last year field sizes grew significantly. The safety of horses improved as the year went on, and it continues on an upward spiral. This year an additional \$510 000 is being put into jumps racing. It will continue to grow with this significant increase in funding. The industry is one that western Victoria continues to require and one that is continuing to grow.

The jumps season began last month at Warrnambool and continues until September. Two of the major events are the May carnival and the Grand National Steeplechase in Ballarat, which is the concluding event this year and for the first time is a two-day carnival. The Grand National Steeplechase alone is worth a record \$350 000 this year, and it is going to be a great event. I ask the minister to join me again this year at the Grand National to witness firsthand the great economic benefits and the vibrancy of jumps racing in this region.

Youth workers

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of Ms Mikakos in her capacity as the Minister for Youth Affairs. It is some 20 years since I first met 'Sir' Les Twentyman. At the time, he warned me about the impending danger of gangs in the western suburbs of Melbourne, and I immediately raised that matter in the house and passed that warning on. In fact I well remember that it was a bit over 20 years ago, because I had a phone call shortly thereafter from the minister's office, then Vin Heffernan, whom we all remember very fondly. The minister's office asked me if I had gone bolshie. I assured the minister's office that in fact I had not gone bolshie, but I was genuinely concerned about what was going on with gangs.

Shortly after entering this house back in 2006, I again raised the dangers of gangs in our suburbs. At that time the Chief Commissioner of Police was probably in denial. I think that would probably be the best way of putting it, to be kind. She dismissed my concerns, and in fact she went on to say, 'There are no gangs in Melbourne'. She would not even use the 'G' word, she said. It was a bit hard to understand, I have to say.

At the time I had just finished watching some gangs gathering in Sunshine, with 'Sir' Les pointing out who was who, and on one occasion we had to get out very quickly before the violence — —

An honourable member interjected.

Mr FINN — I knighted him — I used a captain's pick. We had to get out very quickly before the gangs started to rip into each other, so I knew that the gangs were very real and the violence was very real. This gang violence is a reality, and we need more police to fight it, but we also need to be proactive.

I do not think there is anybody in Australia who has done more to stop the gang culture and to stop gang violence than Les Twentyman, and I think we should give credit where it is due. But he needs assistance; he needs help. His youth workers do a tremendous job throughout the western suburbs and indeed through other parts of Victoria as well, but he needs help. He tells me that 10 new youth workers — 10 extra youth workers — would be an enormous plus and a great start for his continuing efforts. I ask the minister to provide the resources necessary — the funding, if I can use that word — to enable 'Sir' Les to get those 10 extra youth workers.

Boroondara planning scheme amendment

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment tonight concerns C255, a planning scheme amendment proposed by the Minister for Planning, and it is for his attention that I raise this matter. This planning scheme amendment is a very concerning one. I ask the minister to reconsider this particular planning scheme amendment, which seeks to increase density and, particularly in a commercial corridor, introduce discretionary height limits, removing the previous arrangements under the planning scheme system that saw mandatory heights along these corridors.

This is part of a push by the current government to increase development in many of the established suburbs. In Mentone the four-storey height limit that was put on by Matthew Guy was removed by this planning minister, and he opened up the planning limit to a discretionary limit, which means effectively that buildings of any height could occur there. My concern is that this approach is also being adopted in Boroondara.

We have seen with *Plan Melbourne*, its so-called 'refresh' and the government's direction here that new planning applications in the central city have largely stalled. We have also seen the Fishermans Bend development stalled again by this government. The government has also taken the decision to slow development on the edge of the city, and it is intending to put all the intensive development that comes from almost 100 000 people in aggregate — more each year — coming into metropolitan Melbourne and the rest of Victoria into the established suburbs of Melbourne.

The minister has obviously defined this out. He has been very clear that he is going to put more people into the established suburbs. He has no democratic right to do this. He has no consent from those communities. He is seeking to overwhelm those communities with additional capacity and additional high-density, high-intensity and in this case high-rise development. This is not appreciated by the community. This is matched by the steps he is taking on the residential zone review, where it is pretty clear he is going to roll over many of the neighbourhood residential zones that have provided a significant level of protection.

This particular development in the City of Boroondara, counterpoised with the other activities that the minister has introduced around the state, will see enormous pressure for development — and high-rise, high-intensity development — in these areas. I ask him

to step back, to review this direction and to consider what the community wants.

Police resources

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Police, and the action I seek is that he direct more police, more police hours and more police resources to the Geelong and Bellarine Peninsula region. I do so on the basis that the crime figures just released show a significant increase in crime in the Geelong and Bellarine Peninsula area as well as in the Surf Coast area. In fact Geelong has had a 13 per cent increase in crime just in the last 12 months, with the Surf Coast having a 9 per cent increase. Statistics for some of the most serious crimes have gone through the roof. Drug use and possession is up almost 20 per cent, drug trafficking is up almost 8 per cent and there were 121 more assaults, which is a 9 per cent increase. Outside these statistics there have been five shootings in Geelong over the past six weeks, and many residents just do not feel safe. The latest figures back up their fears, with more than 50 additional weapons and explosives offences last year and 1000 more thefts.

The overall crime rate across the state has increased by 8.1 per cent. In fact per capita we have less police now than we did when the coalition left government in November last year. There was a decrease from 9840 full-time equivalent sworn members in November 2014 to 9765 in September 2015. So there has been a significant decrease in sworn police numbers, but we have a rising population. This has been borne out by the local crime statistics.

I would also like to refer to the crime figures for the normally quiet suburbs of the Bellarine Peninsula. In Drysdale there has been a 400 per cent rise in assaults since 2012, and thefts were up 150 per cent in Ocean Grove compared to 2013. Queenscliff has seen over the last 12 months an increase of 12 per cent in the crime rate. I have made repeated calls for CCTV cameras in the Drysdale business precinct, where a community neighbourhood watch has documented more than 15 assaults since the Andrews government rose to power. Despite a Labor promise to open the Drysdale, Queenscliff and Portarlington police stations 16 hours a day, they are still only being manned for 7 hours, and the Queenscliff police station is closed three days a week.

So we have an issue not only with the anti-pursuit policy and the two-up policy in relation to police hours on the beat and in patrols but also with a significant increase in crime. In fact only today poor old Tom

Hawkins's new wife's BMW was stolen right outside her house, with the bridal gowns also in the car, so there is no escape even for high-profile footballers and their brand-new wives — —

The DEPUTY PRESIDENT — Time!

V/Line services

Mr MORRIS (Western Victoria) — My adjournment matter is for the attention of the Minister for Public Transport and relates to concerns surrounding V/Line's budget. The economy and infrastructure committee has heard a lot of testimony from witnesses with regard to the parlous state of the regional transport system in Victoria. What has been of particular concern is the impact on V/Line's budget of having to spend in the order of \$2 million a week on replacement coaches for the trains that were not running, compounded by compensation for commuters, extended periods of free travel on V/Line services and also extensive track replacement operations due to failing infrastructure — all of this and then we have the worn wheels that need to be replaced too.

During public hearings the CEO of V/Line has been hesitant to comment on exactly what impact these additional costs will have on V/Line's budget, but one could safely assume that this additional burden will significantly impact upon V/Line's budget. I am not alone in thinking this. Indeed regional train passengers have suffered enough under Labor, so the action I seek is that the minister undertake to ensure that any and all budgetary shortfall that V/Line experiences due to replacement coaches, additional maintenance et cetera will not impact upon the delivery of regular V/Line train and coach services post the resumption of normal services in mid-June 2016.

North Road, Ormond, level crossing

Ms CROZIER (Southern Metropolitan) — My adjournment matter is for the Premier. On 25 November I raised an adjournment matter for the Minister for Small Business, Innovation and Trade in relation to an issue that is of immense concern to the constituents of the electorate of Southern Metropolitan Region, whom he and I both represent. That adjournment matter was in relation to concerns raised by traders affected by the North Road level crossing removal, including the impacts to their businesses and their capacity to trade and earn a living. At the time the minister said he would refer it to the minister responsible for the removal of level crossings and that he would try to make sure he made a time in his diary to meet.

Let me say at this point that I am not opposed to level crossing removals. After all, it was the coalition that planned and budgeted for this level crossing to be removed, so I think it was quite disingenuous and outright wrong when the minister responsible for the removal of level crossings, Jacinta Allan, in her answer to this question accused both me and the coalition of opposing the removal of level crossings. Cheap talk like that does not wash, and neither does the refusal of the minister responsible, the Minister for Small Business, Innovation and Trade, to ignore the plight of these traders.

Traders who thought the removal was going ahead in June of this year, in preparation for the disruption to their business, took out loans, bought stock and planned to make up for the losses in June by having a busy trading period over Christmas and January. Without warning, however, the scheduled works were brought forward to exactly this time, disrupting their trading ability. The decision to do this without any warning or consultation has been nothing but devastating to them.

What has transpired in some instances is very serious indeed. Traders have had their businesses decimated by a severe reduction in trade, yet they still have wages to pay, loans to pay, rent to pay and tax to pay. Some are laying off staff, and others are contemplating closing down as they see the further closures of roads in June making their businesses unviable. It is a dire situation, and to their astonishment they have been completely ignored by the Andrews government. They requested the minister responsible, the Minister for Small Business, Innovation and Trade, Mr Dalidakis, to meet with them in November, but the minister was unavailable until late February, he told them.

I raised this issue in the Parliament requesting that he meet with these anxious traders. Well, this is now 22 March and still no meeting, so the action I seek from the Premier — —

Ms Mikakos — On a point of order, Deputy President, I refer you to standing order 4.12, which relates to members not raising a matter on the adjournment debate that has been discussed in the previous six months of the same session. The member, at the outset of her contribution, referred to an adjournment matter that she had raised in the house, as I understand, on 25 November last year. She has now, it appears, rehashed all of the issues that she had raised previously within that six-month period in the context of her current adjournment matter. I make the point that it does appear to be the same matter again. I further make the point that the President has on a number of occasions indicated to members that they should not

unnecessarily direct matters to the Premier when it is more appropriate to direct them to the responsible minister. But I particularly draw your attention to standing order 4.12.

Ms CROZIER — On the point of order, Deputy President, this is a completely different issue. The minister has refused to meet these people, so the action I was going to ask of the Premier was that he come down to meet these traders. I was putting the situation into context so the minister would understand and relay that to the Premier. With the refusal of the responsible minister to meet those requirements, I am asking the Premier to come down to meet with the traders.

The DEPUTY PRESIDENT — Order! I will let the matter stand. I will review the point that has been made by the minister to check whether what she has asserted is correct and report back to the house. We will now move on to Ms Fitzherbert.

Ms CROZIER — As I raised on the point of order, the minister has not been down to see the traders, so the action I am seeking is that the Premier come down to meet with these anxious traders to hear their concerns about the ongoing viability of their businesses.

South Melbourne public housing

Ms FITZHERBERT (Southern Metropolitan) — I wish to raise my adjournment matter for the attention of the Minister for Housing, Disability and Ageing. It relates to a meeting that I had on Friday with a resident from 200 Dorcas Street, South Melbourne, which is a public housing tower. This resident raised a number of concerns with me which broadly come under the category of personal safety and damage to property. She told me that she was very concerned, as were other residents who discussed this at a residents meeting earlier that day, that conditions at the building had deteriorated a great deal over the last six months. She outlined a series of specific concerns, which I would like to pass on.

She said that the fire escape doors have been altered so that they can be accessed going in and going out rather than just as an exit point for personal safety. She said that there are broken windows. There is a view that the CCTV cameras are not working properly, and no-one is sure who is actually viewing them anyway. There is concern about a particular resident who is alleged to have evicted residents living in his flat. There are syringes on the roof of the foyer and in the fire escape doors. The residents are concerned that the housing department does not read the guards' reports frequently, and people are scared.

She also reported that there are now syringes in the bushes in the garden surrounding the tower and that last Wednesday a resident was assaulted and has been hospitalised since then. It is not clear when he might be returning or the extent of his injuries. There is a vandalised car outside the tower, the windows of which have been broken, and it has been left there. She also told me that, lastly, single mothers who live in the tower are avoiding the foyer because of the evidence of drug dealing that is taking place there and because they do not feel safe.

This resident has raised with me a number of concerns which are very serious. She is plainly very worried and concerned about her personal safety and that of others. The action that I seek is that the minister explain how he will address these concerns about safety and damage to property, which have been heightened over the past six months.

Chandler Highway bridge

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Roads and Road Safety, Luke Donnellan, and it concerns the Chandler Highway bridge in Alphington and the government's plan to upgrade and widen that bridge. The bridge was designed by Sir John Monash and has significant heritage values, and those values should be protected in any development. But my matter goes to the concerns of the residents who have got information via the VicRoads website, which they have been referred to, that shows an arbitrary green line that indicates the route of the bridge and the widening of it.

But in fact when VicRoads field officers have been on site to meet with residents, they have conceded that the website is not that accurate and a more detailed explanation has indicated that it is going to take away from residents some of the land that abuts their homes. That is contrary to what is on the website. Naturally residents are worried; naturally they are concerned when the field officers on site have indicated that a more accurate description is contrary to what is on the VicRoads website.

This is apparently going to affect residents on Rex Avenue and other residents in surrounding areas. They feel quite cheated, because the local member in the Legislative Assembly, the member for Northcote, said one thing before the election and she is now taking a different position after the election. There is going to be an impact on vegetation and an environmental impact. There is going to be expanded traffic capacity that is going to bottleneck either in Alphington or over the Yarra into Kew. There is the Amcor site

redevelopment, which will add 3800 residents to the area.

What the local residents are asking is ‘Can we have a detailed design?’ and ‘Can we actually know what is going on?’. They have been referred to the VicRoads website, which has an arbitrary line, when in fact on site VicRoads field officers are actually saying, ‘No, in fact, it is going to abut your property, and it is not the design that is on the website’.

My action for the minister is that he provide me with a detailed design and plan of the Chandler Highway bridge upgrade so I can share it with the residents so at least they will know what is going on, in the absence of proper information.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received a number of adjournment matters, and I will refer them to the appropriate ministers for response. There is a matter from Ms Lovell to the Minister for Health; a matter from Ms Shing to the Minister for Health; a matter from Mr O’Donohue to the Minister for Roads and Road Safety; a matter from Mr Purcell to the Minister for Racing; a matter from Mr Davis to the Minister for Planning; a matter from Mr Ramsay to the Minister for Police; a matter from Mr Morris to the Minister for Public Transport; a matter from Ms Crozier to the Premier — and, Deputy President, I refer to your earlier comments in respect of making a subsequent ruling on that matter; a matter from Ms Fitzherbert to the Minister for Housing, Disability and Ageing; and a matter from Mr Ondarchie to the Minister for Roads and Road Safety.

In respect of the matter that Mr Elasmr raised and directed to me, he referred specifically to the issue of playgroups within his electorate and what the government is doing to support families who participate in playgroups. Yesterday I was very pleased to launch National Playgroup Week, and I did that on the Eureka Skydeck. The reason I was on the Eureka Skydeck was that I was there to participate in and observe a world record in the making, which was the world’s tallest playgroup. It was fantastic to have very young children, little toddlers, with their faces pressed up against the glass, looking down fearlessly on Melbourne. I can certainly assure Mr Elasmr that I was staying much further away from the glass windows.

As part of this really exciting world record I was pleased to make a very important announcement that will benefit families in Northern Metropolitan Region

as well as those in other parts of the state. I announced a further \$50 000 for the Great Start Community Playgroup Fund grants, which will enable playgroups to buy books and toys and to seek mentoring support. It will enable more community playgroups to be established right across Victoria. It is wonderful that we have already got 30 000-odd families across Victoria participating in community playgroups. They are especially popular, but our government wants to make sure that families can access community playgroups close to home.

The grants awarded last year enabled 65 new community playgroups to be established, and now with further funding there will be opportunities for additional playgroups to be established across Victoria. I am very pleased to inform Mr Elasmr that his electorate did benefit quite significantly from these new playgroups that were established last year.

Just to give him some examples, there was a Somali-Australian mothers and children’s centre playgroup established that now meets in Thornbury. There was a new playgroup called Playtime in the North established in Reservoir. Prime playgroup was established in Thomastown. The Jika Jika Community Centre also benefited from a new playgroup in Northcote. So there have already been opportunities for communities in Mr Elasmr’s electorate. There were other ones in Fitzroy North, in Lalor and in Richmond. There have already been new playgroups established, and now there will be further opportunities.

Playgroups are particularly important because they support families by giving children the opportunity to socialise and develop important skills and giving parents an opportunity to develop important support networks as they share parenting experiences with each other. I can assure the member that playgroups are a very important part of our government’s vision in making Victoria the education state.

I also refer this evening to a matter raised with me by Mr Finn in my capacity as Minister for Youth Affairs. Mr Finn’s adjournment matter was a bit of a rehash of matters that I have heard him give speeches on many, many times in the past, attacking a former Chief Commissioner of Police. I think it really is completely unnecessary to have a go at a former Chief Commissioner of Police who had a very —

Mr Finn interjected.

Ms MIKAKOS — I think that is really unnecessary, Mr Finn. She had a very strong record of engaging in community policing.

Mr Finn interjected.

The DEPUTY PRESIDENT — Order! Mr Finn!

Ms MIKAKOS — The points I want to make are as follows: our government takes the view that breaking the law, whether it is done by an adult or a young person, is completely unacceptable. The Premier has been very clear about these matters in recent days in relation to young people who have made choices to engage in particular illegal conduct. I have been briefed by Victoria Police in relation to these issues. I think it is important that we work with communities at a local level to address these particular matters, and I can advise the member that my department and Victoria Police do work closely together around these issues.

We do have particular issues around disengaged youth who are not engaging in education. It is important that I point out to Mr Finn that our government has a number of strategies in place to better engage young people with education, with training and with employment. We are working very hard. Minister Herbert is working very hard to fix the TAFE system that Mr Finn's government wrecked, to give young people opportunities to engage in education and training. We have a range of strategies in place, and I can assure Mr Finn that I am working closely with the community sector and I am speaking with a broad range of organisations which deal with advocacy around these issues in the community and engaging with them about the best ways to address these issues.

I point out to Mr Finn, who raised this issue tonight, that in fact it was his government that defunded 20 youth justice workers during its time in office. So if the coalition wants to come here and say it is now interested in the issue around young people and criminal behaviour, then it is very important that Mr Finn understands what the record of his own previous government is.

Mr Finn interjected.

The DEPUTY PRESIDENT — Order! Mr Finn, that is unparliamentary. Please desist!

Mr Finn interjected.

The DEPUTY PRESIDENT — Order! Mr Finn! The minister, to continue.

Ms MIKAKOS — Deputy President, I can advise the member that I have had a meeting with Mr Twentyman about these issues in the past, but I am engaging in discussions at the moment with community sector organisations that work with young people —

and there are a number of them across Victoria that have a range of ideas about the best way to address these particular issues. But we are addressing this issue at the moment through Victoria Police, and we are very supportive of the work Victoria Police is doing around these issues of tackling youth crime. In addition to the law enforcement response of course there is a multifaceted response that ranges across supporting young people to engage in community activities in a positive way and to engage in education and employment to make sure they can connect with the community in a positive sense rather than feeling the need to affiliate themselves with other young people who might be engaged in antisocial behaviour.

I also advise that I have written responses to adjournment debate matters raised by Mr Melhem on 16 September 2015; by Ms Fitzherbert, Ms Lovell, Mr Ondarchie and Mr Ramsay on 9 February; by Mr Finn, Mr Ramsay, Ms Shing and Ms Symes on 10 February; by Mr Davis and Mr Ramsay on 11 February; by Mr Bourman, Mr O'Donohue and Mr Ramsay on 23 February; by Mr Drum on 24 February; and by Mr O'Donohue on 25 February.

Mr Ondarchie — On a point of order, Deputy President, in discharging the matters raised on the adjournment tonight the minister at the table in response to the adjournment matter raised by Mr Finn opened her response in discharging this matter but went to great lengths to talk about Victoria Police, defend Victoria Police and talk about the briefings she herself has had from Victoria Police. Do I now take it that this minister represents the Minister for Police in this house?

The DEPUTY PRESIDENT — Order! That is not a point of order.

There being no further matters, the house now stands adjourned.

House adjourned 11.05 p.m.