

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT
FIRST SESSION**

**Book 17
12, 13 and 14 December 2017**

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The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 15 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
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Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

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

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

Speaker

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

Acting Speakers

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley,
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman,
Ms Thomson, Ms Ward and Ms Williams.

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio ⁴	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John ⁵	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁶	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison ⁷	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁸	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁹	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahan	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma ¹⁰	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ ALP until 7 March 2017

⁵ Nats until 28 August 2017

⁶ Elected 14 March 2015

⁷ Died 23 August 2017

⁸ Elected 31 October 2015

⁹ Resigned 2 February 2015

¹⁰ Elected 18 November 2017

PARTY ABBREVIATIONS

ALP — Labor Party; Greens — The Greens;
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

Legislative Assembly committees

Privileges Committee — Ms Allan, Mr Clark, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, Ms Kairouz, Ms Ryan and Ms Sheed.

Legislative Assembly select committees

Penalty Rates and Fair Pay Select Committee — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

Joint committees

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

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

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

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

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

Family and Community Development Committee — (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish. (*Council*): Dr Carling-Jenkins and Mr Finn.

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

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

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

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

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

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Tuesday, 12 December 2017

The Acting Clerk reported that the Speaker is unavoidably absent from this week's sitting.

The DEPUTY SPEAKER (Ms Edwards) took the chair at 12.02 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The DEPUTY SPEAKER (12:03) — We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Port security

Mr GUY (Leader of the Opposition) (12:03) — My question is to the Premier. Premier, does the maritime security identification card scheme have the support of the Victorian government as a protection against terrorism and other criminal activity mechanism right across Victoria's ports?

Mr ANDREWS (Premier) (12:03) — I thank the Leader of the Opposition for his question. In terms of all matters to do with counterterrorism and the safety of our community, we take advice from the Chief Commissioner of Police, we take advice from other experts and those who are deployed in an operational sense — those who are actually putting their lives on the line to keep us safe —

An honourable member interjected.

The DEPUTY SPEAKER — Order! The Premier to continue.

Mr ANDREWS — I would have thought this was a serious matter. Surprise, surprise, the member for Warrandyte is interjecting and lecturing people on what they do or do not know — of all people.

We take our advice on these matters from the chief commissioner, and given arrangements that occur and operate on a national basis there are well-understood national forums where these matters are discussed and debated and agreed.

Mr Guy — On a point of order, Deputy Speaker, I respect the fact the Premier is saying that he takes advice from law enforcement officials. I understand that, but I am asking whether or not the government

supports the maritime security identification card scheme and, given that advice, which he is obviously saying that he takes, what then is the government's position about whether or not they support that scheme.

The DEPUTY SPEAKER — The Premier to continue. There is no point of order.

Mr ANDREWS — Having dealt with the issue in a broad sense — that we take advice on these matters from both Victoria Police and that those national affairs that are matters of national security are rightly the province of national decision-making bodies where Victoria plays an active role — if I am being asked: does the state government propose a state-based scheme for one that is a national —

Honourable members interjecting.

Mr ANDREWS — Then the Victorian government supports national arrangements as they operate now. We have no intention to replicate those and no intention to put in place a state-based scheme. Those arrangements operate at a national level, and we support all current arrangements to keep our community safe and to maintain the integrity of the manifest and the integrity of that important supply chain and to deal with what could be a potential vulnerability through our ports system. What we do not, of course, support are some of the cuts to customs — some of the cuts that have been brought in by your mates in Canberra.

Supplementary question

Mr GUY (Leader of the Opposition) (12:06) — Given the Premier's answer, particularly about potential vulnerabilities, why has his government done nothing to uphold the security of our ports and to protect Victoria's international container terminal from being subject to an illegal blockade simply because the company has sought to uphold the law and protect Victoria's ports from terrorist and other criminal activity?

Mr ANDREWS (Premier) (12:07) — I thank the Leader of the Opposition for his question. I think he asserts that the government has not had an active role in this matter. Nothing could be further from the truth.

Honourable members interjecting.

Mr ANDREWS — Laughing and interjecting when you are asking questions about security does not quite work. Either it is a serious matter or it is not. Five separate occasions is my advice; on five separate occasions the government has, through its officials in Industrial Relations Victoria, offered to get directly

involved and to facilitate talks to resolve this matter. The company is unwilling to accept that offer. That is their prerogative. But the advice I have is that we have —

Mr R. Smith — Just enforce the law.

Mr ANDREWS — Police enforce the law, member for Warrandyte, not politicians. We have offered on numerous occasions to facilitate and to be directly involved in bringing the parties together towards a resolution, and the company has rejected that offer. These matters are before the Supreme Court and Fair Work Australia.

Ministers statements: West Gate tunnel project

Mr ANDREWS (Premier) (12:08) — I am delighted to rise to update the house on the West Gate tunnel project. It is a long overdue second river crossing —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I would like to hear the Premier's ministers statement.

Mr ANDREWS — contributing 6000 jobs. No wonder those opposite are guffawing and are uncertain about their positions. They would know nothing about 6000 jobs, a vital second river crossing, getting 9500 trucks out of inner western suburbs streets — streets that were never designed to carry those types of vehicles or that volume of traffic.

Mr R. Smith interjected.

The DEPUTY SPEAKER — Order! The member for Warrandyte is warned.

Mr ANDREWS — This has been talked about even by some who are expert at talking about infrastructure for a long time, but it is this government that is delivering it and all the jobs and all the opportunities and all the prosperity and the enhanced safety that are central to this important project. There is no doubt that it might have been cheaper if it were built decades ago. There is no doubt — regardless of the views of some who are opposed to this project, whether it is agreed to by the Parliament or not — this will either be paid for by motorists or all Victorian taxpayers. But for those opposite, I have got for news for you: work is starting in two weeks time. Because the time for talk is over. We will leave the talking to those who are best at doing nothing and the building to those who get things done.

Port security

Mr HODGETT (Croydon) (12:10) — My question is to the Premier. Last week Christian Bombig from your office rang the terminal operator at Webb Dock to try and bully them into re-employing a worker who did not have proper security clearances. Why did your office directly intervene in port security matters and in doing so place the security of all Victorians at risk?

Mr ANDREWS (Premier) (12:10) — I thoroughly reject the ridiculous assertions put forward by the Deputy Leader of the Opposition. I assumed you talked before question time. You were just asking me to get directly involved. Now apparently if you offer mediation, it is a bad thing. You need to get your story straight: either you want us involved or not. We have offered to get involved to bring the parties together. The company have said they are not interested in that. That offer remains, and it is entirely up to the company whether they want to come back to the table, facilitated by the government, to resolve these matters.

Mr Hodgett — On a point of order, Deputy Speaker, the question was about the Premier's office intervening to bully the operator into re-employing a person who does not have proper port security clearances. Can you bring the Premier back to answering the question?

The DEPUTY SPEAKER — The Premier has concluded his answer.

Supplementary question

Mr HODGETT (Croydon) (12:12) — Premier, isn't it a fact that as well as bullying the terminal operator your office has been working with the Victorian Trades Hall Council to help organise this illegal picket and last Friday's rally at the port of Melbourne?

Mr ANDREWS (Premier) (12:12) — The answer to your ridiculous question is no.

Ministers statements: West Gate tunnel project

Mr DONNELLAN (Minister for Roads and Road Safety) (12:12) — What a marvellous day! I want to update the house on the contract we signed this morning. What we signed was a contract to get infrastructure moving, not to sit still for another four years but to actually deal with the issues in the west. Whether it be the congestion or the like, we are promising to actually do something, not sit still. We know that for those people, whether they be in

Pakenham or Geelong, this project will deliver better outcomes and more reliable tunnel journeys.

If you look at the number of jobs we are going to be getting out of it, 6000 people will be employed, 500 people will be entering the workforce and there will even be jobs in country Victoria, so we will be delivering across the state. We will take 9300 trucks off the local streets and 8000 trucks off the West Gate Bridge. But we know what the other lot would do. We know they would let the west rot — absolutely rot. But we will not, because we know we need an alternative to the West Gate Bridge. What we have done with this project has been an extensive and a deep, deep engagement with the community — two and a half years of engagement and 8000 direct contacts. What we have done along the way is we have listened to the community.

We have delivered a longer tunnel. We have delivered 14 kilometres of bike and pedestrian paths and an elevated veloway. We have lowered Wurundjeri Way, which people had concerns about, in the City of Melbourne and provided 9 hectares of open space, with noise walls in that open space and noise mitigation measures across the board. We know that if you are in the outer west and you want to get into the city, you want reliable journeys and you want to make sure that you get there with a 20-minute travel time saving. So next time there is an accident on the West Gate Bridge, you can remember that someone is going to deliver an outcome and the other lot are going to let you rot in hell.

Port security

Mr HODGETT (Croydon) (12:14) — My question is to the Minister for Ports. Two weeks ago you told the house that the picket at the port of Melbourne was ‘an enterprise bargaining agreement negotiation’, when in fact it is about the security of our port. Minister, given the serious nature of this dispute, why have you not demanded that the Maritime Union of Australia (MUA) and the CFMEU call off this illegal blockade?

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I had hoped I would not have to stand on my feet today, but obviously I was wrong. The Minister for Ports, without assistance, please.

Mr DONNELLAN (Minister for Ports) (12:15) — I really would have thought the member, the Deputy Leader of the Liberal Party, would remember his history lessons, because in 1996 his mob took away the legislative capacity that we used to have to actually deal with this issue.

Honourable members interjecting.

Mr DONNELLAN — So you might want to look at yourself, lower your head —

Mr Hodgett — On a point of order, Deputy Speaker, the minister is debating the question, and I ask you to bring him back to answering the question that was asked.

The DEPUTY SPEAKER — The Minister for Ports to come back to answering the question. The Minister for Ports has concluded his answer.

Supplementary question

Mr HODGETT (Croydon) (12:16) — This illegal picket is currently holding up pharmaceuticals, tuna, pears, cotton, timber, lead, hay, wheat —

An honourable member — How do you know?

Mr HODGETT — Oh we know, we know — cheese and hundreds of tonnes of building supplies and Christmas goods. Minister, do you have any intention of intervening to help resolve this dispute, or are you too weak and gutless to take on the CFMEU and the MUA as they hold Victorians to ransom just before Christmas?

Mr DONNELLAN (Minister for Ports) (12:16) — Let us be very clear: we have offered the services of Industrial Relations Victoria on multiple occasions to try and get this dispute sorted out. But as I indicated previously, the member seems to have forgotten that they took away the capacity of the Minister for Ports or anyone else to actually directly intervene.

I want the dispute to end so we can get those goods through, and I do note that upper house member Mary Wooldridge is going around with a great myth she is perpetrating, that there is a whole stack of EpiPens on the port. Let us have a little look. We spoke to the company directly, and guess what they told us?

Mr Hodgett — On a point of order, Deputy Speaker, I realise it is close to Christmas and the minister is keen to get back to the village, but can you please ask him to answer the question, which was about him having any intention of intervening to resolve this dispute?

The DEPUTY SPEAKER — Minister for Ports, can you please address the question that was asked?

Mr DONNELLAN — I love Christmas time. I think Christmas time is a great time to get together with families, and I love a big fat lobster — always love a

big fat lobster — which is what we know Uncle Frank and others really love to share with me.

Mr Hodgett — I renew the point of order, Deputy Speaker. Can you bring the minister back to answering the question?

The DEPUTY SPEAKER — The minister has concluded his answer.

Mr Hodgett — On a point of order, Deputy Speaker, I suggest the minister was non-responsive, and I ask you to require him to provide a written answer to the question under sessional order 9.

The DEPUTY SPEAKER — I will review the answer of the Minister for Ports and I will reply to the member tomorrow.

Ministers statements: West Gate tunnel project

Mr PALLAS (Treasurer) (12:19) — It gives me great pleasure to inform the house about the successful conclusion of the negotiations for the West Gate tunnel. This morning we announced that contracts have been signed and work will begin within weeks on this vital project.

For decades people have been saying that we need an alternative to the West Gate Bridge. This government is getting on with it and getting it done. Over two and a half years we have secured the best possible deal for Victorians through the *Market-led Proposals Guideline*. We have listened to community feedback. We have secured not only an increase in the length of the tunnel, but we have also been able to ensure that when the community has spoken, when they have asked us to make sure that we do not compulsorily acquire homes, we do just that. Not one home is being compulsorily acquired.

We are getting trucks out of the inner west and we are providing them with direct access to the port. With an \$11 billion boost to the Victorian economy, it will create 6000 jobs. Those opposite have been critical of nearly every single transport project that we have undertaken. On this side we are about creating jobs, we are about fixing our health and education systems and we are also about building quality infrastructure for the future. That is how you do it: with a business case that stacks up and a level of transparency that those opposite would only have nightmares about. No dodgy side letters —

Mr M. O'Brien — On a point of order, Deputy Speaker, if the Treasurer wants to talk about transparency, why doesn't he tell the Parliament about the secret meetings he had with Transurban —

The DEPUTY SPEAKER — Order! There is no point of order.

Mr M. O'Brien — before the election to discuss —

The DEPUTY SPEAKER — The member for Malvern will remove himself from the chamber for a period of 1 hour because he refused to sit down when I was on my feet. I ask the member for Malvern to remove himself from the chamber for the period of 1 hour.

Honourable member for Malvern withdrew from chamber.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Warrandyte!

Mr R. Smith interjected.

The DEPUTY SPEAKER — The member for Warrandyte will remove himself from the chamber for a period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Mr Guy — On a point of order, Deputy Speaker, that decision of yours is a complete disgrace on both counts, a complete disgrace. Every one of these members was talking when you were on your feet and one person on this side. You kick out one, not 42. This side thinks that that decision, on record, was a disgrace.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is no point of order. Has the Treasurer concluded his answer?

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I know you are all really sad that there are only three question times left until the end of the year, but I do ask you to control your emotions for the remainder of question time.

West Gate tunnel project

Mr HIBBINS (Pahran) (12:23) — My question is to the Premier. Premier, you signed the West Gate tunnel contract before knowing how it will be paid for. In fact it would appear that the 10-year toll extension will not be introduced until the next term of Parliament. Premier, why didn't you introduce the amendments to the concession deed before the West Gate tunnel contracts were signed?

Mr ANDREWS (Premier) (12:23) — I thought I might have gotten a question from the opposition about this project before the Greens, but apparently not. Thank you, member for Prahran, for your question. The legislation and the instruments to deliver the funding for the project are in fact a function of the contract as signed. We could have a debate about sequencing, but the way in which we have done this, we believe, is the appropriate way. The most complete way to answer your question is that this road, this vital piece of infrastructure and the 6000 jobs that come with it, will either be paid for by motorists or paid for by all Victorian taxpayers. That is the decision that will be before the Parliament at an appropriate time. Regardless of that decision, member for Prahran and all honourable members, work will begin in a couple of weeks time.

Supplementary question

Mr HIBBINS (Prahran) (12:25) — Premier, you seem to be threatening that the state will foot the entire \$6.7 billion bill for the West Gate tunnel if the 10-year toll extension is not passed by Parliament. Isn't this threat as dodgy as the Liberals' east-west link side letter?

Mr ANDREWS (Premier) (12:25) — Some members opposite have surmised that I might have helped the member for Prahran in drafting that piercing question, but no, I did not — and I would reject any comparison because I think it is very difficult to compare a project that stacks up with one that does not.

Ministers statements: infrastructure projects

Ms ALLAN (Minister for Major Projects) (12:25) — What a day it is to update the house on the government's massive pipeline of major projects that it is delivering. Whether it is in schools, in hospitals, in public transport or, in today's case, in roads, we are investing in improving the lives of each and every Victorian. And we have not wasted one single day in doing so because frankly there is no alternative with a growing population — a population that is growing at rates not seen since the gold rush. People are moving here. They are choosing to live here, to raise their family here, because of the opportunities that our great state has to offer.

Of course this does not happen by chance, and hard work needs to be done by a hardworking government to plan, fund and deliver these sorts of projects. Unfortunately we know that those opposite did the exact opposite for their four wasted years: no investment, no project jobs. We cannot reverse what has happened but we can most certainly get on with it

now, and that is exactly what we are doing. Whether it is the Metro Tunnel and the 7000 jobs created there, the level crossing removals and the 4500 jobs, the north-east link and the 10 000 jobs or now the West Gate tunnel with its 6000 jobs, this is job-creating infrastructure that is needed and supported by the Victorian community.

But those blockers and knockers opposite keep on trying to stop this government from delivering. Just look at the record: they tried to stop the removal of the nine level crossings on the Dandenong line, they tried to stop the Metro Tunnel, they tried to stop more trains running on the Frankston line and now they want to try and stop the West Gate tunnel as well. We reject that approach. We understand the need to invest in infrastructure to support jobs growth and to support the livability of Victoria. We will get on with it, and we will not be deterred by the blockers and knockers opposite who did nothing in government and will try and stop everything in opposition.

Port of Melbourne

Mr CLARK (Box Hill) (12:28) — My question is to the Premier. I refer to the illegal picket at the port of Melbourne being run by the Premier's mates in the Maritime Union of Australia and the CFMEU, which is doing enormous damage to Victoria's international reputation. I ask: with vital medical, agricultural and perishable goods being held up for weeks by this dispute, what is it going to take for the Premier to pick up the phone to his mate John Setka and tell him to call off this unlawful and damaging picket?

Mr ANDREWS (Premier) (12:28) — I thank the member for Box Hill for his question. I will repeat again, as I have said a couple of times today, that the government has made repeated offers to be directly involved — if that is what the opposition is seeking at this time. They were against us being involved a minute ago; now they would like us to be more involved. Ultimately we stand ready through Industrial Relations Victoria to facilitate discussions, to bring the parties together, to resolve this in the interests of all involved, including consumers and businesses right across our state. I want to be very clear about that.

But in terms of some of the commentary about what is or is not in these containers, I would caution against some who have run a pretty loose commentary. It could potentially scare people and could potentially be very unhelpful if it was not accurate. My honourable friend the Minister for Ports made mention of this a moment ago. We have seen some coverage that EpiPens, which

are life-saving pieces of medical equipment, are somehow caught up in the —

An honourable member interjected.

Mr ANDREWS — Well, you spoke about medical —

Mr Clark — On a point of order, Deputy Speaker, the Premier may wish to run a commentary on what has been on a 3AW program, but it is not relevant to my question, which is about what it is going to take for him to get onto John Setka and tell him to end this illegal blockade. I ask you to bring him back to answering that question.

Mr ANDREWS — On the point of order, the question asked me about my involvement. I have already spoken to that issue. It also then directly referenced medical equipment and supplies, and I am answering in the context of the question as asked. If the member for Box Hill mentions a subject matter in his question, he can hardly get upset if I address that very subject matter in a completely relevant answer.

The DEPUTY SPEAKER — The question related to hold-up of goods at the port. The Premier is being relevant. The Premier to continue.

Mr ANDREWS — As I said, there has been some commentary, including that life-saving EpiPens have been caught up in this industrial dispute. No-one is diminishing the seriousness of this dispute, but the issue of EpiPens is something that the Leader of the Opposition in the other place has only been too happy to take to Twitter to talk up in the most dramatic of terms — ‘life or death’, those are the terms she uses. While the department of human services — directly on getting involved, member for Box Hill — has had a discussion with Mylan, who distribute and sponsor these EpiPen products across Australia, they have advised that these EpiPens are in fact not in containers at the port of Melbourne, or any other port for that matter, because they come in via an airport. I would advise those who would seek to scare the community against doing just that. We stand ready —

Mr Clark — On a point of order, Deputy Speaker, the Premier should not be using question time as an opportunity to attack morning radio broadcasters. My specific question was about what he was going to do about John Setka and the CFMEU, and again I ask you to bring him back to answering that question.

The DEPUTY SPEAKER — The Premier to continue. There is no point of order.

Mr ANDREWS — As I was saying, I was asked about getting involved. The government stands absolutely ready any time and any place to bring the parties together — an offer that has been made consistently. Sadly, it has been rejected. I would encourage the company to rethink that, and officers of Industrial Relations Victoria and any other bureaucrat or other member stand ready to get involved.

Mr Hodgett — On a point of order, Deputy Speaker, the question was asked when the Premier would pick up the phone to his mate John Setka and intervene to end this unlawful, illegal and damaging picket. In the last 35 seconds, perhaps you could get the Premier to actually answer the question.

The DEPUTY SPEAKER — The Premier has concluded his answer.

Supplementary question

Mr CLARK (Box Hill) (12:32) — Given it is clear from the Premier’s answer that he does not have the ticker to stand up to John Setka and the CFMEU, exactly what is the Premier going to do to force his mates to end this picket and the bullying that is going on on this picket line to get vital cargo moving before Christmas? Or is he simply going to keep on telling the company to give in to this illegal picket?

Mr ANDREWS (Premier) (12:33) — I thank the member for Box Hill for his lecture on ticker. A hard man of the opposition over there lecturing me on ticker — or anybody for that matter! It is not about ticker. It is about offering the company to get involved. We have made that offer. I reiterate that offer today. That is not what the member for Box Hill wants to hear. It is not what he wants to hear. You want to continue that terribly successful campaign of union bashing that constituted your effort back in 2014, which sees you over there and us getting on with it.

Ministers statements: West Gate tunnel project

Mr CARROLL (Minister for Industry and Employment) (12:34) — I rise to update the house on the positive impacts the Andrews Labor government’s West Gate tunnel project will have on young people — it is great to see so many young people in the gallery here today — but also disadvantaged Victorians and ex-auto workers. As the Premier said, 6000 new jobs will be created, but 500 jobs will be dedicated to people entering the workforce. That is potentially 500 apprenticeships, traineeship or engineering cadets. Locals living in Melbourne’s western suburbs will get their start on the West Gate tunnel project.

But more than that, Western Chances is an organisation very close to members on this side of the house — the member for Footscray, the member for Altona and the member for Tarneit. Through this project, several scholarships will be provided to young people living in Melbourne's western suburbs to assist them with an education to get a vital start in life and to live a life of purpose.

The Andrews Labor government has stood with auto workers every step of the way since those opposite turned their backs. One hundred and fifty ex-auto workers will be employed as part of the West Gate tunnel project — something we should be very proud of. Someone once said we should take the politics out of infrastructure. Who said that, we wonder?

Honourable members interjecting.

Mr CARROLL — Yes, I did a bit of night-time reading last night. Their number one candidate in the west, Mr Finn in the other place, took to Facebook, as he sometimes does. Last time he took to Facebook he had a few choice words for the state Liberal Party director. This time some locals decided to give him some of his own medicine.

An honourable member — What did they say?

Mr CARROLL — A Mr Turnbull wrote the following on Mr Finn's Facebook page:

The Libs should allow it.

What about Kylie Spencer, who wrote:

What about the jobs it will create?

Mr Feng Li wrote:

Not just talking, we need action. What's your plan and action to fix —

the West Gate?

One of the ones I liked was:

Remember, Bernie, your beloved patriarch, Jeff, established Transurban to build the two tunnels.

The Andrews Labor government will deliver the West Gate tunnel, this vital infrastructure project.

The DEPUTY SPEAKER — Before I call members for constituency questions, I would like to say that on behalf of the Parliament I extend our sincere condolences to the Speaker on his recent family bereavement.

CONSTITUENCY QUESTIONS

Rowville electorate

Mr WELLS (Rowville) (12:36) — (13 782) The question I wish to raise is for the Minister for Roads and Road Safety. Minister, what assurances can you provide Knox drivers that the Eastern Freeway will not be tolled to pay for new road projects such as Labor's north-east link? Labor have already blown out the north-east link budget by \$9.5 billion in six months without lifting a shovel.

Without the east-west link, the north-east link will cause more chaos, dumping extra traffic from the northern suburbs onto the Eastern Freeway. The Premier wants to make Knox drivers pay an extra 12 years of tolls on the Monash Freeway by extending CityLink tolls to pay for the West Gate tunnel. Even Labor's infrastructure experts say the best solution for traffic is to hit drivers heading into Melbourne with a congestion tax. Without the east-west link, Labor have no plan to deal with inner city congestion other than taxing or tolling. Labor need to come clean on their plans to toll the Eastern Freeway.

Williamstown electorate

Mr NOONAN (Williamstown) (12:37) — (13 783) My question today is for the Minister for Public Transport and relates to the removal of the Kororoit Creek Road level crossing in Williamstown North, which includes the partial duplication of the Altona Loop. The project includes construction of a new rail bridge and duplication of 800 metres of track in the Altona Loop. This will mean more reliable trains, reducing the likelihood of cancellations and delays.

With works now underway to remove the crossing, can the minister advise how many jobs are being created from this important project and whether any local businesses in Melbourne's west have been engaged to help complete the crossing works?

Ovens Valley electorate

Mr McCURDY (Ovens Valley) (12:38) — (13 784) My question is to the Minister for Training and Skills, and it comes from Wangaratta resident Kevin Kurle who, like many others, is frustrated by this government's cutting of funds and course opportunities to GOTAFE. Mr Kurle has highlighted the critical shortage of skilled equine staff on farms and stables, and he seeks clarification as to whether the minister will continue to cut funding to this important sector in our region.

The Wangaratta National Centre for Equine Education is an outstanding facility. We continue to have horse trainers and breeders calling for more skilled industry personnel. I see that the cuts to funding to GOTAFE in my region has reduced 126 positions. This is outrageous as the growing nature of all equine jobs at a world's best practice facility in Wangaratta should be better utilised.

Essendon electorate

Mr PEARSON (Essendon) (12:39) — (13 785) I direct my constituency question to the Minister for Water, and I ask: what is the latest information about improving water quality in the lower reaches of the Maribyrnong River?

Ripon electorate

Ms STALEY (Ripon) (12:39) — (13 786) My question is to the Minister for Roads and Road Safety, and I ask: will he direct VicRoads to compulsorily acquire Tony Wardley's property on compassionate grounds? Tony Wardley suffers from post-traumatic stress disorder as a result of repeated sexual abuse as a child at Ballarat Catholic schools. He is one of the survivors of child sexual abuse who travelled to Rome when Cardinal Pell gave evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse. His property is adjacent to all options for the Beaufort bypass, and the uncertainty over this project is causing him significant distress. He was advised by VicRoads to get legal representation, but once he did this it was used against him in correspondence from the minister's office to me. He has no legal representation now.

Carrum electorate

Ms KILKENNY (Carrum) (12:40) — (13 787) My constituency question is for the Minister for Education. I am delighted that Skye Primary School in my electorate will receive funds to help them build a new school fence along busy Ballarto Road to improve safety for students and staff. Principal Jane Briffa and the Skye Primary School council have been instrumental in advocating for the funds, and I thank them for their work. Minister, I know the school community is very keen to see this work get underway. Now that they know that they will be getting the funding, when can Skye Primary School expect to get this wonderful project started?

Morwell electorate

Mr NORTHE (Morwell) (12:40) — (13 788) My constituency question is to the Minister for Energy, Environment and Climate Change. Minister, what is the latest information with respect to financial incentives being offered to businesses, and specifically Latrobe Valley-related businesses, to shut down or partially shut down their operations to ensure security of energy supply is not threatened over the 2017–18 summer period in Victoria? We know the current government taxed Latrobe Valley generators an extra \$252 million, we know it was Labor's policy to see Hazelwood power station close its doors and we know the results have been the loss of hundreds of jobs, electricity prices rising substantially, security of supply under threat and diesel generators being installed in the Latrobe Valley, and now businesses are being offered incentives to shut down or partially shut down during these peak periods. Workers and our local community deserve confirmation of what businesses in the Latrobe Valley are being offered these financial incentives to shut down during these peak periods and, if so, will workers of these businesses be disadvantaged as a consequence?

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) (12:41) — (13 789) My constituency question is for the Minister for Roads and Road Safety. I ask the minister: what benefits will Pascoe Vale motorists enjoy when the CityLink-Tullamarine Freeway widening project is completed? I understand that elements of the project have progressed faster than what was originally expected and, as the minister is aware, many Pascoe Vale constituents are eagerly awaiting the completion of this project. They have obviously endured the disruption in its construction, but they are certainly looking forward to it being a more efficient way of getting to their loved ones, connecting with major service hubs such as Melbourne Airport and getting to places such as Essendon Fields. I ask the minister: what benefits will Pascoe Vale motorists enjoy on its completion?

South-West Coast electorate

Ms BRITNELL (South-West Coast) (12:42) — (13 790) My question is to the Minister for Families and Children and Minister for Youth Affairs in the other place. I ask: when will the government follow through with its pre-election commitment and increase support to neighbourhood houses? Labor's election platform said it would invest in community infrastructure such as community centres and neighbourhood houses and support the expansion of the neighbourhood house network, but to date nothing has

happened. Figures show that for every dollar invested in neighbourhood houses, the return is somewhere in the line of \$5 to \$6. But there has not been a whole of sector funding boost since 2006, and indexation is not keeping up with CPI, meaning about \$1.3 million of costs are not being covered. Neighbourhood houses provide a huge range of programs and services to the community and help people feel included and supported. Their role would have to be picked up by the government if the houses did not exist, thus increasing costs to taxpayers. Minister, when will Labor follow through with its election platform and increase support to this worthy and valuable service?

Frankston electorate

Mr EDBROOKE (Frankston) (12:43) — (13 791)
My constituency question is for the minister for Consumer Affairs, Gaming and Liquor Regulation. Frankston is home to hundreds of young families wishing to find a safe, stable and affordable place to live. What is the Labor government doing to help tip the scales of Victoria's property market back in favour of tenants and people looking to buy their first home?

AUDIT AMENDMENT BILL 2017

Introduction and first reading

Mr PAKULA (Attorney-General) — I move:

That I have leave to bring in a bill for an act to re-enact with amendments certain provisions of the Audit Act 1994 and to extend and modernise the duties, powers and functions of the Auditor-General and the Victorian Auditor-General's Office, to clarify the rights and obligations of entities audited by the Auditor-General, to consequentially amend certain other acts and for other purposes.

Mr CLARK (Box Hill) — I ask the Attorney-General to provide a brief explanation of the bill.

Mr PAKULA (Attorney-General) — The bill will improve the Audit Act 1994 to ensure that the Auditor-General can effectively audit the expenditure of public funds and the performance of public sector activities while setting out clear, effective rights and obligations for audited entities. It also acquits the government's public commitment to the former Auditor-General to rewrite the Audit Act and addresses concerns about the Audit Act raised by the Auditor-General and others, such as the Public Accounts and Estimates Committee, including in response to a discussion paper about the role of the Auditor-General released by the government last year.

Motion agreed to.

Read first time.

JUSTICE LEGISLATION AMENDMENT (VICTIMS) BILL 2017

Introduction and first reading

Mr PAKULA (Attorney-General) introduced a bill for an act to amend the Children, Youth and Families Act 2005, the Crimes Act 1958, the Criminal Procedure Act 2009, the Family Violence Protection Act 2008, the Judicial Proceedings Reports Act 1958, the Jury Directions Act 2015, the Sentencing Act 1991, the Serious Sex Offenders (Detention and Supervision) Act 2009, the Summary Offences Act 1966, the Victims' Charter Act 2006 and the Victims of Crime Assistance Act 1996 and for other purposes.

Read first time.

BAIL AMENDMENT (STAGE TWO) BILL 2017

Introduction and first reading

Mr PAKULA (Attorney-General) — I move:

That I have leave to bring in a bill for an act to make further amendments to the Bail Act 1977 in relation to the grant or refusal of bail, to empower police officers to remand in custody certain persons who have been refused bail by a police officer, to amend the Children, Youth and Families Act 2005, to make amendments to certain acts related to the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 and for other purposes.

Mr CLARK (Box Hill) — I ask the Attorney-General for a brief explanation further to the long title.

Mr PAKULA (Attorney-General) — I am happy to advise the manager of opposition business that the bill implements some other elements of the recommendations of former Justice Paul Coghlan, including introducing a system of police remand, retaining bail justices for certain purposes and clarifying the interaction between the unacceptable risk test and the reverse onus tests which are contained in the Bail Act 1977.

Motion agreed to.

Read first time.

MARINE AND COASTAL BILL 2017*Introduction and first reading*

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to provide for the integrated and coordinated planning and management of the marine and coastal environment of Victoria, to repeal and partially re-enact the Coastal Management Act 1995 and to amend various other acts and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — In summary, the bill will improve management and oversight arrangements for the marine and coastal environment. It will provide for integrated and coordinated policy planning, management, decision-making and reporting across catchment, coastal and marine areas.

Motion agreed to.

Read first time.

CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017*Introduction and first reading*

Mr FOLEY (Minister for Housing, Disability and Ageing) — I move:

That I have leave to bring in a bill for an act to amend the Child Wellbeing and Safety Act 2005 to provide for specified entities to share information to promote the wellbeing and safety of children, to create a register of children born or resident in Victoria to improve child wellbeing and safety outcomes for those children and to monitor and support their participation in government-funded programs and services, to make consequential amendments to other acts and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation further to the long title.

Mr FOLEY (Minister for Housing, Disability and Ageing) — This is a bill that amends the Child Wellbeing and Safety Act 2005 to establish an information-sharing scheme to enable prescribed entities to share confidential information in order to promote the wellbeing and safety of children. The bill will also establish a register of all children born or participating in specified services in Victoria to improve child wellbeing and safety outcomes for those children and, as I referred to earlier, to monitor and support their participation in government-funded programs and services.

Further, the bill will make consequential and a range of amendments to the Children, Youth and Families Act 2005, the Health Records Act 2001, the Privacy and Data Protection Act 2014, the Health Services Act 1988, the Education and Training Reform Act 2006 and the Freedom of Information Act 1982 to support the operation of the new information-sharing scheme.

Motion agreed to.

Read first time.

VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2017*Introduction and first reading*

Ms ALLAN (Minister for Public Transport) — I move:

That I have leave to bring in a bill for an act to reform the current system relating to salaries, allowances and standards for members of Parliament by establishing the Victorian Independent Remuneration Tribunal and making amendments to the Parliamentary Salaries and Superannuation Act 1968 and the Members of Parliament (Register of Interests) Act 1978, and to make related amendments to the Public Administration Act 2004 and consequential amendments to certain other acts and for other purposes.

Mr CLARK (Box Hill) — Appreciating that it is not the minister's bill, I nonetheless ask her for a brief explanation of the bill further to the long title.

Ms ALLAN (Minister for Public Transport) — Over recent months the government has made some announcements about its intention to introduce a new regime regarding the areas of members of parliaments' salaries and the Members of Parliament (Register of Interests) Act 1978, and this bill gives effect to those previous public statements.

Motion agreed to.

Read first time.

PETITIONS**Following petitions presented to house:****Safe Schools program**

To the Legislative Assembly of Victoria:

The petition of residents in the Euroa electorate draws to the attention of the house their concerns that the Andrews Labor government is compelling all Victorian government secondary schools to have to implement the Safe Schools program. Furthermore, the petitioners are concerned that

Victorian parents will be prevented from deciding whether their children should participate in the Safe Schools program.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Andrews Labor government to stop compelling all Victorian secondary schools to have to implement the Safe Schools program. Furthermore, the petitioners request that Victorian parents should be allowed to determine if their children will participate in the Safe Schools program.

By Ms RYAN (Euroa) (53 signatures).

Lakes Entrance police resources

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house and requests that the Legislative Assembly of Victoria ensure the Andrews government acts immediately to provide adequate numbers of police to Lakes Entrance over all of the upcoming Christmas holiday period until Monday, 29 January 2018.

By Mr T. BULL (Gippsland East) (361 signatures).

Horsham rail services

To the Legislative Assembly of Victoria:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Assembly the lack of passenger rail services to Horsham, Victoria.

We note that the Andrews Labor government has recently increased travel times and cut services to western Victoria, making public transport less accessible for our local people.

The petitioners therefore request that the Legislative Assembly of Victoria ensure an appropriate level of investment is made to ensure that passenger rail services are returned to Horsham in western Victoria.

By Ms KEALY (Lowan) (580 signatures).

Small-scale farm planning controls

To the Legislative Assembly of Victoria:

The petition of the Australian Food Sovereignty Alliance (the petitioner) and the residents of Victoria (the petitioners) draws to the attention of the house that the recently proposed planning controls for Victoria's animal industries treat small-scale livestock farmers the same as industrial producers. Small-scale farmers will be required to deal with unnecessary, prohibitive and expensive red tape, which may put many farmers out of business. Access to genuine free-range meat will be even harder as small-scale pastured livestock farmers fold under the pressures of an unfair planning scheme.

The petitioners therefore request the Legislative Assembly of Victoria to pay attention to the following demand:

We demand that small-scale pastured pig and poultry farms be treated under the farming zone like other low-risk grazing

systems that rely on supplemental feed such as the majority of Victorian beef and dairy cattle.

By Ms THOMAS (Macedon) (753 signatures).

Rural crime and drug use

To the Legislative Assembly of Victoria:

The petition of constituents in the rural communities of Gunbower and district draws the attention of the house to the spiralling crime rate and drug use in rural communities which has resulted in residents living in fear.

The petitioners therefore request the Andrews Labor government to:

increase police presence and numbers in rural communities;

improve response times to 000 calls;

harsher penalties for crime to reflect community values in sentencing criminals;

increase rehabilitation and support resources for drug users in rural settings who have committed crimes.

By Mr WALSH (Murray Plains) (117 signatures).

Cohuna District Hospital

To the Legislative Assembly of Victoria:

Residents in Cohuna and district draw to the attention of the house that the community of Cohuna and district expresses its anger that the Andrews Labor government had suspended maternity services at the Cohuna District Hospital.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government guarantees the continuation of full maternity care at the Cohuna District Hospital and that the Cohuna District Hospital remains a standalone health service.

By Mr WALSH (Murray Plains) (1338 signatures).

Tabled.

Ordered that petition presented by honourable member for Gippsland East be considered next day on motion of Mr BULL (Gippsland East)

Ordered that petition presented by honourable member for Macedon be considered next day on motion of Ms THOMAS (Macedon)

Ordered that petition presented by honourable member for Lowan be considered next day on motion of Ms KEALY (Lowan)

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 18

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 18 of 2017* on:

**Financial Management and Constitution Acts
Amendment Bill 2017**

**Major Events Legislation Amendment (Ticket
Scalping and Other Matters) Bill 2017**

**Primary Industries Legislation Amendment
Bill 2017**

**Transport Legislation Amendment (Road Safety,
Rail and Other Matters) Bill 2017**

together with appendices.

Tabled.

Ordered to be published.

**ENVIRONMENT, NATURAL RESOURCES
AND REGIONAL DEVELOPMENT
COMMITTEE**

**Sustainability and operational challenges of
Victoria's rural and regional councils**

Mr J. BULL (Sunbury) presented interim report.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Acting Clerk:

Criminal Organisations Control Act 2012 — Report 2016–17
under s 133

Crown Land (Reserves) Act 1978 — Order under s 17D
granting a lease over Red Cliffs Court House

Financial Management Act 1994:

Reports from the Minister for Energy, Environment
and Climate Change that she had received the reports
2016–17 of the:

Dhelkunya Dja Land Management Board

Gunaikurnai Traditional Owner Land Management
Board

Independent Broad-based Anti-corruption Commission —
Operation Lansdowne: An investigation into allegations of
serious corruption involving Victorian vocational education
and training, and public transport sectors — Ordered to be
published

Parliamentary Committees Act 2003 — Government
response to the IBAC Committee's Report on Improving
Victoria's whistleblowing regime: a review of the *Protected
Disclosure Act 2012*

Planning and Environment Act 1987 — Notices of approval
of amendments to the following Planning Schemes:

Ballarat — C208

Glenelg — C75

Greater Bendigo — C233

Latrobe — C107

Melbourne — C316

Stonnington — C271, C273

Statutory Rules under the following Acts:

*Charter of Human Rights and Responsibilities
Act 2006* — SR 122

Fisheries Act 1995 — SR 118

Improving Cancer Outcomes Act 2014 — SR 121

Subordinate Legislation Act 1994 — SR 119

Supreme Court Act 1986 — SRs 124, 125, 126, 127

Transport Accident Act 1986 — SR 120

Water Act 1989 — SR 123

Subordinate Legislation Act 1994 — Documents under s 15 in
relation to Statutory Rules 120, 121, 123, 124, 125, 126, 127

Terrorism (Community Protection) Act 2003 — Report
2016–17 under ss 13, 13ZR and 21M

Victorian Environmental Assessment Council Act 2001 —
Government response to the Victorian Environmental
Assessment Council's Statewide Assessment of Public Land
Final Report.

**COMMERCIAL PASSENGER VEHICLE
INDUSTRY AMENDMENT (FURTHER
REFORMS) BILL 2017**

Council's amendments

**Returned from Council with message relating to
amendments.**

Ordered to be considered later this day.

ROYAL ASSENT

Message read advising royal assent to:

5 December

Fines Reform Amendment Bill 2017

Victorian Data Sharing Bill 2017
Voluntary Assisted Dying Bill 2017

12 December

**Gambling Regulation Amendment (Gaming
 Machine Arrangements) Bill 2017.**

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

**Financial Management and Constitution Acts
 Amendment Bill 2017**

**Major Events Legislation Amendment (Ticket
 Scalping and Other Matters) Bill 2017**

**Primary Industries Legislation Amendment
 Bill 2017.**

BUSINESS OF THE HOUSE

Program

Ms ALLAN (Minister for Public Transport)
 (12:58) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 14 December 2017:

Gambling Legislation Amendment Bill 2017

Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017

Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017

Primary Industries Legislation Amendment Bill 2017.

It is beginning to look a lot like Christmas; it is less than two weeks away, and this is our last sitting week for the year. I am sure we are all filled with festive cheer and festive spirit, and it is with that level of engagement that I am optimistic that once again the Legislative Assembly will endorse with acclamation and with unanimity the program that is being put before the house this afternoon. As I have just outlined to the house, there are four bills for our consideration, four bills that go to a range of different policy areas that I am certain will engage a high level of interest across the chamber.

I do note that the Liberal-Nationals coalition opposition have sought for the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017 to be taken into consideration in detail. My response to that request, as is usually the way, is that if time permits towards the end of the week, we will look at how we can accommodate that in the government

business program, noting that — again, being filled with the spirit of this time of year — we are much more generous than those opposite were when they were in government about the amount of bills that are taken into consideration in detail. My friend the Attorney-General might remind me of the number of bills that were taken into consideration in detail in this chamber under the former government.

An honourable member interjected.

Ms ALLAN — I am hearing that it was perhaps two — two bills that were taken into consideration in detail.

Mr Clark interjected.

Ms ALLAN — I am happy to be corrected to three, manager of opposition business — very happy to have the record be corrected to three — but it certainly was not many. We have established a different practice in this place of course. We are happy to consider each request on its merits, not in a partisan way, and we are happy, when time permits in a busy parliamentary schedule, for the opportunity for consideration in detail to be provided. But this is a very long way of saying that we will see if there is time available towards the end of the sitting week.

As we have just heard, the Commercial Passenger Vehicle Amendment (Further Reforms) Bill 2017 has been returned from the Legislative Council with amendments, and I indicate that it is the government's intention to deal with that matter during the course of the afternoon today. There is also another bill that has come back from our friends in the upper house — the Corrections Legislation Further Amendment Bill 2017 — and at this stage it is the government's intent to have that one considered in this place over the course of tomorrow.

With those observations and commentary I commend the government business program to the house and remain optimistic that the manager of opposition business will rise to his feet in great support of a strong program with strong pieces of legislation that deliver a strong government agenda and provide an appropriate amount of scrutiny and revision on the way through. I commend the motion to the house.

Mr CLARK (Box Hill) (13:02) — There is one aspect of the Leader of the House's remarks with which the opposition agrees — namely, Christmas is drawing close. That is evident by the fact that the government is already in wind-down mode with a relatively modest program this week. We have bills that have a degree of complexity about some of their detail — and as we well

know detail is one amongst many areas in which the government is not strong — and there are aspects of this program that will need very careful examination if this Parliament is to do its job and make sure that legislation is going to work effectively to achieve what it is supposed to do, as well as assessing the policy merits of what is put forward.

I do vehemently disagree with the Leader of the House's assertions about consideration in detail. I again remind the house that the election promise of the current government was that consideration in detail of bills would become standard practice, whereas what the government has now defaulted to is that one bill a week will be considered in detail if the government feels like it and if it is able to get itself organised accordingly. We saw last week that the government was not itself able to fulfil those conditions, and the bill relating to puppy farms that would have greatly benefitted from consideration in detail in this house was not able to be considered in detail.

However, as is often the case, it is as much what is missing from the government business program as what is on it that concerns the opposition. The government continues to run a mile from accountability in any shape or form. As I have pointed out to this house on numerous previous occasions we do still have hanging over our heads the allegations about the rorting and abuse of office by the former Speaker and Deputy Speaker, the members for Tarneit and Melton, and again the government persistently refuses to allow those matters to be dealt with. That has now been added to by a motion on notice by the member for South Barwon, seeking to have an issue concerning the member for Geelong considered by the Privileges Committee, which again ought to be brought on and dealt with by this house.

Alongside those matters of lack of transparency and accountability by the government we have got continuing issues around the Deputy President in the other house, which has seen him 'stood down', as the term goes, but still continuing formally to hold his office and to draw his pay, notwithstanding the very serious allegations surrounding misuse of his electoral allowances, as well as a range of other very serious allegations about apparently illegal activities. And of course we have the longstanding rorts through the red shirts scam that the government is yet to be held to account for.

On top of that when it comes to transparency, for all of the rhetoric about it, we still have at item six on the notice paper today the Transparency in Government Bill 2015, on which the government still has not got

itself organised or willing to face up to the amendments of the Legislative Council about a bill that it talked about long and loudly when elected — and indeed before it was elected as one of its policies to ensure transparency. It has comprehensively failed to progress with that legislation when the Legislative Council said, 'If we're going to be on about transparency, let's make it a genuine transparency and prohibit misuse of public funds for political purposes'.

So there are huge shortfalls in the government business program as usual, and for that reason it will be opposed by the opposition. However, do let me conclude where I began. We are in the final week before Christmas and I take this opportunity, in case no other opportunity arises, to express my appreciation, the opposition's appreciation — and I expect the appreciation of all members of this house — for the fantastic support and services that we have received from the officers of the Parliament during the spring sittings, including officers at the table who have been forced to sit through the night and go through other major upheavals. To all the Parliament's staff I express our appreciation for the support they have given to us.

Mr PEARSON (Essendon) (13:07) — Deputy Speaker, I am delighted to make a contribution on the last government business program of the year. It is always a joy to be afforded the opportunity to rise in this place to talk about the exciting agenda of the Andrews Labor government. I would dispute, as you would expect, Deputy Speaker, the characterisation made by the manager of opposition business in his contribution. This is a very solid program that is before the house.

As the Leader of the House indicated in her contribution, I believe there will be the opportunity for two bills to be considered in detail this week. This is I think one fewer than what was considered in detail in the entirety of the 57th Parliament. This is a very solid business program that is before the house today. I think it demonstrates, as did the announcement today by the Minister for Roads and Road Safety, who is at the table, that this is about the government getting on with honouring its election commitments and providing good government to the people of Victoria.

I note that in the manager of opposition business's contribution he traversed a wide range of matters about allegations of behaviour of members. The manager of opposition business, though, did not talk about the fact that his leader has had dinner with the alleged head of the Calabrian Mafia. He seemed to gloss over that particular point, but I think it is a point that is well worth making because it was of course the Leader of

the Opposition that sat down with the alleged head of the Calabrian Mafia for lobster and Grange. I think it is worth making that point.

In a contribution on a previous government business program the manager of opposition business indicated that he thought I was drawing a comparison between Publius Clodius Pulcher and the Premier. Instead I was referring to Publius Clodius Pulcher's superior legislative vision that he brought to his term as tribune. Indeed on his first day as tribune in 58 BC Clodius promulgated four bills, one of which was the grain dole for the urban poor in Rome that lasted for 500 years.

It is a pretty impressive record when on your first day in power you introduce a piece of legislation that stands the test of time for 500 years. This has often led others to argue that Clodius was one of the most innovative urban politicians in western history. Bear in mind that Clodius of course did not have access to our outstanding clerks, nor did he have access to *Erskine May*, but he was able to introduce far-reaching legislation because he brought to his chamber, in his role as tribune, a clear vision for what he wanted to achieve. That is a really important point to make.

The manager of opposition business also partially quoted Pliny the Elder, who always ended every speech in the Roman Senate with the phrase, 'Ceterum censeo Carthaginem delendam esse', which translates to, 'Furthermore, I consider that Carthage must be destroyed'. I think that was a worthy way to end every contribution that Pliny the Elder made. I would like to end my contribution by saying, 'Ceterum existimo enim quod est per se bonum et progressivum imperium', which translates to, 'Furthermore, I consider that good and progressive government is essential'.

When we have got a government business program like that which is before the house, we are delivering good and progressive government. We are getting on with honouring our election commitments. We are providing good, competent and stable administration in this place. We are ensuring that the economy is growing. We are ensuring that we are creating a fairer and more just Victoria. That is exactly what this government business program does. We are delivering on what we have committed to for the third year running, and I absolutely commend the government business program to the house.

Mr HIBBINS (Pahran) (13:11) — Yes, Christmas is close, but it was getting further and further away every second that I had to keep listening to that speech. But hopefully we will get through this week, and Christmas will be just around the corner. As usual, the

Greens will not be supporting this government business program because of the complete failure of the government —

Mr Pearson interjected.

Mr HIBBINS — I have got to say, in taking up the interjection, there is no bigger sellout to progressive values in this place than the member for Essendon, who wants to sell off public housing, who wants to sell off and privatise public housing —

The DEPUTY SPEAKER — Order! The member for Prahran will address the government business program and will not respond to interjections.

Mr HIBBINS — Thank you. I appreciate that, Deputy Speaker.

Mr Pearson interjected.

The DEPUTY SPEAKER — The member for Essendon!

Mr HIBBINS — I will not go on for too long, like the member for Essendon did.

We will not be supporting this motion. The government has failed all year to refer the member for Melton and the member for Tarnet to the Privileges Committee. It was clear to everyone that that was the appropriate course of action, and the Privileges Committee could then decide what they were going through with that referral, whether they wanted to take it up or whether they wanted to defer it because of any other investigations from any other bodies. They would then decide whether there was a sanction or anything appropriate to bring back to the house, and the house would then vote on that. That is the appropriate course of action. That is the course of action this government seems to be refusing to take. It is very disappointing. We will not be supporting the government business program until that referral has been put on the program for this week.

It is coming to the end of a long year, but I will say that I am so pleased that there are now three Greens MPs in this place. It is an absolutely fantastic achievement that we have now got three Greens in this place. With those comments, the Greens will not be supporting the government business program.

Mr McGUIRE (Broadmeadows) (13:13) — The final government business program for 2017 brings a series of reforms to address energy, gaming, primary industries and ticket scalping. It fits into the bigger picture that this government has painted right through

the year in delivering Victoria's biggest infrastructure project on record, the Melbourne Metro; changes to the face of the world's most livable city to adapt to population growth; and a whole series of other reforms that drive our AAA-rated economy. That is why I want to pick up on the manager of opposition business having said that the government was in 'wind-down mode'. That is just not factually accurate. It goes against all of the available evidence and the facts that we have. Victoria's economy is booming. State final demand growth is the strongest in the nation at 4.7 per cent. We are creating more jobs than anywhere else in the country: 280 000 jobs have been created in Victoria since the Andrews government came to office three years ago, and about 190 000 of those jobs are full-time. It is the highest growth in full-time employment of all the states.

This is really what the Andrews government is about, and I do have to put it in context. The former coalition government, which was in for one term, did not wind up. That was the problem, not winding down. It was a do-little government that ended up being written off and voted out. That is really where we stand on what this government has been about. Then on the specific bills to be discussed and debated, the opposition says it wants to go into consideration in detail on the scalping legislation. The manager of government business has said that that is an option depending on the time. Of course this is a bill that proposes changes to expand the current ticket scalping provisions to create major event ticketing declarations that will apply to more events than just sporting events. This has to do with the changes in technology and extending what ticket scalping can mean. With online secondary ticketing markets ticket scalping has become an increasing issue, not just in the state and in the country but internationally as well because of how this can now happen.

The Victorian government is committed to enabling genuine sports and music lovers to have access to tickets for more events on the Victorian events calendar without having to pay inflated prices for events due to ticket scalpers. That is an important one, and that goes to our whole calendar of major events that has been crafted over a long period of time now, largely in a bipartisan way, to bring these events to Melbourne. So what we are trying to do is give the people of Victoria another chance to actually see these events, from sport, to arts and all parts of our different cultures.

The Gambling Legislation Amendment Bill 2017 inserts an amendment into the Gambling Regulation Act 2003 so that wagering service providers must not display static betting advertising within 150 metres of a school, on public transport infrastructure and on roads

or road infrastructure. The bill gives the minister the power to ban betting on a contingency offered by a wagering service provider where the minister forms the view that betting on the contingency is not in the public interest. I look forward to that debate and the potential to consider the bill in detail.

Then we have to repeal the quaintly named Broiler Chicken Industry Act 1978 to get rid of red tape, to respond to emergency meat industry and fisheries management issues and to improve the efficiency and administration of Victoria's fisheries management act. Then there is the energy bill as well.

In summing up, in the spirit of Christmas, I do want to pass on my regards to the officials as well. I will be handing around some baklava to Hansard, the library and others today. I think I have resolved that age-old issue of who makes the best baklava. Is it the Turks, the Greeks or the Lebanese? The answer is: it is their descendants in Broadmeadows.

Ms SHEED (Shepparton) (13:18) — It is with some disappointment that I rise to oppose the government business program, and that is because of the outstanding issue that just remains with us through and through. While the program itself, in terms of the bills that are to be debated, is entirely acceptable and I look forward to participating in those debates, there does remain the outstanding issue of a referral to the Privileges Committee. It is disappointing that this is just going to go on and on and not be addressed. Time after time we are locked into a position of, in my case, needing to oppose the government business program for that particular reason.

I would also like to take this opportunity to thank all the parliamentary staff for the fantastic support they give to me as the Independent member for Shepparton. It is often much needed and it is certainly much appreciated.

Mr KATOS (South Barwon) (13:19) (*By leave*) — Thank you, Leader of the House, for the opportunity to speak on the government business program. Unfortunately I cannot speak Latin, so I will say merry Christmas to all staff and everyone in the house, and Kala Christougenna to everyone as well in Greek.

Mr Pearson interjected.

Mr KATOS — Well, I can't speak Latin, member for Essendon.

There are four bills on the program this week: gambling, major events, offshore petroleum and greenhouse gas storage, and primary industries legislation. As the manager of opposition business said,

the opposition will not be supporting the government business program primarily because of the failure to deal with the roting members from Melton and Tarneit, and also the motion that I have now put on the notice paper with regard to referring the member for Geelong to the Privileges Committee for her comments during the debate on the drug injecting room bill. That is a serious matter. I believe she has misled the house and that should be dealt with. I have put a substantive motion on the notice paper to that effect.

It is a reasonably light program. We have said that we wish to have the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017 go into consideration-in-detail stage on Thursday, and given the fact that there are only four bills on the notice paper I do not see why that should be a problem. If there were six or seven bills, I could see that time would be an issue, but given that there are only four bills on the program I think there is more than enough time for that bill to be considered in detail on Thursday. As I said, the opposition will not be supporting the government business program.

House divided on motion:

Ayes, 42

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Scott, Mr
Garrett, Ms	Spence, Ms
Graley, Ms	Staikos, Mr
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thomson, Ms
Howard, Mr	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

Noes, 39

Angus, Mr	O'Brien, Mr M.
Asher, Ms	Paynter, Mr
Battin, Mr	Pesutto, Mr
Blackwood, Mr	Ryall, Ms
Britnell, Ms	Ryan, Ms
Bull, Mr T.	Sandell, Ms
Clark, Mr	Sheed, Ms
Crisp, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hibbins, Mr	Thompson, Mr

Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
McLeish, Ms
Morris, Mr
Northe, Mr
O'Brien, Mr D.

Thorpe, Ms
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Cheshunt Drive, Hallam

Mr DONNELLAN (Minister for Roads and Road Safety) (13:28) — I would like to highlight a road safety concern in Cheshunt Drive in Hallam which has been raised with me by local constituents. Since the welcome installation — and I very much welcome that — of speed humps on Hinrichsen Drive in Hallam, a significant number of motorists are now using Cheshunt Drive to avoid these traffic calming measures. Residents living in Cheshunt Drive in Hallam are concerned about the considerable amount of traffic taking a shortcut through their quiet residential street to get to Hallam South Road or to access the industrial area across Hallam South Road. The amount of traffic and its speed in travelling through Cheshunt Drive pose a real risk to the safety and amenity of the community.

Cheshunt Drive is locally managed by the City of Casey and residents have presented a petition to council asking for traffic calming measures to be installed on the road to improve road safety. To date the council has refused to take action on this very important local safety issue. I have assisted local residents in preparing a second petition which I am going to send to their local ward councillors, Cr Rosario and Cr Smith.

This is just one of a number of local concerns I have raised with the City of Casey to date, and I have outstanding correspondence since March of this year. So in other words, I am still waiting for responses from the CEO. Obviously the focus of this council seems to be far too much on building themselves a brand-new office and getting excited about that, and far too little on actually getting on with the job of basically representing their local constituents and ratepayers.

Trevor White

Mr BATTIN (Gembrook) (13:29) — First of all can I put on record my thanks to Trevor White, Victoria State Emergency Service (SES) chief officer, operations, who will be resigning and stepping down shortly. I know he has done a fantastic job in the SES, and I want to wish him all the best in the future.

Emerald Secondary College

Mr BATTIN — On another topic, I want to speak about Emerald Secondary College. I recently visited Emerald Secondary College with the shadow Minister for Education and Jodie Dobell, and we had a look at some of the issues at that school, including a septic tank that is open underneath one of the classrooms, mould on the walls, classrooms that are shut due to the smell of mould in classrooms, floorboards that are coming up and the issues with those. The actual issue is —

Honourable members interjecting.

Mr BATTIN — I know the other side is yelling out, ‘Why didn’t you do something about that?’. The Minister for Education’s own constituents attend that school. They have written to him, and guess what? He has not replied. He will not speak with the principal there; he will not discuss it.

These are classrooms that closed two weeks ago, not three years ago. The mould in there is dangerous to students. Whilst you yell across the chamber, students in Emerald that live in my and the Minister for Education’s and my electorates deserve a safe environment. There are teachers that have to lock off classrooms now for safety. There is a facility holding chemicals, and if water mixes with those chemicals it could cause an explosion. That facility has rusted through and now has leaks. It is not a joke, and the Minister for Education should walk across the border and visit that school.

Western suburbs employment

Mr NOONAN (Williamstown) (13:31) — Last week I attended an event organised by the West of Melbourne Economic Development Alliance (WOMEDA) at Victoria University’s Sunshine campus. At the event the Minister for Industry and Employment officially launched an economic development strategy for the west of Melbourne. This groundbreaking strategy makes a series of recommendations about the economic development priorities for the west and recognises that the region faces multiple challenges, including rapid population growth, declining industries, the need for a more highly skilled workforce, persistent shortfalls in health service provision and community amenity, and lower social outcomes.

WOMEDA’s modelling suggests that 100 000 more people will be looking for jobs in the west by 2030 and the challenge will be to ensure jobs growth matches population growth. The report recommends the development of three major employment hubs in

Footscray, Werribee and Sunshine. The report also identifies the need to catch up on jobs growth with a particular focus on health and education, and an exciting proposal to co-locate a new Footscray Hospital with an expanded Victoria University campus at Footscray Park. The challenge now is to bring this strategy to life, and I look forward to doing what I can to advance the recommendations in the report.

I congratulate the chair of WOMEDA, the Honourable Steve Bracks, for continuing to advance the interests of the west, together with the deputy chair, Victoria University vice-chancellor Professor Peter Dawkins, for driving this initiative. I also recognise the contributions of LeadWest, Western Melbourne Regional Development Australia and all of the stakeholders, including the six local councils in the region.

Euroa floods

Ms RYAN (Euroa) (13:32) — I would like to pay tribute today to all of the volunteers across my electorate who helped out with the recent floods in Euroa. As many members of the house would be aware, we had some significant flooding in Euroa, with eight houses experiencing inundation over floors and impacts on the local caravan park as well as a number of businesses. The response to the floods was managed almost entirely by local volunteers, and I would particularly like to recognise the Victoria State Emergency Service (SES) divisional commander, Annie Kubeil, her husband, Tony, and the other volunteers at the SES, many of whom worked for more than 24 hours through that flood event.

It is really important that we get funding for roads so the shire can fix roads in coming weeks, particularly in areas like the Weibye Track where it joins Longwood-Gobur Road. There is peeled bitumen on Longwood-Pranjip Road, Geodetic Road at Molka has been closed and Galls Gap Road has also been a problem. I would urge the government to do that.

Wire rope barriers

Ms RYAN — I also wish to raise the issue of wire rope barriers. I ask the government to halt their rollout in my area to allow time for further investigation and consultation with the community so that the barriers fulfil their purpose of heightened safety as opposed to heightened risk, which a number of community members in my area currently feel they are presenting.

Narre Warren South electorate student achievements

Ms GRALEY (Narre Warren South) (13:34) — ‘The best way to find yourself is to lose yourself in the service of others’, said Mahatma Gandhi. I most admire people who put their hands up, especially in challenging times, to support others and make the community a better place for everyone. I try to encourage our schoolchildren, as future leaders, to do just that. That is why I ask local schools to nominate students for my community, spirit and leadership awards, the Joan Kirner AC Memorial Education Award and the Denese Bartlett Memorial Scholarship.

This year’s recipients of my community, spirit and leadership awards were Georgie Radley from Berwick Fields Primary School; Paru Niranyana from Brentwood Park Primary School; Kiarah Taing-Sun from Hillsmeade Primary School; Mujgan Hakimi from Narre Warren South P-12 College, who burst into tears of joy; Judi Seleman from Coral Park Primary School; and Elizabeth Acha from Hampton Park Primary School. Each of these young award winners displayed consideration for others, participated in a wide range of activities within the school and demonstrated a keen interest in community issues. My thanks to their parents too for raising such great children.

Anusha Sharma, a student from Hampton Park Secondary College, is this year’s very worthy recipient of the Joan Kirner AC Memorial Education Award. Anusha has been an outstanding leader and role model throughout 2017, introducing new initiatives in her role on the year 11 formal committee. I know she will continue to excel as one of the college captains for 2018.

New challenges will also be on the horizon for Narre Warren South P-12 student Reanne D’Mello, who received the prestigious Denese Bartlett Memorial Scholarship. Reanne has been enthusiastic in her commitment to her school and has established excellent leadership skills, all while achieving outstanding academic results throughout the year. It has been a great honour to present these awards for over a decade, and I congratulate this year’s award winners on their fantastic work and commitment.

Jerusalem business office

Mr SOUTHWICK (Caulfield) (13:35) — As a proud member of the Jewish community and representative of a seat that has one of the largest Jewish communities in Australia, I welcome any announcement about advancing relationships between Victoria and Israel. I am also proud that the Victorian

Liberal Party is prepared to stand up for Israel and recognise Jerusalem as its capital where many others duck for cover. The policy announcement by the Leader of the Opposition to open a business office in Jerusalem to promote business innovation and collaboration with Israel is a great announcement for many reasons. Jerusalem is fast becoming its own start-up powerhouse. Mayor Nir Bakat built an innovation ecosystem, particularly with the establishment of the high-tech industrial park Har Hotzvim, attracting companies like Intel, Cisco and Novartis pharmaceuticals to name a few. The Hebrew University of Jerusalem’s commercialisation research centre includes Yissum, which has spun off many successful start-ups including Mobileye.

Victoria would have a unique first-mover advantage as one of the first jurisdictions globally to locate a trade office in Jerusalem should we win the election next year. The Australian government already has a strong presence in Tel Aviv with the Landing Pad. A Victorian trade office in Jerusalem would operate as a satellite office to build on trade opportunities for Victorian businesses. Jerusalem is where the Israeli Parliament and government offices are located, and we respect the right of Israel to determine its own capital. We believe that the Leader of the Opposition’s plan for a trade office in Jerusalem will get great results for businesses in Victoria and enable collaboration with one of the most successful start-up nations in the world.

Steve Hutchins

Mr PEARSON (Essendon) (13:37) — On Friday, 24 November, Stephen Patrick Hutchins passed away in his beloved Blue Mountains after a two-and-a-half-year battle with stomach and oesophageal cancer that saw him undergo over 30 weeks of chemotherapy and radiation treatment. He battled many painful side effects from both the treatment and the cancer, such as advanced neuropathy, feeding through a tube in his nose for two months and extreme back pain and fatigue. But Steve never complained and fought every symptom in his own silent way. He never gave up fighting for his life, right up to his last breath.

Special thanks to oncologist Dr Rowan Doig, his private office staff, Linda and Peter, and the oncology nursing team at Epworth Richmond, particularly Nurse Kale.

Dr Rowan Doig is an extraordinary professional who gives his patients hope and support even on the darkest of days. Despite some awful test results, there was never a bad day with Dr Doig. Natalie and Steve both

believed that his professional advice and his supportive manner led to the extra time Steve had with his family — Natalie, Lauren, Julia, Michael, Georgia, Madeleine and Xavier — his sister, Linda, and his many friends.

Milo Yiannopoulos

Mr PEARSON — Today I condemn the recent irresponsible actions of Milo Yiannopoulos, his promoter and the venue which hosted his visit, which triggered a riot on the doorstep of the Flemington public housing estate. In the past decade Victoria Police have worked extremely closely with residents of the Flemington public housing estate, in particular the Horn of Africa community. The bigotry and hatred that Mr Yiannopoulos has brought into my community has damaged that relationship and shaken my community's sense of belonging. While people proclaim Mr Yiannopoulos's right to free speech, neither he nor his supporters have the right to denigrate and vilify the people of my community based on their race, religion or gender.

A week after the riots concluded it falls to members of Victoria Police, the community and me to sit down and find a way to clean up the mess that this zealot has created. Flemington is home to a vibrant African-Australian community. On their behalf I say to Mr Yiannopoulos: go back to where you came from, because you and your hate are not welcome here.

Brighton electorate planning

Ms ASHER (Brighton) (13:38) — I wish to draw the house's attention to the 2016–17 annual report of the Victorian Civil and Administrative Tribunal. In doing so I would like to advise the house, if they are not already aware, that planning is one of the most important issues in the Brighton electorate. If I turn to page 54 on the planning and environment list of VCAT, the report refers to the fact that in terms of the number of disputes, the planning and environment list increased by 7 per cent on the previous year. Indeed the report makes reference to the fact that most of the cases that come before VCAT are about disputes — generally multidwelling developments on suburban lots and how many apartments should or should not be in a particular area.

I note on page 56 that in terms of the top 20 applications by council for the period, Bayside council is yet again on this list. There were 114 applications in 2016–17, and whilst that number was down, the suburb of Brighton is yet again featured in the top 20. We have had an increase in the number of cases in Brighton that have been referred to VCAT. My

constituents do not like the fact that VCAT is determining what our suburb looks like, and I find these figures most alarming.

Ilim College, Doveton campus

Ms WILLIAMS (Dandenong) (13:40) — I recently had the pleasure of visiting the Doveton campus of Ilim College, which is coming to the end of its first year of operation. Ilim College is an Islamic P–12 college which operates four campuses across the north-western suburbs, and Doveton is their first campus in the south-east. Ilim is located at the old Doveton North Primary School site, which for a long time sat derelict and unused — a rubbish dumping ground and a vandalism haven. The site is now home to this thriving new school, another important contributor to the Education State. I am proud to be a member of a government wholly committed to providing every student with every chance to succeed. We are equipping schools to provide students with the knowledge, capabilities and attributes to allow them to thrive with excellence and equity in equal measure.

Dandenong is the most multicultural electorate in Victoria. We are home to 158 different nationalities, a place where people from every corner of the world live, work and learn side by side. That is why schools like Ilim play such an important role in our community. They become more than just schools; they are community hubs where many local families engage and participate. They offer a sense of belonging for some local families and allay feelings of isolation. This is particularly important for communities like the community in Doveton, which the incoming principal tells me now comprises over 20 per cent of people of Islamic faith. I thank the leadership team at Ilim College for hosting me last week. It was an amazing tour. There is lots to come, and I look forward to watching this school grow into the future.

Melton Botanic Garden

Mr NARDELLA (Melton) (13:41) — On Thursday, 7 December, the Melton Botanic Trail was officially opened by Cesar Melhem, MLC, and the mayor of Melton, Cr Bob Turner. I am very proud to see the progress of the Melton Botanic Garden since the genesis of the project, which began in my office with parliamentary intern Megan Barnett undertaking a feasibility study in 2003 and intern Isobel Keecher completing a further study in 2004. Melton City Council received \$190 000 in funding from the Andrews Labor government, and the Friends of the Melton Botanic Garden, led by Mr John Bentley, provided in-kind support towards the completion of the

\$800 000 project. The funding was provided under the government's Growing Suburbs Fund.

Since those early days, from the concept undertaken in my office, the gardens have become an invaluable asset to the community and attract visitors from interstate and overseas. The walking trail has a bridge and a shared path connecting Melton Botanic Garden to the Toolern Creek, with a walking track around the botanic lake. The mayor, Cr Turner, in opening the botanic trail said:

The Melton Botanic Garden is a great asset to the City of Melton, providing environmental, health and wellbeing benefits to residents and visitors alike ...

I congratulate the many Friends of Melton Botanic Garden — over 200 — on their vision and hard work in the continuing development of this valuable community asset. It is just terrific to see people using the Melton Botanic Garden and the activity around it.

Macedon electorate neighbourhood houses

Ms THOMAS (Macedon) (13:43) — Neighbourhood houses really are at the heart of our communities. Last week it was my pleasure to meet with coordinators from neighbourhood houses across the Macedon Ranges. It was great to hear about the breadth of their work but also the challenges they face. It struck me again just how vital the services that they provide to our community are — from community lunches, the famous Lancefield op shop, barista training and town festivals, to the many fabulous programs to engage both the young and the old, and especially new arrivals in our towns.

Neighbourhood houses are an open door. They build community resilience and connectedness, and they weave the fabric of our communities together. So today on behalf of the communities across the Macedon Ranges, I say thank you to our coordinators for your service: Vivien Philpotts from Lancefield Neighbourhood House, Mary Hogarth from the Kyneton Community & Learning Centre, Angela Van Dam from Woodend Neighbourhood House, Michelle Balthazar from Romsey Neighbourhood House and Nicole Garbutt from Riddells Creek Neighbourhood House. A very special thankyou to Carol Franceschi for her 28 years of service as Macedon Ranges Further Education Centre neighbourhood house coordinator. It is an outstanding commitment to the people of Gisborne and the Macedon Ranges, but now it is time for you to spend some time with your family.

International Day of People with Disability

Ms THOMAS — The International Day of People with Disability was celebrated in the Macedon Ranges shire with a two-course meal and a live band at the bowls club in Kyneton supported by Windarring, Anglicare, Haven, Homesafe and Cobaw Community Health. The event was organised by Macedon Ranges Shire Council. Congratulations, Sonya Leonello, rural access worker, for your work bringing access and inclusion to people with disabilities in the Macedon Ranges. The Elvis theme and the brilliant music of the Bombastics meant a terrific night was had by all, including some of the most vulnerable members in our community.

Ovens Valley electorate floods

Mr McCURDY (Ovens Valley) (13:44) — Congratulations to all involved in preparing our communities for the major rain events recently. The Victoria State Emergency Service, the Country Fire Authority and all volunteers worked together to ensure Cobram, Yarrawonga, Wangaratta, Myrtleford and Bright were all well prepared. Myrtleford came the closest to a major event with 125 millimetres on the Friday night. An expected further 100 millimetres on the Saturday night galvanised the town into action, with sandbags filled and distributed throughout the town. Thankfully the 100 millimetres turned into 25 millimetres, and a major event was averted. However, you can only admire the teamwork of those communities to prepare for the worst-case scenario. A huge thankyou to all service clubs, including the Myrtleford Lions Club, which responded late Saturday night. To all the volunteers: I simply do not know where we would be without you.

Victoria State Emergency Service Cobram unit

Mr McCURDY — Thanks to the member for Gembrook, who visited the Ovens Valley electorate last week. He met with the Cobram unit of the Victoria State Emergency Service (SES), which I am supporting to achieve their goal of an SES headquarters in Cobram. Currently they house their vehicles in private sheds, rented sheds and in the Tocumwal, New South Wales, SES facilities across the river. The Cobram SES do an outstanding job; in particular, having a major river in town adds another dimension to search and rescue in our region. I have a petition to table later this week with over 1900 names supporting a home for the Cobram SES.

We also visited many of the Country Fire Authority (CFA) brigades throughout the region to hear their

needs. As you can imagine, morale is at an all-time low in the CFA throughout Victoria, but my CFAs were delighted to know that they can still be heard. They spoke about all issues, including enterprise bargaining agreements, the lack of training opportunities and the upgrade to facilities and equipment that is required. The best thing we can do sometimes is to listen and show respect to our volunteers — something this government should consider.

Creating Opportunity: Postcodes of Hope

Mr McGUIRE (Broadmeadows) (13:46) — This has been a landmark year for the people of the Broadmeadows electorate, one that defines why Labor matters. I am grateful to the Premier for responding to my calls for a new deal for postcodes of disadvantage, outlined last year in the strategy *Creating Opportunity: Postcodes of Hope*; establishing the portfolio of suburban development; and appointing me chair of the Broadmeadows Revitalisation Board, which helps coordinate the three tiers of government, business and civil society to deliver new industries, investment and jobs in struggling communities. Results for Broadmeadows this year have been important.

The jewel in Australia's medical research crown, CSL, last week unveiled the extension to its manufacturing plant predicted to create 200 new full-time local jobs. CSL and the Victorian government co-invested \$230 million in lifesaving blood products for Australia, which are also expected to be exported to the US and Europe, with an annual market value of \$850 million.

The Andrews government also delivered on a generational aspiration by opening the Broadmeadows hospital, where pain-relieving elective surgery can be delivered faster and locally. It also committed \$162 million to build the vital next stage of the Northern Hospital, saving lives and improving health in one of Victoria's fastest growing regions.

North-east link

Mr McGUIRE — Trains will run under Camp Road for the first time tomorrow, following the safe and record-breaking removal of the level crossing in Campbellfield, which has proved fatal and caused delays for its 30 000 daily users, causing a loss of productivity at work and time with families at home. The Andrews government's commitment to the missing link in Melbourne's road network will also increase safety and create more than 5000 jobs, a crucial infrastructure project.

Broadmeadows town hall redevelopment

Mr McGUIRE — I was delighted to open the Broadmeadows town hall development strategy —

The ACTING SPEAKER (Mr Carbines) — Order! The member's time has expired.

West Gate tunnel project

Mr WELLS (Rowville) (13:47) — This statement welcomes the announcement by the Leader of the Opposition that the Liberal-Nationals will stand up for Knox drivers and vote against Labor's outrageous deal to extend CityLink tolls to pay for Labor's West Gate tunnel. Knox drivers did not vote for the Premier's West Gate tunnel project, and they definitely did not vote for a 12-year extension of tolls on the Monash Freeway. There is nothing fair about Labor's plan to make drivers across Melbourne pay an extra \$12 billion in tolls for a tunnel project they did not vote for and may never use.

The Liberal-Nationals will protect Knox drivers and vote against any Andrews Labor government proposal to amend the CityLink concession deed to extend CityLink tolls in order to fund the West Gate tunnel. Knox drivers already pay every day for Labor's broken promise to not toll the Scoresby freeway. Labor claim they will not toll the Eastern Freeway, but there are genuine fears that the Premier will try to tax his way out of the \$9.5 billion cost blowout on the north-east link and slug motorists on the Eastern Freeway with a new toll.

Whether the Premier comes clean on his toll plans or not, history shows that Labor cannot be trusted to look after Knox drivers.

Yuroke electorate fire brigades

Ms SPENCE (Yuroke) (13:49) — Our firefighters do an outstanding job protecting and serving our state. It was terrific to recently read about some extra special rescues our firefighters have been instrumental in involving some creatures great and small, including a dog being rescued from a concrete shaft and a cat being rescued from a drain in Roxburgh Park.

C shift at Craigieburn answered a telephone call from a concerned local resident about some ducklings stuck in a drain. My understanding is that the firefighters went above and beyond to entice the ducklings out of the tiny drain they were stuck in and then reunited them with their very concerned mother. Well done in particular to firefighters Rob and Dave, who were supported by station officer Graeme and leading firefighter Luke.

These are just a few of the recent cases I have heard about. The reality is that our fine men and women of both the Country Fire Authority and the Metropolitan Fire Brigade do outstanding acts like this every single day. In Yuroke we have three outstanding brigades — Craigieburn, Greenvale and Kalkallo. With the commencement of the fire season, I know they are training hard to be prepared. I wish them all well.

Fred Hollows Humanity Award

Ms SPENCE — On another matter, I would like to congratulate two Yuroke grade 6 students on being awarded the Fred Hollows Humanitarian Award — Kristabelle and Raffaella from Our Lady's Primary School in Craigieburn. These humanitarian awards acknowledge students who follow in Fred Hollows's footsteps by making a positive difference in their local community.

Kristabelle and Raffaella were specifically acknowledged for their compassion, integrity and kindness. They raised more than \$1000 for the Bahay Tuluyan charity, which prevents and responds to the abuse and exploitation of children in the Philippines, and more than \$1000 for the Project Compassion charity, which supports impoverished communities across the world.

A special thanks to teacher Ms Mary McCormack for nominating these students. I was so proud to read of their wonderful work, and I know the whole Yuroke community shares this pride. Well done, and I look forward to seeing more of your achievements in the future.

Kelvin Duke

Mr TILLEY (Benambra) (13:50) — On Sunday I took great pride in celebrating the life membership and renaming of the Chiltern rodeo arena in honour of Kelvin Duke. It was Kelvin and Michael 'Pickles' Phibbs, his great mate, who reinstated the rodeo back in 1997, more than 40 years after what was thought to be the last Chiltern rodeo. Today it is the biggest little rodeo in the country, and both Kelvin and Pickles, along with a tireless committee, are still at the helm. It is also a great credit to the people of Chiltern. More than 200 locals turned up on Sunday night, and it was a terrific celebration. But the great thing about it was that they all kept it secret, and Kelvin's emotions showed just how much it meant to him.

I love rodeo and, Acting Speaker, can I tell you that I especially love the Chiltern rodeo. It is quintessentially Australian, a classic example of the

fusion between working on the land and the respect between man and beast.

Falls Creek

Mr TILLEY — At the other end of the scale, quite literally, I had the chance to be in Falls Creek on Friday, where what was once a snow-only destination is rapidly becoming a year-round attraction. There were schools competing on the mountain bike trails that we helped fund as a coalition government. Elite athletes from the Victorian Institute of Sport rowing program arrived at Rocky Valley Storage for a week-long training block. At 1600 metres, Rocky Valley Storage is the highest significant body of water in Australia. It reminded me that Falls Creek is the perfect location for a high-altitude training centre.

Bonshaw Early Learning Centre

Mr HOWARD (Buninyong) (13:52) — Recently I visited the new prefabricated building modules now at the greenfield site of the Bonshaw Early Learning Centre. These will provide two kindergarten rooms catering for 66 three-year-old and four-year-old children. Fully funded by the Andrews government, local families will be excited about this \$1.6 million kindergarten, with its modern spaces and play areas due to open at the start of next year.

Ballan District Health and Care

Mr HOWARD — Last Wednesday I visited the new kitchen at Ballan District Health and Care, which was provided with funding from the Andrews government. The kitchen currently prepares more than 2000 meals a week, catering for patients, aged-care residents, Meals on Wheels and all the children attending the Ballan Childcare Centre. The new kitchen will double its cooking capacity to 4000 meals per week and offer more food choices to aged-care residents, patients and staff.

Mount Pleasant Kindergarten

Mr HOWARD — Last Thursday I turned the first sod for the \$750 000 upgrade of Mount Pleasant Kindergarten. Fully funded by the Andrews government, the project includes the addition of a second kindergarten room, which will double the number of kindergarten places from 33 to 66. Construction is expected to finish late next year and is great news for local families in Mount Pleasant.

Country Fire Authority Lucas brigade

Mr HOWARD — Last Thursday I also visited the temporary home of the new Lucas fire brigade. The fire brigade is now fully operational and will be housed on the temporary site until the permanent \$5.8 million fire station opens in 12 months. The station will be equipped for emergency medical response and operated by 25 career staff — great news for this area.

RACV Energy Breakthrough

Ms STALEY (Ripon) (13:53) — Last Friday I returned to Avoca Primary School to join in their RACV Energy Breakthrough celebrations. Avoca Primary School, a country school with about 100 students, won the human powered vehicle (HPV) A1 event again. I am very pleased to have been able to sponsor the HPV team since 2015. This year's HPV A1 team, Avoca Spark, also won design and construction for their section. Avoca's pushcart team, Pyrenees Evolution, were the winners for display and presentation. Special mention must be made of teacher Tom Elliott and HPV designer and mentor Daryl Stewart. Tom and Daryl are integral to the team's success, and their dedication has continued over many years. The school spirit at Avoca is what drives these outstanding results. It is one of many fabulous schools to participate in the RACV Energy Breakthrough.

Other Ripon results include HPV A2 winner, Maryborough Education Centre (MEC), for *Mecificent 2.0* and HPV B1, Maryborough Education Centre, which came first; third was Highview College at Maryborough. For HPV B2, second was Highview College and third was the MEC; for HPV C, first was Highview College and second was the MEC; for 2017 Pushcart section 2, third was St Augustine's Primary School Maryborough. Carisbrook also won, and many others.

Victorian Schools Garden Awards

Ms KILKENNY (Carrum) (13:55) — Congratulations, Bonbeach Primary School, on being awarded the grand prize in the Victorian Schools Garden Awards recently. The Victorian Schools Garden Awards recognise the importance and value of gardens and outdoor spaces in progressive, modern education. Held annually, the awards program recognises new and existing gardens, and rewards the achievements of students and school communities in school gardening.

This year Bonbeach primary received the regional award, the state award and the highest Victorian

schools garden award — the Kevin Heinze Perpetual Award — for its creative garden, which includes an imagination garden, food forests, frog bogs, a giant worm farm, a chicken coop and outdoor classrooms. All of this has been built voluntarily by the wonderful school community at Bonbeach primary.

As well as the teachers, staff, Principal Ken Jones and students at Bonbeach, I would especially like to mention the incredible dedication and commitment shown by two amazing women, Jade Cavanagh and Amy Dowling. Amy and Jade, through Bonbeach Green Thumbs, have created and brought alive a remarkable garden oasis at Bonbeach Primary School, sharing their enthusiasm for organic gardening, sensory gardens and a sustainable environment with literally hundreds of students and school families. Amy and Jade are just so passionate about connecting children to nature and teaching them how to grow and enjoy real food.

The Bonbeach Green Thumbs garden is a wonderful way Bonbeach primary can use the outdoors as a classroom and teach personal, social and communal responsibility to students. Congratulations to Bonbeach Primary School on this extraordinary achievement.

South-West Coast electorate roads

Ms BRITNELL (South-West Coast) (13:56) — I once again direct these comments to the Minister for Roads and Road Safety, and once again it is in relation to the state of the roads in South-West Coast.

Over the last few weeks I have been speaking with transport companies in my electorate that are the backbone of the local economy and state economy — the people who take goods to market. They are all reporting to me huge increases in repairs and maintenance on their vehicles, all due to the shocking state of our roads. One company has reported product being broken and damaged during transport. We are not talking glasses or something fragile here — we are actually talking about bluestone.

Another company, Kelly Logistics, does the run from the port of Portland to the woodchip mill and back again. Their repairs and maintenance bill normally sits at around \$28 000 to \$30 000 a month, but over the past 12 months that figure has increased by about \$45 000 per month, and is now sitting at around \$70 000. The company's owner, Tony Noske, has been involved in the transport industry since 1956 and told me he has not seen roads in this bad a condition — ever.

He also said the main problem is drainage — water sitting there, not draining away and in turn soaking the

road sub-base. When crews come to fix a surface failure they do it well, but because they do not fix the underlying problem with the wet sub-base the surface fails again within a matter of weeks. Mr Noske says the simplest way to stop the cycle happening is to fix the road sub-base and then fix the drains and culverts and keep them maintained.

MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017

Second reading

Debate resumed from 28 November; motion of Mr EREN (Minister for Tourism and Major Events).

Ms VICTORIA (Bayswater) (13:59) — I rise to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. This bill changes the name of the Major Sporting Events Act 2009 to the Major Events Act 2009 so that we can extend the categories of events from just sporting to other events. It then amends the act to provide for controlling the secondary ticket market for major sporting and cultural events, which most of us would call scalping. Previously, as I said, it was just for sporting events.

It creates the position of an authorised ticketing officer, which is a very similar role to what police do as far as monitoring and catching scalpers, but is obviously a separate category of identification and qualification. The bill also repeals the Tourism Victoria Act 1992 in light of the creation of Visit Victoria after the abolition of Tourism Victoria with the change of government.

One of the first jurisdictions to have a Major Sporting Event Act was us here in Victoria. Obviously we have a lot of very big events like, for example, the AFL Grand Final, and that is why it was brought in. These events have always been protected, since that was brought in back in 2009, and one of the provisions for protecting against scalping was that any ticket resold could not be sold above its face value. That is changing, and I will get into that in a moment. The act came into effect on nominated sporting events and, as I said, you would not be able to onsell tickets for anything above their original sale price — under of course, but not over.

The bill extends that same protection to other major events as selected by the minister, and I will go into the criteria in a moment. It could apply to concerts, theatre productions or large cultural events. There are no specifics; it is quite open and needs to be. Because there

is such a broad range of options for people to attend here in Victoria it needs to be fairly broad, so I am okay with that.

To appoint authorised ticketing officers to monitor websites of course is a good thing. People might use things like Gumtree or eBay or one of those sorts of websites, and scalpers have been known to put tickets up at exorbitant prices and get them. Some people have come to me and said, 'As much as we want consumer protection, isn't their worth whatever the market will pay?' — the same as with almost anything in the world. But of course — and I notice that this is one omission from the bill — there is no provision there to ban what they call 'bots', which is the software that is used for automatic purchasing of tickets once they go on sale. If you take a person like me, one of the kids might ask for tickets to a particular concert. You go online or stand in a queue in good faith, but you find that you are buying C reserve tickets or worse even though you were first in line, and that is because a lot of automated dialling and automated purchasing happens. There is no provision in this bill to counteract that, and I think that is a real omission.

There are people who will buy tickets in bulk and resell them for a profit, but we also have to remember that there are legitimate registered resellers in the market. These people do it for a living. There are a lot of people who are time poor. I might give the example of a person who is very busy and whose child says, 'All I want' — I keep going back to the children; they seem to be very demanding — 'for Christmas is a front row ticket to a Pink concert. I don't want anything else'. The dad or mum says, 'I haven't got time to go to the Ticketek or Ticketmaster websites. I certainly can't wait and queue at the shopping centre. If this is all my child wants for Christmas, I'll pay whatever it takes'. I am making up figures here, but say, for example, as a round number, the ticket costs \$100. According to this new legislation an authorised reseller — somebody who goes out and as part of their business actually purchases on behalf of somebody else, they do them a favour and a service — cannot sell a ticket for more than \$110 to the person who requires that ticket. It is barely worth their effort, and then that person and their child is going to miss out on a Pink ticket.

Traditionally what would happen is that they might say, 'Okay, the ticket is worth \$100 and it is going to cost \$150, but I have not had to stand in line or go on the internet'. That person then says, 'Do you know what? It's a steep price, but I'm okay, I will pay that'. That will no longer be allowed, and certainly the authorised ticket resellers, the registered and legitimate resellers, are up in arms about this legislation for that reason.

There are other things that people have brought up with me, but I will get onto some of the provisions in the bill and discuss them.

Clause 4 renames the Major Sporting Events Act 2009 the Major Events Act 2009. Several clauses change the word 'printed' to 'displayed' in reference to the prices that are on a ticket. That has had to be done because not all tickets are printed by the promoter anymore. It used to be that you ordered your tickets and you went and picked them up or they were sent to you. Now of course people can print them out at home, or they might even have them on their smartphones and take them with them as a digital display, which can be scanned at the entry to a venue.

Clause 10 changes the illegal activity of selling five or less tickets above face value to selling them for a price that exceeds its face value purchase price by more than 10 per cent. Clause 11 is very similar to clause 10, but it deals with trying to resell or scalp six or more tickets in any one go.

There are several clauses that insert 'or an authorised ticketing officer' after 'a police officer', so we have the use of both, and the bill makes similar changes to give authorised ticketing officers powers.

Clause 16 inserts new part 9A headed 'Major event ticketing'. This is a very significant addition to the act, some 12 pages or so. It outlines the processes, offences, penalties, notices and review as they relate to major events rather than to sporting events.

Clause 19 talks about the identification required for an authorised officer and an authorised ticketing officer. They need to be able to identify themselves if they approach a person, either a scalper or a purchaser, and want to take further action. I will get onto what those actions will be in just a little while. But of course they have to carry identification, otherwise anybody could say that they were an authorised officer, perhaps say they were confiscating tickets and then go in and enjoy a concert.

Clause 22 provides authorised ticketing officers with powers particularly relating to their request for the names and addresses of scalpers, and that is something that I will come back to because I brought it up with the department and I do not know that I am 100 per cent happy with their response.

Clauses 25 and 26 repeal the Tourism Victoria Act 1992 and abolish Tourism Victoria. As I said before, Tourism Victoria is the name of the body that does everything to do with tourism in Victoria, and that is being abolished.

I want to bring up some of the concerns raised in correspondence from interested parties. For declared sporting events scalping is already banned. As I mentioned previously, if you wanted to on-sell or resell a ticket because you could not make it to an event or whatever, you had to sell the product at face value or less. Now of course there is a 10 per cent premium. Somebody might say, 'Well, if you're selling enough of them, you could actually make a tidy sum out of it'. When I asked why the 10 per cent was there it was explained to me that obviously it costs to list a ticket on a reselling website, and then there is also the cost of posting the ticket or transmitting it to the next person. That is why the 10 per cent has been included. That is fairly standard in other jurisdictions around Australia, so I understand the reason for that.

One of the things that does trouble me is that the bill does not mention time frames for a declaration. It says that the minister has to declare an event before tickets are printed, but it does not say anything about the minister having to act in advance of a series going on sale. I will give an example of that. I will go back to Pink; she seemed to get a bit of a hurrah from the rest of the house. I have seen her in concert; she is fantastic. When tickets were sold for her concerts in Melbourne, they went at a phenomenal rate. Of course they saw it coming because they had the venue booked. The first few concerts went on sale, but what would happen if, say, the first three concerts that went on sale were not declared as a major event? The promoter would go to the minister and say, 'This is selling like hot cakes; I want the rest of the series declared so the tickets cannot be scalped'. Say, for example, 20 concerts eventually went on sale, then concerts four through 20 might be declared events. So the first three concerts are not protected against resale, but certainly the other ones are.

The problem with this, of course, as one of the resellers explained to me, was what happens at, say, the MCG for the AFL Grand Final. We know from the AFL how many tickets go on sale to Melbourne Cricket Club members, we know how many tickets go on sale to the opposing team's club members, we know how many go on sale to the general public, and we know the different types of seating and the different price levels, so it is very open and transparent.

A lot of the resellers have said to me the problem they find with this is if a promoter — and we have got to remember the promoter is not the bad guy — takes the risk, brings the act out and if it bombs loses money as well, but what happens if something goes on sale and all of a sudden it is selling like hot cakes? Do they go to the minister and say, 'Can we go ahead and declare this a major event?'. And if the minister says, 'Yes, that's

fine', from then on the promoter can decide whether it is one event or an entire series, and has to declare at the time what that is. The promoter or the person who is selling the tickets does not actually have to declare how many of each level of ticket is on sale. All of a sudden the promoter might say, 'Right, it is selling like hot cakes', so a \$100 ticket in concert one might now be a \$300 ticket in concert four because it has been declared a major event. What happens here is it is actually the consumer who is potentially losing out. The resellers are having real problems with that concept, as do I as shadow minister for consumer affairs. I look at that and say, is there perhaps something in there that could have been tweaked?

If we have a look at current section 167B, which was another thing that I have brought up and recurs in a couple of sections, and pick on section 167B(1) for a start, it provides that if a police officer 'believes on reasonable grounds that the person has committed, is committing or is about to commit an offence' action may be taken. Now, apart from adding 'authorised ticketing officer' after police officer, the clause has not changed from the old act, but it is this whole notion of 'about to commit' — I understand if they are 'committing' or have reasonable grounds to think that they have 'committed', but to look into a crystal ball and say 'about to commit' when the offence has not actually happened yet I think is highly questionable. I think the wording around this is very soft, and it may well need fixing in the future by other governments.

If we look at changes to section 167B(4) it says that officers are not required to follow ticket seizure procedures if the authorised ticketing officer or police officer believes on reasonable grounds — again, on reasonable grounds — 'that it is impracticable to do so'. I think this is very open to interpretation.

There is another section, 182J(4), where there is similar wording that is open to interpretation. I did get something back from the department on that section just this morning. I asked the department where things were 'impracticable', which was to do with asking for a person's name or asking for a response from the person they are talking to. I was talking to the department about section 182J(4) of the bill, which says:

A police officer or an authorised ticketing officer is not required to comply with subsection (3) if the police officer or the authorised ticketing officer believes on reasonable grounds that it is impracticable to do so.

So subsection (3) relates to a police officer informing a person of their name, their rank and their place of duty; I alluded to this before. The authorised officer is required to provide their name and produce identification — that

was one of the sections that we talked about before. A request was made by me to the department to provide an example of an instance where it would be 'impracticable'. They have come back and said:

For scenarios where it would be impracticable for police (or an authorised ticketing officer) to provide a person with their name, rank, station etc., rather than provide narrative scenarios specific to s 182J(4), I provide the following basic reasons it might be impractical to inform any person when required to by statute.

They could be alcohol or drug affected, they could be impaired by mental illness, they could be in a hazardous location such as a busy road or a volatile crowd, they could be a violent offender or it could be to do with counterterrorism, so it could be VIP-type matters where there is an urgent need to separate the person from the incident.

Now I understand that that very loosely is the intent of the bill. It is funny; every time I go to a briefing with various different departments on various bills, I keep hearing about the intent of the bill, but as lawmakers we cannot really rely on the intent, because there are people out there who will interpret it differently and act differently to what we are intending for them to do. So I find that a little challenging to say the least, and I think we just have to sit back and wait and see whether or not there are instances when that becomes a situation of abuse, and time will tell on that. So again it comes down to whether or not we can predict what people can do, which of course we cannot.

I want to talk about declaring an event 'major'. If we look at new section 182C(2) it says:

In making a decision under subsection (1), the minister—

- (a) may consider the ticketed event organiser's submission (if any) ...

So in other words it does not have to be the event organiser who makes the submission; it can in fact be the minister who makes the call on this him or herself. It continues to say that the minister:

- (b) may consider the ticketed event organiser's request (if any); and
- (c) must consider whether the ticketed event is major, having regard to the likely number of attendees for the event ...

It is written in paragraph (c) that the minister:

... must consider whether the ticketed event is major, having regard to the likely number of attendees for the event —

that is not an option, that is in there —

- (i) on a particular occasion only; or
- (ii) over the duration of the event ...

which then goes back to the series of 20 concerts that I was talking about before. It ends by saying:

- (d) may consider any other matters the Minister considers appropriate.

If we look at crowd size, I would say that one of the things that has not been taken into consideration is the capacity of, for example, the stadium. If, for example, 50 000 tickets are sold for an event at Etihad Stadium, that is fantastic — that is near capacity — and that may be declared a major event. But is it still a major event if — a promoter might call it a failure — only 50 000 tickets are sold at the MCG, which of course has double the capacity at 100 000 seats? I am not sure whether we can talk purely in terms of ticket sale numbers; it has to be comparative to the capacity as far as I am concerned.

If we just go through the criteria, in the second-reading speech the minister said:

The criteria that I will use to determine whether an event should be considered as a major event under the act will be similar to what is contained in section 9(1) and 2(a–g) of the Major Sporting Events Act. This includes such factors as:

the size of the event —

again —

likely demand for tickets;

exclusive global content;

the likely media coverage of the event;

the contribution to Victoria's international profile as a host of major events; and

where requested by promoter or event organiser.

Please note these are not exhaustive categories.

There is an awful lot in here.

One of the things I also had a question about was new part 9A. There are various subsections under that, but if we look at new section 182K(2), it refers to the purchaser surrendering a ticket so an officer can arrange for a photograph of the ticket. We are taking the scenario that a ticket has been scalped and money has changed hands. Obviously the scalper has done the wrong thing, but the purchaser, we have established — and I established this with the departmental people — has done nothing wrong. They have done nothing illegal. We need to keep that in mind. What the officer can do is take or request the ticket to be taken from the people who have purchased it, record the details of the

ticket upon its surrender and photograph it, which of course is great for evidence to try to get the scalpers when they go through legal proceedings later. But this section also says the officer 'may ask for the purchaser's name and address' and 'must return the ticket to the purchaser' as soon as these requirements have been met. I think these provisions are directly contradictory.

The department has sent me an answer, which I will read out. It says they may ask for the purchaser's name and address and must return the ticket to the purchaser as soon as these requirements have been met. What happens if the police officer or the authorised ticketing officer in fact has asked the purchaser for their name and address but they refused to give it, bearing in mind they have not broken the law at all? The bill says the ticket must be returned to the purchaser as soon as the requirements have been met. But if the officer has asked for the purchaser's name and address and the purchaser refuses to give it, they have not met the request. If the purchaser has declined — and as I said, they have not committed a crime — then obviously what the police officer or authorised ticketing officer might interpret that as meaning and what the bill actually says are at odds.

If I go to the department's explanation of this in relation to new section 182G(1) — the same sort of thing — it says:

... a police officer ... may request that a person who has just purchased or is about to purchase a ticket from a person who allegedly has committed or is about to commit an offence against section 182F may surrender the ticket for inspection.

It is important to note that the purchaser is under no obligation to surrender the ticket.

That is fine, but:

If they choose to give the authorised ticketing officer (ATO) or police officer (PO) the ticket, the ATO or PO must record the details of the ticket and its surrender.

I am fine with that. It continues:

The ATO or PO may arrange for a photo or recording of the ticket to be made.

That is fine. Most people carry a mobile phone with them; I assume that these officers will. They will take a snapshot. The response continues:

They may also ask for the purchaser's name and address.

Please note that the purchaser is under no obligation to give their name and address to the ATO or PO. Although, as they have voluntarily handed in the ticket to begin with, it would be most likely they would also give their name and address.

I do not think we can predict that; I do not think it is our job to predict that. Certainly if, for example, I had just purchased a scalped ticket, I may well say, 'Sure, you can do that and you can pursue the scalper', but it does not mean I am going to hand over my name and address. We should not assume that that is something people will be comfortable doing. I go back to the section where it says that once I have complied I can have my ticket back. If I have not complied — if you have asked me for my name and address and I have not complied, even though I have done nothing wrong — do I get my ticket back? It is a big question, and it was not really an answer that was given.

The response says:

... if the surrender takes place on the day of the event at the venue, the ATO or PO would record the details and take a photo of the ticket on the spot. They would then return the ticket to the purchaser.

If it was some time before the event —

and I do not understand the distinction here —

they may take the tickets elsewhere to make a copy of them.

No, because we have already established that they are probably going to take a photo of them on their phone. It continues:

It would be difficult to return the tickets without the person giving their name or contact details.

So again, purchasers will be forced into doing this, but they have done nothing wrong. I do not know why we are going for the jugular of the person who has purchased these. It does not seem right.

I want to add to my contribution some of the submissions I have received from various registered ticket resellers. We need to note that most of the trouble with resale happens on very, very dodgy websites like Viagogo. They are very clever in their marketing. They are based in Switzerland. Nobody has been able to prosecute them because they do not even have a street address, so every time you try to track them down, they are not able to be found. They are so clever in their marketing that if you punch in, for example, *Dream Lover: The Bobby Darin Musical* — I am really looking forward to seeing it; it opens here in Melbourne on New Year's Eve — the first thing that might come up might actually look like an official ticketing website but might be Viagogo. You would think, 'Wow, it's New Year's Eve — that's why the ticket is \$500. I'll buy it'. You then find out that in fact you bought with Viagogo but you could have gone to the normal ticketing outlet and bought the same ticket for \$150.

It is the theatres that are coping grief from websites like this that are doing the reselling. This legislation does nothing to address that. These internationals, which are the ones that are the real problems, are not being addressed in this.

I want to read to you quickly from a submission from Her Majesty's Theatre. They said:

Our concern is with the matters of ticket reselling, unauthorised ticketing and ticket scalping.

While Her Majesty's Theatre and the other East End theatres welcome the government's intention to confront these issues, we believe that they have, frankly (and despite detailed submissions from us) missed the point.

Other jurisdictions, notably the UK and, recently, NSW, have correctly treated the problem as one of consumer affairs. For whatever reason, the government of Victoria has placed it under Minister Eren's umbrella.

The crux of the matter is the fact that protections now applying to 'major sporting events' will be strengthened and extended to 'events' that may be declared to be major events. This declaration may (or may not be) upon application by the 'organiser of the event'.

We are troubled by:

1. The vagueness of the definition of the term 'organiser of the event' — if it is the producer/promoter/presenter, it overlooks the fact that some of these are less scrupulous than others, and they are beneficiaries, not victims of egregious ticket reselling.

One of the other points they sent through noted:

3. The fact that at no stage, in several exchanges of communication with DEDJTR, did I gain the impression that they recognised unauthorised and fraudulent ticket reselling of live theatre shows was even a problem.

Knowing that we are one of the largest music theatre capitals in the world, I would have thought that was fairly important. I spoke to people from the Ticket Brokers Association of Australia. I spoke to people from Crown Casino. I spoke to people from Ticketmaster. I spoke to a whole lot of people, and there are a lot of things in there that, as I have said, are not quite right. Obviously for the general consumer who just wants to buy tickets this is a good thing and may stop the unscrupulous reselling of many events on places like eBay or even out the front of a venue, but it does not totally protect the consumer, and the consumer needs to know that.

There are some things in there that are not good for the industry. There are some things in there that do not fully protect the consumer. Aside from that I think to be able to extend in the right circumstances is a good idea.

We are certainly not going to block this bill by any means, because it is good for most consumers, but I think there are some glaring holes that need to be filled.

Ms KILKENNY (Carrum) (14:27) — I am very pleased to rise to contribute today on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. The bill before us will change the name of the Major Sporting Events Act 2009 to the Major Events Act 2009. It will amend the Major Events Act to provide for controlling the second ticketing market for major sporting and cultural events, and it will repeal the Tourism Victoria Act 1992 and make transitional arrangements.

This is a great bill, and I would like to commend the Minister for Sport for bringing it before the house. This is a bill about making things fairer for Victorians, and that is what the Andrews Labor government is doing: it is making things fair. The bill before us will crack down on ticket scalping and give fans and people wanting to go to concerts, cultural events and theatres a fair go. With the internet we have seen a huge increase in online ticket resale marketplaces, and many scalpers are either circumventing the consumer law or they are snubbing it. This is hurting ordinary Victorians.

We know in Australia that there is actually no national anti-scalping legislation and that consumers are of course always protected by the Australian Consumer Law, which prohibits misleading and deceptive conduct. It sometimes works, and of course earlier this year we saw the Australian Competition and Consumer Commission (ACCC) commence federal court proceedings against ticket reseller Viagogo, alleging that it breached the Australian Consumer Law when reselling entertainment, music and live sports tickets between May and June 2017. We know that the ACCC has received hundreds and hundreds of complaints from consumers in relation to this organisation. Viagogo also operates in the US, Europe and New Zealand, and it describes itself as an online ticket marketplace that allows consumers to buy and sell tickets to sporting events, concerts and plays.

In the federal court proceedings the ACCC has alleged that Viagogo made false or misleading representations and engaged in misleading or deceptive conduct regarding the price of tickets on its online platform by failing to disclose substantial fees — for example, if we just take the Ashes 2017–18 tickets, the price increased by 29 per cent from the advertised total price of \$330 to \$427 when Viagogo's fees were included. For some people this does put tickets completely out of range for those wanting to go and see the Ashes or for those

wanting to go and see whatever concert or theatre show they might be interested in.

The other thing of course is that Viagogo is located in Switzerland, so the ACCC had to make arrangements for service out of the jurisdiction on a company in a foreign country. There are other complaints that those who buy via these online providers actually end up buying fake tickets and only find that out when they get to the gate or the door of the concert or venue for the event that they are going to see and realise the ticket is worthless and they cannot get in.

The other thing we know is that these online resellers sometimes use robots or bots to secure or harvest massive numbers of tickets as soon as they go on sale and then resell them in the secondary ticket market. It is a massive industry, and it is not good enough to simply declare that we let the buyer beware. The buyer, the ordinary Victorian, cannot possibly ever compete with these organisations or with these robots, and the power imbalance between the ordinary Victorian consumer and these organisations is just colossal.

Something needs to be done, and certainly at a state level we are doing all that we can to address this power imbalance and make things fairer for the ordinary Victorian. But of course, as we know, to an economist the fact that secondary markets for tickets exist is a sign that the tickets have somehow been undersupplied or underpriced or a combination of the two. They might argue that there is a real role for ticket scalping, that they enhance the eternal welfare of concertgoers and sports fans and that they increase the allocative efficiency of the market, but as we have seen, scalpers and online scalpers buy up these big bundles of tickets in order to maximise their own profits. They are not worrying about the ordinary Victorian, so in reality any gain in allocative efficiency is diminished if not completely eliminated and ticket prices essentially just become out of reach of the ordinary fan. Unfortunately, such is the free market for reselling.

We know that Victorians are frustrated with this system. They are frustrated with the ticket resale industry. We know they are frustrated because they tell us, and it is unfair. So this bill will protect more fans, protect more Victorians from being ripped off and from paying wildly exorbitant prices for tickets on the secondary market. Under the amendments in this bill the resale of any tickets will be illegal above 10 per cent of the face value of the ticket price. Under the changes the Minister for Sport will be able to declare events like theatres, shows and concerts as well as major sporting events, and where the minister makes such a declaration in relation to a major event significant penalties of between \$790 and

\$475 000 may apply for anyone who sells tickets at more than 10 per cent above the face value.

Authorised ticketing officers will be brought in. They will be available at venues to monitor for scalping and, together with police officers, will be able to issue on-the-spot infringement notices in instances where less than five tickets are involved. That is a very significant step. It is getting right in there at the coalface. It is about regulating this. It is about addressing this problem and identifying those scalpers at the venues.

For ticket scalpers or resellers who are caught advertising or trying to sell a larger number of tickets — that is, six or more — court proceedings may be instituted where potential fines are heaviest. These are indictable offences with serious penalties, so the penalty should be serious.

This bill is intended to increase access and transparency for Victorian consumers. As I have said, we are trying to make things much fairer. There are going to be those who lament the legislative interference in the free market system. They may see nothing wrong with scalpers and the secondary ticketing markets. They will champion the vital role that scalpers may play in the allocation and distribution of resources. I note that Tom Elliott penned a piece published in the *Herald Sun* about ticket scalping at the AFL Grand Final. While he says that were he a Richmond supporter, he would pay plenty for the privilege, unfortunately not all of us are so privileged. He further says, and I quote:

Footy is nothing more than a big game of supply and demand.

...

And when finals tickets are in limited supply, they too should flow to those willing to pay the maximum price.

He goes on:

We live in a free enterprise society where adults are permitted to trade goods at a price each deems appropriate.

Why should either the AFL or the Victorian government come between willing sellers and buyers of finals tickets?

Sadly, some people will never understand that sometimes life is more than the economics of supply and demand. It is more than futures markets, it is more than put and call options, it is more than stock options and it is more than the exchange of bearer instruments. Sometimes you just cannot put a price on these things, and sometimes we just need to step in and make things fairer. That is exactly what we are doing with this bill — helping to make things fairer for the ordinary Victorian consumer. I commend the Minister for Sport, and I commend the bill to the house.

Mr McCURDY (Ovens Valley) (14:37) — I am delighted to rise and make a contribution to the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. As we have heard from other speakers, the bill changes the name of the Major Sporting Events Act 2009 to the Major Events Act 2009. It then amends the act to provide for controlling of the secondary ticket market for major sporting and cultural events or, as we know it, ticket scalping. Previously the legislation was just for selected sporting events. The bill creates the position of authorised ticketing officer, with a virtually identical role to police in monitoring and certainly catching those scalpers. The bill also repeals the Tourism Victoria Act 1992 in light of the creation of Visit Victoria in place of Tourism Victoria.

As a brief background, Victoria was one of the first jurisdictions to have a Major Sporting Events Act. It protected our events in various ways, including providing protection from ticket scalping. The act said that for a range of nominated sporting events it would be illegal to onsell tickets for a value above the original sale price, which at the time seemed perfectly okay. The bill now extends that protection to other major events as selected by the minister. It might apply to a concert, a large cultural event or a theatre production. This bill will also assist by appointing authorised ticketing officers to monitor websites — for example, eBay — for scalpers or for people trying to profit from the resale of purchases, and by having them in attendance at events, which frees up police to do other duties. I think that is a commonsense approach.

I will touch on some of the main provisions. Clause 4 changes the name, as I said, from the Major Sporting Events Act 2009 to the Major Events Act 2009. Several of the clauses also change the word 'printed' to 'displayed'. That is in reference to the price on the ticket given that tickets are not always printed by the promoter. Sometimes they are just used on a smartphone rather than actually being printed and people will scan their smartphone as they walk through the turnstile, as we know. Clause 10 changes the illegal activity from selling five or less tickets above face value to selling a ticket for a price that exceeds its face value purchase price by more than 10 per cent. Again I think that is a commonsense approach to ensure that those who have gone to the effort to get a ticket — there is sometimes a small cost involved, whether it is time or money — can get a particular ticket and they can certainly afford that ticket or onsell that ticket for up to 110 per cent. Again I think that is a fair price. Clause 11 is similar to clause 10 but applies to sales of six tickets or more.

As shadow Minister for Sport I believe that this portfolio has a major stake in this bill, and it is important that we see it through. The current legislation is too restrictive and lacks flexibility. Certainly in the sporting sector, whether we are talking about the Commonwealth Games, the Olympic Games, major events like the AFL or even the Boxing Day test — it is just around the corner — there are areas in this sporting field and these sporting events that we need to protect to ensure that people are not unfairly ripped off. Sometimes people buy a ticket with the intention of using that ticket and then cannot go for various reasons. But the bill is obviously trying to prevent those who have time on their side, who will sit around all day and do what they can to get a ticket from then onselling it at a much higher, inflated price.

South Australia certainly had that flexibility in their legislation. We saw earlier this year that they could declare the AFL finals as a major event. Again this offered protection from ticket scalping. I know the game on 6 August between the Adelaide Crows and Port Adelaide — the local derby — and the finals are a great opportunity to use this legislation to ensure that ticket scalping is kept to a minimum so that genuine people can buy the tickets at genuine prices rather than just ridiculous prices because of ticket scalping. This legislation will change the rules and regulations to allow for an event to be declared before the tickets go on sale, and this will go some way in assisting in the reduction of ticket scalping.

There are a couple of areas of concern. Scalping was already banned for declared sporting events and tickets had to be resold at face value or less. Now they can be resold with a 10 per cent premium. But the bill does not mention time frames for declaration. It says the minister must declare an event before the tickets are printed; it does not say anything about the minister having to act in advance of a series of events going on sale. Again, on the whole I think the bill is taking significant steps forward, but I will certainly watch with interest to see whether what the concept is, what the plan is, for this bill actually plays out that way and whether any changes will be required down the track.

Other areas of concern include current section 167B of the principal act, and that provides that if a police officer believes on reasonable grounds that a person has committed, is committing or is about to commit an offence, action may be taken. Aside from inserting 'authorised ticketing officer' after 'officer' this provision is not changed from the old act; and 'is about to commit an offence' is trying to predict the future, and I wonder how that will pan out in a legal sense as well down the track.

Similarly, changes to section 167B(4) mean officers are not required to follow ticket seizure procedures if the authorised ticketing officer or police officer believes on reasonable grounds that it is impractical to do so. So again it is open to interpretation. We will watch with interest, but on the whole I think there are significant changes for the better in this bill.

I reiterate in regard to these improvements to the current system — and they are improvements — that I still have concerns about whether we can get it right the first time around, but my understanding is that major ticket sellers support the view that this legislation will improve current practice. I understand Ticketmaster, Crown Casino and others support the legislation and see what this legislation sets out to do as an improvement, and that is why we are not opposing the bill. It is in the best interests of Victorians to ensure that a fair system for purchasing tickets is available for them. No system is ever perfect. We certainly need to look for continuous improvement. Victoria is certainly the home of some major sporting events and cultural events. We have the Spring Racing Carnival and the Melbourne Cup. We have events like those the shadow minister mentioned, Katy Perry, Pink and AFL blockbusters like the Anzac Day clash. We need to make sure that the bill facilitates the right changes in this area.

Australia has a clean, green image as a food producer, and similarly I think Melbourne needs to continue as the non-scalping capital of Australia. We have so many events — sporting, cultural, theatre, all sorts of events — that people flock to Melbourne for. We need to do what we can to try and protect our image and to make sure that people know that when they are coming to Melbourne they are getting a fair deal. We will continue to get those visitors from regional Victoria, interstate and even internationally; I know we get a lot coming across the ditch from New Zealand when we have events on that they do not have access to.

It is important that we keep that clean image in regard to scalping, and I think this bill goes a long way towards doing that. Of course we do not want to give to those who prey on others the opportunity to purchase tickets purely because they have time on their side or they are located close to a ticket outlet, when many people have a job to get to, families to feed and children to pick up from school and cannot always get to where they need to go to obtain those tickets. This bill goes a long way in supporting that.

We also have an obligation to see that people are not ripped off. It is important that we continue to preserve the image that we have, and that will keep us in good stead as the sporting capital and the events capital of

Australia. It is important that we do our best, and this bill goes some way to doing that. I will leave my comments there.

Ms WILLIAMS (Dandenong) (14:46) — It is my pleasure to rise to speak in support of the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. As we have heard, this bill will amend the Major Sporting Events Act 2009 to expand the act to cover non-sporting major events in relation to the ticket scalping provisions and empower the Minister for Tourism and Major Events to make a major event ticketing declaration which will apply new ticket and scalping offences to both major sporting events and other major events. It will also expand the current ticket scalping provisions in the act, creating a new major event ticketing declaration, as I have outlined, that will apply to major events other than sporting events, as well as make changes to what constitutes scalping and simplify the processes required for event organisers, making it more streamlined and less administratively burdensome.

As it stands, current legislation around scalping only covers sporting events, but we know there is a demand for this to be expanded to cover other major events as well, of which there are many here in Melbourne and across Victoria. As we know, Victoria is the major events capital of Australia, and Melbourne is without doubt the cultural capital of our nation, and proudly so.

We know these events are also critical to our tourism industry, drawing people in from out of state but also from overseas. Major events generate economic benefits of around \$1.8 billion to Victoria's economy, I am well informed. I am sure the Minister for Tourism and Major Events, who is sitting at the table at the moment, will tell me if I am wrong, but I believe the economic benefits to Victoria's economy are around \$1.8 billion. I know the minister is particularly proud of the fact that this figure has increased significantly from the previous government's term, where it sat at about \$1.4 billion. In the year ending June 2017, 1.3 million international guests visited Australia for events; and almost half of those, some 44.5 per cent, came to Victoria.

Sport is one part of that success story, as we know. But we also know about the importance of other events on the calendar. We boast an impressive array of theatre performances, concerts, gallery exhibitions and festivals each and every year. These events also bring people to Victoria, as we know. Just last week I attended the Paul McCartney concert at AAMI Park. I was chatting to some people around us and overheard a conversation between those behind me, including a large group of people who had travelled from Adelaide, South Australia, to Melbourne to watch the concert. It

struck me that that is probably pretty standard, not just for major sporting events like the Australian Open or the Spring Racing Carnival, which we know people come here for, but for those situations where a major artist may not be performing in every major city, so people come to a city where they are performing. That was certainly the case for Paul McCartney. In fact at one point he actually asked people in the crowd to identify whether they were local or they had come from elsewhere, and there was quite a cheer from those who had come from elsewhere, which also demonstrates that we are a destination point for cultural experiences and arts and entertainment experiences.

Here in Victoria we pride ourselves on the fact that cultural experiences should be inclusive of all Victorians and open and available to all Victorians, which is why undesirable practices like scalping need to be dealt with, because as we know they often serve to essentially price people out of the ability to pay for a ticket or have people paying ludicrously high prices for tickets. At the most severe end, people have often paid exorbitant rates for tickets and those tickets have turned out to be fakes. I know previous speakers have touched on that. That is particularly shameful, given that you have a situation where somebody is both without cash and without the experience that they were so much looking forward to.

Ticket scalping is certainly not a new phenomenon, but web-based secondary ticket markets have led to the problem gaining prominence and certainly also visibility to consumers, and the internet itself has led to it becoming a significantly larger problem, arguably, than it has been previously.

Under the legislation before us, tickets will not be able to be resold or advertised for sale at more than 10 per cent above the ticket face value. Significant penalties apply to those who infringe these provisions. Penalties for scalping can range from \$790 to \$475 000 depending on the nature and severity of the offence. I note that purchasing tickets from a scalper is not an offence, which is appropriate given that most people who do purchase tickets from a scalper are usually just keen fans of an artist or team and are certainly not profiting from the exercise. So to penalise the purchaser would be to act contrary to the very principle of inclusion which we are seeking to give life to through these scalping provisions.

As part of the bill before us today a new category of authorised ticketing officers will be created to deal with existing and new scalping provisions. These authorised officers will be involved in monitoring websites, and they will be granted enforcement powers, which will

include the seizure of tickets where necessary. They will also be able to commence proceedings for any offences against this bill, and of course they will be doing that on behalf of the Secretary of the Department of Economic Development, Jobs, Transport and Resources.

In terms of these event ticketing declarations, the AFL Grand Final is currently the only declared event under the act for ticket scalping purposes, but historically there have been others, including the Commonwealth Games, the Australian Masters golf in 2009, the 2011 Presidents Cup golf and the 2015 Cricket World Cup. I am still a bit confused as to how golf is a spectator sport, but I will leave that to the fans, of whom I know the Premier is one.

Mr Eren interjected.

Ms WILLIAMS — The Minister for Sport has just expressed his shock that I would dare utter any such phrase about golf, but I stick to it. It is a great sport; it is just not a great spectator sport, in my opinion.

Under these changes it is envisaged that there will still only be a few events per year that are subject to such a declaration, but it is important that these provisions are opened up to all major events to ensure the protections afforded by these declarations are attached for all eligible events. Where a major event ticketing declaration is made, event organisers will be required to ensure that the ticket price is displayed on the face of the ticket itself. As I mentioned, there will be a significant streamlining of this process of declaration. Previously, if declared — and let us use the AFL example — the event organiser, the AFL, would need to submit a proposed ticketing scheme to the minister which would detail the allocation of tickets, including how many tickets are allocated to clubs, to Melbourne Cricket Club members, to AFL members and as part of their contractual obligations. But under the new legislation, event organisers will not be required to do this, which will reduce the administrative burden and make the process of declaring an event far more efficient. However, existing major sporting event declarations — that is, the great AFL Grand Final — will remain, and they will still have to fulfil those requirements.

Under the new regime the minister will give written notice to an event organiser with the intention to make a declaration, or the event organiser may also request the minister make the declaration. The event organiser has 14 days to respond to a notice from the minister and similarly the minister has 14 days to make the major event ticketing declaration. In making the decision as to whether an event qualifies for a declaration, various

factors will be assessed. These may include, for example, the size of the event, the likely demand for tickets, the likely media coverage, the contribution to Victoria's international profile from the event and a range of other factors as well. As other speakers have said, this bill is a sensible step toward eradicating a practice that effectively works to exclude people from indulging in the many major events that make our state so vibrant and so desirable to both interstate and international visitors. We truly are blessed here in Melbourne to have a relatively affordable arts and entertainment scene, and I think that is something that we should fiercely protect. We know that to be truly inclusive we need to ensure that we are protecting consumers from gouging practices, which of course include scalping.

I do not attend as many major events as I used to and certainly not as many as I would like to, but on the occasions I do I am always reminded of the role that they play in community and in bringing people together at a time when we are doing less of that because so often our heads are buried in screens and work and we do not always get that personal interaction. My most recent experience at the Paul McCartney concert where I saw people chatting to the people next to them, actually making conversations and making new friends, was something that highlighted to me how important those sorts of social interactions were and how much we share with each other despite our differences. It was quite evident in the row that I was sitting in that there were people from a range of different ethnic backgrounds, religious backgrounds — you name it — all united in their love of the Beatles, which really made my heart sing. I commend the bill to the house. It does go a significant way to making ticket purchasing fairer.

Mr HIBBINS (Pahran) (14:56) — I rise to speak on behalf of the Greens to the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. This bill has been introduced to expand ticket scalping controls to non-sporting events such as the theatre, concerts and festivals, although I do understand that it will also be used for other sporting events such as AFL finals and the Anzac Day match between Essendon and Collingwood. It does this by creating a new declaration called a major event ticketing declaration which will differ from the current sports ticketing event declaration, which I understand will be retained. The existing sports ticketing event declaration requires the minister to declare a sports ticketing event some nine months before the actual event and then requires the organiser to lodge a ticket scheme which contains conditions of the sale of those tickets and disclosure of the ticket allocation among other things, and obviously the minister then approves that ticket scheme.

My understanding is the new major events ticketing declaration will apply to not just sporting events but of course those other events, and would remove those time frames and the requirement for the lodgement of a ticket scheme. The bill also creates a new authorised ticket officer to enforce these new anti-scalping laws. The reasons behind this bill are pretty clear. There has been a lot of outrage over ticket scalping and the use of ticket onselling. Tickets for —

Mr Pearson interjected.

Mr HIBBINS — I will get to that. Tickets for concerts, shows, football matches go on sale, sell out and hours later they are on sale on second-hand ticket sites for massively inflated prices. This year's footy finals were a pretty clear example of this. The Greens did put out there, with the support of the AFL Fans Association, that if the government did not act to include these sellout footy matches under anti-scalping laws, we would introduce our own bill, so it is good to see some action in this regard. We have also had some very dodgy practices by ticket onsellors, most notably Viagogo, which clearly have a business model based on deceiving consumers about who is the primary ticket seller. They are basically a business model based on deceiving consumers about who the real ticket seller is, the availability of tickets, and then trying to attract the highest price from the consumer. Whilst they are probably an outlier in terms of behaviour of ticket sellers — I believe they have been taken to court by the Australian Competition and Consumer Commission — it is really clear that there are people who are profiteering from sellout events through onselling tickets and ticket scalping. It is really important that sellout events are protected from ticket scalping and footy fans and event goers are not ripped off.

Whilst there might be a place for some onselling — for example, for those people who have bought tickets but cannot go and need to onsell their tickets — there is a need to protect sellout events, regulate the secondary ticket market and protect consumers.

The protection of consumers is the reason I have some issues with this bill. I am concerned about the failure of the bill to require event organisers, the primary ticket sellers, to disclose their distribution of tickets. While there are serious issues with ticket onselling and the effects that has on consumers, event organisers are not off the hook when it comes to practices that limit the availability of tickets to the regular punter and force consumers to purchase tickets at a price that is higher than they should be. I am concerned that while the bill extends protections for event organisers from ticket

scalping, it does not require them to be transparent about their own ticket allocation.

Under the sports ticket event declaration there is a requirement to lodge with the minister for approval a ticket scheme which outlines how those tickets are distributed. It requires them to say where the tickets went, along with other conditions. I think this is entirely reasonable, because of course the ticket practices of the primary sellers can actually contribute to ticket scalping itself. We have a ticket distribution that — for example, tickets for the AFL Grand Final — limits the amount of tickets available to the regular punter but then forces them to purchase the higher priced tickets or is not clear about where the tickets are going.

The government has included reasons for not requiring organisers to prepare a ticket scheme. What the minister stated in the second-reading speech is:

It will not be necessary for an event organiser to prepare a ticket scheme. This is preferable for cultural events which often do not have a regular fixed venue, date or event organiser. Often a significant cultural major event such as a concert, theatre event, gallery exhibition or festival will be secured a few weeks or months before staging, which does not provide sufficient time to undertake the existing process under the act. In addition, ticket scheme proposals can be difficult to prepare for such events as staging or seating requirements are often modified quite close to the event.

We are also given the reason that this would be an administrative burden for event organisers. I am not entirely sure that is actually the case. I am pretty sure that in many events the ticketing arrangements, what the tickets would be priced at and the profits that would go into it would be pretty well canvassed within the organisation itself. I would suggest that getting that information out to the public might not be as great an administrative burden as has been suggested.

In the case of the other reasons given, it might be true for some events but not necessarily the case for others. Whilst there is a difference between events like the grand final, which is played every year, and other events or shows that occur as part of a tour or a season, with the potential short time between the declaration and the actual event I think it would be reasonable that if an event and the event organiser had the protection of the law and the state was enforcing that law with authorised ticket sellers, of course with all the benefits that go along with that to the organiser, we could come to some sort of arrangement with some sort of compromise which would require organisers at some level to disclose their ticket allocation — how many are in each category, corporate sales, given sponsors and the like. That would be of much more benefit and give much more protection to consumers by giving them the full picture. The Greens

will be supporting this bill. However, we will be looking very closely at potential amendments that will improve transparency of ticket allocations.

I am also very concerned that the new major events ticketing declaration without the ticket requirement will be substituted for events that should be covered by a sports ticketing declaration. I would be very concerned if there were sporting events that should actually fit under the sports ticketing event declaration being then put under the major events declaration. As I said, we will be looking very closely at the amendments to this bill to ensure that this bill puts the protection of consumers and event-goers first and requires the transparency of ticketing allocations.

I want to touch on a few other ticketing issues that arose. Of course what I have been interested in is grand final ticketing. My concern is that the current allocation of tickets to the grand final is not fair and that the ticket scheme submitted by the AFL only provides for around 34 per cent of tickets to go to competing club members. The Greens put forward a bill in the other place that would lift that allocation to at least 50 per cent. We have got a ticket allocation in the grand final that essentially creates an environment for ticket scalping to flourish, where those fans who pay up year in, year out miss out on tickets and are forced to buy expensive tickets, go onto the black market or seek tickets by other means. The minister has the power within the act to modify that ticket scheme and to go back to the AFL and say, 'Look, we don't think this is a fair ticket allocation; we believe you should actually change it'. The minister certainly does have that power, and that is why the Greens introduced a bill in the other place. I was very disappointed that neither the government, the opposition nor other members of the crossbench supported that bill.

The other ticketing issue I would like to raise is that of the Australian Formula One Grand Prix. I guess the question I would like to put is, when are we going to find out how many people actually go to the grand prix? We know it is costing the state \$60 million a year, but the government refuses to publish how many people actually attend each year. At Etihad Stadium they provide a running tally of the crowd number up on a screen, yet it seems to be completely beyond the Australian Grand Prix Corporation to accurately count and then publish how many people actually attend the grand prix. I would suggest there is a bit of scope for improvement within the ticketing practices of both the grand prix and the grand final.

As I said, the Greens will be supporting the bill in this place, but we are going to look very closely in the other

place to see if there is any potential for amendments that would go to further protecting consumers.

Ms COUZENS (Geelong) (15:07) — I rise to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. I will begin by congratulating the Minister for Tourism and Major Events, who is at the table, on the work that he has done on this bill. It is great for Victoria, but it is also great for my constituents in Geelong. The purpose of the bill, which amends the Major Sporting Events Act 2009, is to expand that act to cover non-sporting major events such as cultural events, including theatre events, concerts, gallery exhibitions and festivals, in relation to ticket scalping provisions; and to empower the minister to make a major event ticketing declaration, which will apply new ticket scalping offences to both major sporting events and other major events.

The bill proposes changes which will expand the current ticket scalping provisions in the act, creating a new major event ticketing declaration that may apply to major events other than sporting events. There will also be changes as to what constitutes ticket scalping and a simplification of the processes required for event organisers, making it more streamlined, less administratively burdensome and quicker to obtain.

The bill will also repeal the Tourism Victoria Act 1992. Visit Victoria, which was created on 1 July 2016 as a company limited by guarantee, brought together the functions of Tourism Victoria's marketing division, the Victorian Major Events Company and the Melbourne Convention Bureau into a single organisation. There is now no longer a need for the Tourism Victoria Act 1992.

We know that major sporting events also bring tourism and significant tourism dollars into our state. We know it is a major boost for local businesses in creating jobs. This is particularly important for areas right around Victoria but also inner Melbourne and of course cities like Geelong.

There have been allegations that tickets for this year's AFL and National Rugby League finals matches were being resold for up to three times their initial price. Tickets are easy to sell online, and a resale market of price gouging has emerged. The bill will make it illegal to sell or advertise for resale tickets to any declared event for more than 10 per cent above face value. This will protect fans from being ripped off and paying exorbitant amounts to ticket scalpers.

I know that my community in Geelong have concerns about what has happened with scalping in the past. Many constituents from my electorate travel to Melbourne for

major events, but Geelong is also a growing major events region — thanks very much to the Minister for Sport — which creates many jobs in our tourism sector. The recent figures for regional tourism are up by 18.6 per cent, and that is largely due to the work of our Minister for Sport in getting those major events not only to Melbourne but also into the regions.

With the establishment of the Kardinia Park Stadium Trust, for example, in Geelong, more and more major events are being attracted into Geelong. We have not only AFL football but the Big Bash — we have another event coming up in January. Soccer events — we have another one coming up in January in Geelong. We have soccer, concerts, the Geelong Cup and of course the Australian International Airshow, which will again be on in 2019. We will need the West Gate tunnel for our tourism visitors to come to Geelong and experience those major events but also for those in the community of Geelong to be able to travel to Melbourne without the congestion that we have seen. The West Gate tunnel will be a significant thing for Geelong residents who are travelling up and down the highway.

I know people in Geelong are also sick of being ripped off by ticket scalpers. I have often heard or had people come and see me about these sorts of issues. I think all of the measures contained in this bill will encourage more event organisers to seek stronger ticketing protections to guard against scalping, and that is really what we do need to see. The major events that we have on in Victoria are widely attended not just by Victorians, of course, but by interstate and international visitors. It is pretty sad when we have scalpers selling tickets for up to three times more than what their face value is and that it is allowed to happen. This legislation will prevent that from continuing.

There will also be an additional offence requiring an event organiser, where a major event ticketing declaration has been made, to make sure that the ticket prices are displayed on the face of the ticket. That will alert people, I suppose, when they go on eBay or whatever internet facility they are using to buy tickets. They will actually see the price of the ticket, the original price, and know just how badly they are being ripped off, if that is the case, or whether it is within the allowable 10 per cent that is contained in this legislation.

Under a major ticketing declaration it will not be necessary for an event organiser to prepare a ticket scheme proposal. There will be no requirement for a major event ticketing declaration to be made nine months before the event. A declaration must be made before tickets go on sale. The concern about the nine months before the event is adequately covered. When

the tickets are going on sale, it gives the promoters an opportunity to do the right thing and get the ticket sales out. People know exactly what they are getting and when the tickets are on sale.

On the major event ticketing declaration, the current ticketing provisions in the act which apply to major sporting events have been criticised by some stakeholders as requiring too long a lead-in time for some events. Often an event is only secured within a few months of its staging rather than the current required notice period of nine months under the act.

A new category of authorised officer, an ‘authorised ticketing officer’, will be created to deal specifically with the existing and new ticket scalping provisions in the act. Authorised ticketing officers will be involved in monitoring websites and will be granted enforcement powers, including seizure, temporary surrender and retention of tickets. Authorised ticketing officers will also be able to commence proceedings on behalf of the Secretary of Department of Economic Development, Jobs, Transport and Resource for any offences outlined in the bill.

The bill also outlines the penalties that any person found guilty of multiple offences in respect to a particular ticket event will incur. I think the protections are there. I know, certainly for my electorate of Geelong and I am sure for all the electorates around Victoria, people will be very pleased to see this legislation go through the house. It does protect people. It also protects our reputation in Victoria. We are a great state that provides great tourism opportunities and opportunities to attend events which are really well attended, obviously. People want to be able to buy tickets at a reasonable price. I commend the bill to the house.

Mr THOMPSON (Sandringham) (15:16) — I am pleased to make a brief contribution on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. A matter which Acting Speaker Richardson and I are both familiar with is the Beaumaris Sports Club, which was opened recently. It was a great combined effort with the local Beaumaris Football Club, the Beaumaris Cricket Club and the Beaumaris Lawn Tennis Club melding into a great facility. At this stage they are selling tickets for a day out on Oak Street. I am not sure whether the legislation will actually cover their activities in the short term, but it will in the medium term, as Beaumaris forges its way forward, certainly on the football frontier under the influence of Bluey McKenna, who is a new identity around the club, and under the aegis of the great leadership of Mr Tony Mellick, Scott Eccleston and also Chris Morley, who are the prime movers behind

the redevelopment of the club facilities. Early on in relation to the club the Nicholson brothers were prime movers.

The club has a great heritage and history going back in time. Many of the early founders of the Beaumaris sporting district clubs were in fact members of the local Beaumaris RSL. I am pleased to note recent developments that will mean the memorabilia from the RSL will be located at the Beaumaris Sports Club precinct while matters pertaining to the Beaumaris RSL are worked out. The opportunity for there to be some legacy of the district's military heritage and history remaining in the district was something that was canvassed in this place by me in February 2016. It was certainly an idea that was advocated and supported by a number of people who understood the outstanding contribution made by returned service personnel as district coaches and participants in cricket, tennis and Australian Rules football.

Historically I have made comments in relation to the Beaumaris Football Club. One of its finest years was when it won an amateur premiership under the on-the-ground leadership of Brayden Haynes. Prior to the start of the season, one of the club members lost their life after a king-hit punch down at St Kilda. The team dedicated their efforts to his memory, and they won the premiership. Brayden Haynes won the best and fairest that year and was best on ground in the grand final. It is a great story of the community working together.

In speaking about the history and legacy of sport and its contribution to the life of the local community there was a tremendous article written by Martin Flanagan a number of years ago on Ruth Brain, a person who stood up when no-one else was around to serve as president of a country football club. Sadly she died prior to the end of the football season, but the team dedicated their efforts to her memory and her club that had been battling all along. She was a person who drove to the ground the person who looked after the scoreboard, I think from memory. Those club people in the life of the nation who cut up the oranges, sweep up the changing rooms, get the tape and mud off the floor and get things ready for the next week make an outstanding contribution to the life of community sport.

There is also an outstanding and very poignant article written by Martin Flanagan on the uplift around the ground when a country team in western Victoria took on the ladder leaders and won the day. It follows the narrative of Australian sport, even that of a former Beaumaris Football Club coach, who in western Victoria kicked a couple of hundred goals for the

season and led a country team to their first premiership in 60 years or thereabouts. I hope that one day will be a story that can be written and produced as a film detailing the contribution of Jason Mifsud.

Sport is part of the fabric of the Australian nation. It is the lifeblood of the nation. We regard Melbourne as the sporting capital of the world through the contributions of leading Australian athletes, Herb Elliott, Ron Clarke, Ralph Doubell, Debbie Flintoff-King and more recently Cathy Freeman and Sally Pearson, who have made a mark on the world stage. In terms of cricket there was a once-described accountancy in Allan Border's batting style by one journalist. There were also the plains of Troy battles by Pat Cash in the 1980s in the Melbourne Park precinct.

One important matter in terms of sport has been that as infrastructure has been built closer to the CBD there has been the loss of sporting arenas in inner Melbourne. Just near Richmond station and the tennis centre complex there has been the loss of three sporting ovals: the former St Stephen's running track and two amateur ovals. Those areas of land are not being fully replaced. It should be a major focus of future governments in days ahead to ensure that there are recreational lands available for sports engagement and participation.

I am pleased to have had a direct primary role in relation to the co-investment in the Beaumaris High School site by the Melbourne Cricket Club (MCC), which will develop three major sporting surfaces for women's cricket, men's cricket, hockey, lacrosse and soccer. It was an important aspect of that work that was first announced in 2014 that there had to be a win for each of the stakeholders — the local school that needed reinvestment, the local sporting clubs that needed more land to play on and the Melbourne Cricket Club that used part of its philanthropic trust fund to co-invest in sporting facilities. There was the precedent of Melbourne High School and the MCC co-investing in a hockey facility there, which was managed by the Melbourne Cricket Club. That represented an outstanding precedent to move forward to try to better utilise some of the urban land of Melbourne for the purposes of sport and education. Just prior to the 2014 election the then Premier of Victoria and the then Minister for Education made the announcement of the co-investment in that side by the Melbourne Cricket Club, which would lead to new school infrastructure in the district.

In relation to the bill before the house at the moment I have one major concern, and that is in relation to the fact that for declared sporting events scalping had previously been banned and tickets had to be resold at

face value or less. Now they can be resold with a 10 per cent premium. If that sale was to take place on eBay, then that is one aspect of the arrangement where there might be commissions taken by selling agents.

However, for an enterprising person with five tickets who is standing outside a music concert at AAMI Park or outside the MCG or outside the Australian Open, they could make a handy income from the on-sale of those tickets at a 10 per cent premium. I would value commentary by the minister or other speakers on the government side as to whether the government intends to open up scalping arrangements for major events as defined under the bill, because I think there is a shortfall. I am not aware of an explanation, but I look forward to there being an explanation as to this new market for scalping that will be opened up.

I have had the privilege in yesteryear of having seen many grand finals and of moving about the Yarra Park precinct, where in addition to the sound outside the arena of 'Get your footy record! Get your footy record!' or 'Peanuts, lollies, chocolates and potato chips', the scalpers stood by and proffered tickets, either directly or indirectly. Now I think there is a new industry that the government may be opening up for entrepreneurs, who will get their tickets and make them available. It would be a handy afternoon's work if, say, a ticket was for sale for \$500 or so and there was a 10 per cent premium and they had five of them. That would mean a quick \$250 outside the MCG or outside Rod Laver Arena or outside AAMI Park. I think that matter might require some further exploration. I have heard members from the other side of the house on a number of occasions seek to make great play on the crackdown on scalping. I think there is a gap in the legislation which will open up as a consequence of the bill before the house.

Mr PEARSON (Essendon) (15:26) — I am delighted to make a contribution on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. This is a really important piece of legislation that is before the house. It demonstrates the fact that for those of us on this side of the house, when we identify that there is market failure, we are quite happy to use the power of the state to address that market failure. We are able to do so because we are a party of government. We are not here to make comments from the sidelines. We are not here to be like the back seat driver of Spring Street saying, 'You should go this way, you should do it that way', or 'If I was in the driver's seat, it would be much better'. We are a party of government, and when we are faced with market failure, as we have seen it with scalping, then we are duty-bound to seek a remedy to address that.

I did listen to most of the member for Prahran's contribution, and I have got to say it must have been hard to be the member for Prahran, I think, in fairness to him. Here you have a person who has made a focal point of his work in this place about trying to tackle the issue of ticket scalping. He has had a real focus on corporate tickets, he has had a focus on ordinary rank-and-file fans missing out, and he has gone out publicly. He has really come out strongly on this issue. But then he is embarrassed and he is humiliated because his own colleague the member for Melbourne takes a corporate ticket from the City of Melbourne.

Mr Foley — For whom though?

Mr PEARSON — The minister says, 'For whom?'. For herself. And we have got the evidence on social media.

Mr Dimopoulos interjected.

Mr PEARSON — Who would have thought? You have got to feel for the member for Prahran. There he is — this is his cause célèbre. He does not do much in this place — in fact if he left tomorrow he would leave no legacy here — but this is the one thing he has worked on. Yet the person who he sits next to in the chamber day in, day out did him in. She took the ticket knowing it was contrary to his views, his wishes and his desires. She took the ticket and she went to the game. I suppose the question is — and the member did not answer this in his contribution — when did he find out? Did she ring him up beforehand and say, 'Look, I know you have been pushing hard on this issue, but I am a mad Tigers fan, I have got a free ticket compliments of the City of Melbourne and I have really got to go?'. Did she not tell him? Did he only find out when she had to register her members interests? That would be a very interesting question, and I do hope the member for Melbourne speaks on this important piece of legislation, because I would like to know how these matters were dealt with and discussed. How did she come to this decision? How did she decide to do this when it would be contrary to Greens policy, as I understand it? I would have thought that you would owe an explanation, at least to your colleagues, and say, 'Well, I know this is party policy, but I diverge on this particular point because I want to enjoy an afternoon at the footy compliments of the City of Melbourne'. I would have thought that would warrant some level of explanation.

As I said, where there is evidence of market failure it is incumbent upon the state to look at intervening. This issue was brought up with me some time ago by a local Flemington resident — I think he has actually voted for the Greens in the past — David Langsam, who

expressed some concerns about the fact that he tried to get tickets for Midnight Oil and they were beyond his capacity because of scalping. He was quite concerned by the fact that he was denied this opportunity, and he raised it with me. I took up the issue and raised it internally, and I am really pleased to see now that we have got this bill before the house which will seek to address this issue.

One of the reasons why I think it is important that this issue is dealt with and addressed is that we know it goes to what makes for a fair and decent and progressive society. Thomas Piketty, who is a French economist, in his book *Capital in the Twenty-First Century* has talked about r being greater than g — that is, r , being the return on capital, is greater than g , the growth rate of output. This is evidenced today in an article in the *Australian Financial Review*, which reports that in the last seven years growth in real wages has averaged less than 1 per cent per annum. Relatively senior occupations like engineers, managers and doctors have had an average real wage increase of 1.4 per cent, whereas cleaners, sales assistants and labourers have basically had no wage increase at all over the past seven years.

Over the course of time what you will see with that is that if people have got an investment portfolio and if they have got accumulated assets then the rate of increase in that wealth will be greater than wages growth. So you will see a deterioration in the fairness of society, and you will see instances where wages growth will fail to meet returns on investment. So that means that people who have got money, and particularly if they have managed to acquire assets historically or they have had assets transferred to them through an intergenerational wealth transfer, will be far more able to participate in all aspects of commerce and all aspects of the economics of society, whereas people who come from a poorer background or a humble background, do not have any assets and work in a job which is just middle-of-the-road are going to be excluded.

I listened to the member for Bayswater's contribution. She talked about people having the means and the capacity to do something and said that if a child wants to go and see a Pink concert then the parent might say, 'Well, I will pay whatever I have to pay in order to participate'. That is something that parents of means and parents of wealth have thought about and have done. They have done so for generations and will do so for generations to come. But not every parent is in that position; not every parent has got the capacity or the ability to pay. So where you have instances where massive gouging is occurring, as we have seen in recent times, there is a requirement to look at trying to find ways in which we can seek to address that to restore the

balance. We want to ensure that people, regardless of where they come from, have got the capacity to be able to go to these shows or events — and we know this is a really important issue in Melbourne because we are an events precinct — without being excluded on economic grounds purely because there are no cheap seats in the show and there is no capacity for people of more modest or humble means to participate in these sorts of activities and events.

This is really important because it speaks to our values as a society and as a community. What sort of society do we want to be? What sort of community do we want to create? Do we want to have people excluded from reaching their potential simply because of what their parents do, simply because of the size of their parents' bank balance or simply because their parents rent rather than own a property? That is not a fair and just society. That is not why I joined the Labor Party. I joined the Labor Party because I wanted to create a fairer and more just society — a society where we are proud of the contributions that our citizens make, regardless of where they live, regardless of the occupation they hold and regardless of their level of education.

Bills like this are the cornerstone of a modern, progressive society. There are times when you cannot just let laissez-faire capitalism rip through a state without understanding that there are some significant downsides for the citizens. From time to time there is a need for the state to intervene to create a fairer, more just and more equitable society, and the bill before the house does that.

We can do this because we are a party of government. We did not set out on this journey to sit on the sidelines and commentate. We did not set out to write opinion pieces in the paper. We did not set out, for example, to tell the community what to do and not do it ourselves. We set out to be on this side of the house and to work as members of a government to deliver progressive policies and good, stable, responsible government. That is why I joined the party. That is why I sought to become a member of this place. When you make that decision, when you make that commitment and when you decide that this is what you want to do with your working day then you have the capacity to deliver legislation like this.

This is good legislation. It is fair and it is decent legislation. It is what the Labor Party is about. It is what we all on this side of the house aspire to do — to create a fair and just society and to ensure that people are not locked out or excluded just because of the role their parents play, the size of their parents' bank balance or

whether they are renters or property owners. It is a really important bill, and I commend it to the house.

Mr NORTHE (Morwell) (15:36) — I rise this afternoon to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. I hope I am on the right bill. I am not quite sure what the member for Essendon was referring to, but I think I am on the right bill this afternoon.

This is an important bill. In Victoria we are very lucky. We are blessed to have some major sporting events. The sporting and cultural part of Victoria and Melbourne has grown strongly in recent years, and unfortunately we see people taking advantage of that. We know that at some of our major sporting events ticket scalping has become a bit of a profession. It is important that as legislators we do anything we can to stop that, and parts of the bill certainly do that.

We know that with technology these days it is much easier for scalpers and others to onsell tickets, and in some circumstances that is legitimate. There are a range of reasons a person who might have acquired a ticket or tickets is unable to attend. It might be a gift for a loved one or others. These are legitimate purposes. Somehow we have to stop ticket scalping at its heart, noting that this applies to major sporting events at the moment but that we will in the future extend the anti-scalping provisions to cover non-sporting events as well, and that is important. We have so many people who travel into this great city to attend cultural events including shows, concerts, exhibitions and other things which are critically important.

I hope from a regional perspective that in the future we have a minister who might declare a major event in a regional city. I think it would be absolutely fantastic for us to be able to host exhibitions, shows, concerts and major sporting events in our regional cities. That is vitally important. They are very well supported, and I will talk about that further on in my contribution.

This bill enables the minister to make a major event ticketing declaration, which means that tickets are not able to be advertised for sale or be resold at a price that exceeds their face value purchase price by more than 10 per cent. The bill explains that the 10 per cent fee is to cover any administration fees incurred in the purchase of the original ticket. This will allow legitimate resellers of a ticket to do so and account for their costs. The member for Sandringham raised some issues with respect to that part of the bill, and on that basis I look forward to the minister responding to the concerns. I note that this applies to major events including non-sporting events. It is a significant part of the bill.

The bill also enables a new category of authorised officers who will be known as authorised ticketing officers. They will be given some powers of enforcement to deal with the new provisions in the bill. It is really important that they are also able to engage in the monitoring of websites, which is where a lot of these transactions take place in this day and age.

As I mentioned earlier, I would love to see in the future a minister, if this bill is still in existence in its current form, declare an event, whether it be a sporting or non-sporting event, in regional Victoria. This Friday we will be lucky enough in Traralgon to have a Big Bash League cricket game between the Melbourne Stars and the Hobart Hurricanes. I am sure it will be very well attended by local sporting, particularly cricket, enthusiasts. I encourage governments of any persuasion to continue to provide those types of opportunities in our regional centres because they are well attended and they will be well attended whether they are art exhibitions, cultural exhibitions, concerts or sporting events. Regional people get behind those types of events and they are very successful.

The bill does not address some of the concerns that I have — I understand the rationale; it is more a national issue. I have had some experience with local constituents and Viagogo. In January this year there was an article in the *Latrobe Valley Express* about a local resident who came to me having secured two tickets to a Big Bash League game in Melbourne between the Renegades and the Hobart Hurricanes at Etihad Stadium. Les Hunt had jumped onto a website because he wanted to take his dear wife to this particular game, and the first website that came up selling tickets was Viagogo. With all due respect to Les, he is a little bit older and he knew no better, because he assumed that that was the authorised ticket-selling agent for the game.

When you go to the website of Viagogo and, for example, look at the 29 December game for the Melbourne Renegades versus the Perth Scorchers, it shows the capacity of the crowd and says, 'Tickets almost gone'. That is a way of getting people in. People panic and say, 'That is the game that I've earmarked that I want to go to'. A heading comes up saying, 'Tickets almost gone', so people invariably say, 'Well, I'd better get in on this very quickly'. Then you go to the heading, 'View details' and it says that there are less than 1 per cent of tickets left and the game is likely to sell out.

This is false advertising in its purest form so far as I am concerned. It appears that nobody can do anything about it at the moment, and from a consumer's perspective that is not good enough. It is clearly false

advertising when it says that there are less than 1 per cent of tickets left and that the game is likely to sell out. It is absolute garbage.

But in the case of Mr Hunt, my local resident, he secured two tickets for nearly \$160. When they arrived in the mail they showed a face value of \$20 each. Then, to cut a long story short, it was found that the tickets were not legitimate; they had been copied. So Les and his good wife were nearly \$160 out of pocket because this site is allowed to operate. As I have just demonstrated, unfortunately it is still operational today and misleading people. Again, I just cannot fathom that in this day and age that this can continue or can be allowed to continue. Surely between the state and federal governments we can do something to get rid of those despicable type of companies that mislead and rip off people in such a way.

On the bill itself, it is important that we do note non-sporting events as part of our events calendar within Melbourne and Victoria. The attendance of people, whether it be to the football grand final or coming through for art exhibitions in their hundreds of thousands, is really well recognised by people from outside Australia and outside Victoria. Indeed it is a great attraction for us to be able to say that we get 100 000 people to the AFL Grand Final — it is a spectacular event. Whenever we have concerts that are sold out, people come to Melbourne and Victoria as a destination because of the sporting and other events that we host here. I think that all governments over time should be congratulated for their ability and desire to make sure that we continue to hold and host major events within the state. The flow-on benefits to our businesses and our local economies are just profound, and long may that continue in the future.

One thing we do want to get rid of is scalpers, and the bill before us does go some way to making sure that we make it harder for scalpers in the future.

Mr McGUIRE (Broadmeadows) (15:46) — This bill is fundamentally about a fairer go for consumers by cracking down on scalpers. We know that we have had grand final tickets scalped for generations. Scalping is insidious and difficult to pin down, and the internet has made a resale market that provides an even easier way for price gouging. This is the issue the government is confronting and dealing with, and this bill will protect more fans from being ripped off and from paying exorbitant amounts to ticket scalpers on the secondary market — that is the key proposition here.

This is going to be done by making it illegal to sell or advertise for resale tickets to any declared event for

more than 10 per cent above face value. So that is the key proposition: to make it that anything more than 10 per cent is now outside the law, which takes the incentive away from the scalpers.

Under the new Major Events Act 2009 the Minister for Tourism and Major Events will also be able to declare ‘events’ other than sporting fixtures. The legislation will allow for cultural events like the big theatre shows and concerts to be declared and better protected, improving our capacity to bring the big events to Victoria. I just cite the reference in the *Herald Sun* when the Premier announced that we secured the exclusive Australian season for the theatre production *Harry Potter and the Cursed Child*. In answering questions the Premier said in the *Herald Sun* on 24 October:

We are very keen to protect the integrity of the ticketing offer. We are prepared to take the steps necessary to ensure that we don't see some of that behaviour.

That is part of the strategy so that we can attract blockbusters here. It fits within the major events calendar where we have the big sporting events first of all, then we added the cultural side to it; particularly the Melbourne Winter Masterpieces has been a great success. This is why giving people the chance not to be ripped off — basically, that is what we are trying to do — as well as by ensuring that they pay a fair price for the ticket we are also ensuring availability for the widest number of people in the community that we possibly can. This is really significant in how we build our sectors, and how we get the profile that Melbourne has as the world's most livable city.

Melbourne is the cultural capital and we are also the knowledge capital. I opened an international innovation conference yesterday at RMIT University. We are hailed around the world for what we do. A subset of that is in medical research — I am the parliamentary secretary with responsibility in that area — where we are still the national leader and we are internationally acclaimed. These are the ways that we actually help bring these sectors here, help them thrive and provide a fair go for them.

If you have a look at the value we are talking about here, tourism is Victoria's second-largest services export, second only to education. It generates around 210 000 jobs and delivers more than \$23 billion to the economy annually. The broader events industry provides about 4700 full-time equivalent jobs. This is the scale we are talking about here. We have developed this over decades to get the scheduling right, to get the tourism right and to get the branding right in order to

make offers that are not just local but of national and international significance.

Collectively major events work together over the course of the year to provide not only economic value, but also constant positioning and profiling for Victoria. This drives tourism, employment growth, industry development, business links, investment decisions and community results for the benefit of the state. It also plays into how we attract the best and brightest from overseas with fellowships, which I was able to do with Veski last night in our science sector. The winner of the major fellowship loves Melbourne, loves the sunshine and loves the offer. This is how this fits into a much bigger narrative about the state, about what we offer the world and the value proposition.

Victoria's major events calendar is one of the most successful in the world, to put it bluntly. You have seen how other states have now come up with major events corporations themselves to try to compete, and to try and get this value proposition. If you have a look at what we do offer in Melbourne, we have the Australian Open Tennis Championships, one of only four grand slams in the world. We have the AFL Grand Final week, but we know, particularly given Richmond won the flag this year, it can go for much, much more than a week. Then we have the Australian Formula One Grand Prix and the Spring Racing Carnival, which goes on and on and gives us the international spotlight and significance as well.

Likewise regional Victoria showcases the Australian Motorcycle Grand Prix at Phillip Island, the classic Cadel Evans Great Ocean Road Race in Geelong and along the Great Ocean Road, the Bendigo International Collections series at Bendigo Art Gallery, the Rip Curl Pro at Bells Beach, the Festival of Sails at Geelong's waterfront and the *Herald Sun* cycling tour in different regions of Victoria, which has been going for decades. This is a calendar of events that has been generated over generations. This is why it is important to provide the fair-go option here on ticket prices and availability to make sure that these events are open to everyone to attend and participate in so they can enjoy the value of this long-term investment from a range of different governments.

The bill itself will allow the organisers of major sporting events and other non-sporting events, such as cultural events, including theatre, concerts, gallery exhibitions and festivals, to seek their event be declared a major event for ticketing purposes. That gives them the chance to go directly to the minister and say they want to have this protection or to be seen in this way and therefore avoid these exorbitant prices being put on

the tickets. If the Minister for Tourism and Major Events makes a major event ticketing declaration in respect of that event, it will become an offence to sell or advertise for sale a ticket for a price exceeding by more than 10 per cent the face value of the purchased ticket. The offence is split into two categories depending on whether there are five or fewer tickets or six or more. That is drilling down into the detail that I do not need to go any further but that is basically how the details of the proposal will play out.

The big-picture theme is how we can really look after these events, how we can look after our investment of more than \$1 billion from the Andrews Labor government in sport and recreation right throughout Victoria. This helps us maintain our leadership in Australia, which is constantly under threat, as the sporting capital, the cultural capital and in other ways. As I said, we are the knowledge capital and we are respected for holding that title as well. This is why I am saying that it is important to be able to still provide the opportunity of a fair go for anyone to participate to come along and see these events and be part of the value they bring to life in Victoria — not just to be a spectator but to be part of them and to get the maximum enjoyment from them without being ripped off. I commend the bill to the house.

Ms KNIGHT (Wendouree) (15:56) — I am really pleased to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017 before us today. If I can extend a theme from the member for Essendon — and the member for Broadmeadows touched on this as well — to me this bill, like so many other bills that the Andrews Labor government brings to this place, is fundamentally about fairness. It is about everyone having the ability to access major events, which are so important to us in our lives, and to be able to go to those events on a level playing field. I was thinking about this and remembering that when I was a much younger gal I used to love going to the Big Day Out —

Mr McGuire — Last week.

Ms KNIGHT — Last week. I loved going to the Big Day Out; it was great. You would save up, you would go, you would be with a group of people and you would hear some great music, memorable things like Rage Against the Machine, TISM and bands like that. Probably the member for Dandenong would not have a clue what I am talking about; she is a bit young. But then when I had kids of my own one of the great things that I loved doing was taking two of them when they got a bit older. We would go together and share that experience. Then quite shockingly they got to the

stage where they did not want me to go with them. I cannot imagine why! But anyway, that is what happened. So for Christmas every year they would get money to go to the Big Day Out. It was one of those fabulous, big events that was a big part of our family's lives. It taught my kids how to deal with festivals. Then they migrated to the Meredith Music Festival and the rainbow festival. Music festivals have been a significant part of their lives as they have grown up, and still are a significant part.

For me it is really not just about the price of the ticket; it is about how we live our lives and all that joy. The member for Dandenong talked about the Paul McCartney concert and the joy that that brought her and all of those thousands and thousands of people that went. I had the same experience at Alice Cooper. It was great; it was fantastic. Ace Frehley just shredded the place, and then out came Alice Cooper. I will explain to the member for Dandenong who Alice Cooper is at another time.

This is absolutely about fairness. A few weeks back the Minister for Tourism and Major Events said the new measures in this bill 'will crack down on scalpers and help keep our major events fair and accessible for everyone'. As I said, I am standing here as someone who, like so many other Victorians, loves a major event, but I am also here as a representative from a city that puts on some of the best events in regional Victoria.

I certainly support the thrust of this bill. It includes expanding ticket scalping provisions to major non-sporting events like concerts, exhibitions, theatre events and festivals; empowers the minister to apply the new ticket scalping offences to major events by making a major event ticketing declaration; and makes it an offence to sell any ticket to an event to which a major ticketing declaration applies at a price that exceeds the purchase price by more than 10 per cent. I do not want any of Victoria's major events to be an opportunity for scalpers to take advantage of consumers, and I believe this bill will protect more people from being ripped off.

Before discussing the substance of the bill I just want to touch on Ballarat's fantastic capacity and fabulous success in hosting significant sporting and cultural events. I reckon pound for pound Ballarat is the events capital of regional Victoria. We had the Bulldogs playing Port Adelaide this year in the regular season AFL game in Ballarat, and that was just a cracker. Next year we will be seeing two AFL games at Mars Stadium. This is a real demonstration of the Andrews government's commitment to Ballarat.

On the cultural front, the Archibald Prize tour came to Ballarat in 2015 and 2016 and over 100 000 people attended the Art Gallery of Ballarat specifically to view prize entries over those couple of years. Some people will go to Ballarat, they will look at the Archibalds, they will go to the footy and they will go home. But there is a great number of people who will bring the entire family, who will stay for the weekend, who will drink in our pubs and eat in our restaurants and spend some money in our shops. So the benefits to Ballarat and the benefits for jobs in regional Victoria cannot be underestimated.

And of course you cannot forget White Night Ballarat. Earlier this year 40 000 people packed the centre of Ballarat's CBD for Australia's first regional White Night. It was a huge success, and one of the really special features of this major event was the display of work by local Ballarat artists. Whether it was the Pitcha Makin Fellas, Josh Muir or Deanne Gilson, the talents in Aboriginal Australia and in Ballarat were on display. These are great examples, but in Ballarat the major events do not stop. Just to go back to White Night and what major events do, that showcasing of local talent is really, really important. I was talking about the Big Day Out before. There was a local Ballarat band that played at the Big Day Out, and that experience for them was just fantastic.

Right now the countdown is on for the Cycling Australia Road National Championships from 3 to 7 January next year. The road nats this year saw 20 000 people lining the streets of Ballarat. This event provides a huge injection to our local economy and has been locked in for the next three years thanks to the Andrews Labor government. Ballarat is again playing host to White Night from 7.00 p.m. on 17 March until 7.00 a.m. on 18 March, and I would encourage every single member of this Parliament and all the staff to get in pretty quickly. You could not get a bed for love or money in Ballarat for this year's White Night. I only have so many spare bedrooms, so you had better get in and book your accommodation toot-sweet. The return of this magnificent event is a testament to Ballarat's capacity to host a successful major event.

In Victoria we have a terrific range of events, as I have just stated. Unfortunately sporting or non-sporting scalpers can get involved in the reselling of tickets and ripping off consumers. So I am sure all members support cracking down on scalping for non-sporting events. Whether it is for a World Wrestling Entertainment exclusive blockbuster, a FIFA World Cup qualifier or a performance of *Harry Potter and the Cursed Child*, we do not want to see anyone ripped off by scalpers, so the organisers of a sporting or

non-sporting event will be able to ask for their event to be declared a major event for ticketing purposes. The minister will consider the request by looking at factors such as the size of the event, likely ticket demand, exclusive global content, likely media coverage, and the event's contribution to Victoria's international profile. If the minister declares a major event for ticketing purposes, it becomes an offence to sell tickets for more than 10 per cent higher than their original purchase price.

Earlier I spoke of the new offences created by this bill, and I think they are central to protecting Victorians from the rip-off that comes with scalping. Under the provisions of this bill scalpers will be hit with significant fines, and we must do that to really crack down on and stop these scalpers. I mentioned before that at the Big Day Out I remember seeing Rage Against the Machine. Then as my son got older he and his mates wanted to go and see them when they made a comeback and came back to Australia. Again I was banned from going, but they went along, queued up, wanted to get the tickets but could not get the tickets because they had sold out so quickly. Then of course the inflated prices from scalpers made it impossible for those kids to go. That is just one example of what we are rightly cracking down on here — making it fair for everyone to go to the major events that they love, whether it is sports, whether it is music, whether it is theatre, whether it is regional or whether it is a Melbourne-based event. Just that fairness I think is what we are all about. It is about protecting Victorians from predatory scalpers, and it is about sending a very clear message that everyone is welcome but the scalpers are not. I commend the bill to the house.

Mr J. BULL (Sunbury) (16:06) — I am pleased to have the opportunity to contribute to debate on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. As the member for Wendouree and the member for Broadmeadows have both spoken about in their very good contributions, this bill is fundamentally about fairness and about ensuring that Victoria's world-class major events program is enhanced by sound legislation that provides those additional safeguards and those additional protections around ticket sales and purchases.

It must be noted that Victoria's events calendar is the envy of all other states and territories across our nation but also the envy of many cities right across the world. We know that literally millions of people visit our state each and every year to enjoy all that it has to offer, which is boosted of course by the outstanding events calendar which a number of honourable members have mentioned this afternoon. Of course we also have a

wonderful tourism sector. It is a tourism sector that offers so much — it is diverse, it is dynamic and it creates thousands of jobs. We are blessed to have wonderful places in this state to stay — wonderful accommodation venues — and terrific places to eat and recreate, and of course those events that draw so many in each and every year. We are indeed the best state in the nation.

I just wanted to point to some data that was released today that shows more overseas visitors are choosing to spend their time and valuable tourism dollars in Victoria, boosting local businesses and creating jobs. Victoria welcomed 2.8 million international visitors who spent \$7.6 billion in the 12 months to September. These rates were well above the national average both for spend and for nights accommodation. Importantly we know that regional Victoria is also benefiting in this space. Spending on wine, on gifts and on activities is up by 18.6 per cent compared to the national average growth of 7.2 per cent, so it is more than double. Events like the Cadel Evans road race, the Daylesford ChillOut Festival and the MotoGP at Phillip Island keep visitors in these regions, and that is important for local economies and once again important for jobs.

The member for Macedon will be very pleased to know that Daylesford and the Macedon Ranges have welcomed more overnight visitors than they did the year before, boosted by an impressive rate of 43.6 per cent. That is outstanding news for our regions and certainly is something that we want to continue. The world's most livable city recorded an international visitation with expenditure up almost 13 per cent to \$7.1 billion in the same period. These are all terrific numbers, but most importantly they continue to keep Victoria at the forefront of tourism and of a very strong visitor economy.

As tourism grows and our population grows we on this side of the house are investing in a huge program of infrastructure works to keep our state thriving. Why is this important? Because we need to be able to ensure that we get these hundreds of thousands of people to and from those events each and every year. As people move to those events on road and rail we know that important infrastructure projects that are being delivered by the Andrews Labor government — like Melbourne Metro, the five new stations, two 9-kilometre tunnels, getting rid of 50 level crossings, improving safety and congestion, building the West Gate tunnel, the CityLink Tulla widening project and the M80 Ring Road and Monash upgrades — are all critically important not just for those who live and work in the state but also for those who wish to come here to attend major sporting events and a whole range

of other events that have been mentioned by other members this afternoon.

Major events and sports are fundamentally popular in my electorate. I know that those in Sunbury, Tullamarine, Gladstone Park, Diggers Rest, Bulla and Gowanbrae enjoy and love these major events. However, what they do not enjoy is being ripped off or missing out because of a poorly managed ticket system or ticketing practices. This is fundamentally where this bill is about fairness and about making some major changes that help to address some of these practices. The purpose of the bill is to amend the Major Sporting Events Act 2009 to expand it to cover non-sporting major events such as cultural events, theatre, concerts, gallery exhibitions and festivals, many of which have been mentioned, in relation to ticket scalping provisions. The bill will also, importantly, empower the minister to make a major event ticketing declaration which will apply new ticket scalping offences to both major sporting events and other major events across the state.

The bill proposes changes which will expand the current ticket scalping provisions in the act and create a new major event ticket declaration that may apply to major events other than sporting events. It will also see changes as to what constitutes ticket scalping and a simplification of the processes required for event organisers, making it more streamlined, less of an administrative burden and quicker to obtain. We know that there are a whole range of provisions that have been mentioned in strengthening the system around ticketing. As others have mentioned, the Andrews Labor government needs to ensure that its legislation matches those practices that exist today and certainly those practices that evolve.

A number of members have mentioned the evolution of the internet when it comes to ticket sales. I am not sure of the numbers off the top of my head in terms of those who buy tickets online or those who buy them in person or through other methods, but my suspicion is that the online purchasing of tickets has grown rapidly and will continue to grow rapidly as people move to smartphones, hand-held devices and a whole range of other things to be able to get their tickets quite quickly. Of course what that then presents is a whole range of problems that can arise in terms of how those tickets are managed, purchased and, more importantly, as the bill deals with, how those tickets may then be onsold. That is certainly something that is addressed in this bill.

Tickets will not be able to be resold or advertised for sale at more than 10 per cent above the face ticket value, and there are penalties for scalping which can range from \$790 to \$475 000 — a very significant fine —

depending on the nature of the offence. We know that the bill creates a new category of authorised ticketing officers to deal specifically with existing and new ticket scalping provisions in the act. Authorised officers will be involved in monitoring websites and will be granted enforcement powers including seizure, temporary surrender and retention of tickets. We also know that the officers will be able to commence proceedings on behalf of the department where it sees fit.

Where a major ticketing declaration has been made, event organisers will be required to ensure that the ticket price is displayed on the face of the tickets. Previously under the act a ticketing declaration required the event organiser to prepare a ticketing scheme. Under the proposed legislation the event organiser will not be required to do this. This is welcomed because it will reduce the administrative burden and make the process of declaring the event more efficient.

We know there are other jurisdictions that deal with ticket scalping in different ways. There were recent changes that went through the New South Wales Parliament that have seen a prohibition on reselling tickets to events for any amount above the original acquisition cost of the ticket. We know there are a range of other measures that have been put in place by other jurisdictions. In Queensland it is an offence to resell or purchase a ticket to a major sporting facility event for a price greater than 10 per cent above the face value of the ticket. There are different provisions in South Australia and the ACT. I know that many of these provisions that are in the detail of this bill, as I mentioned earlier, will certainly be welcomed by the communities in my electorate.

The Andrews Labor government stands for a fair ticketing system, one that gives everyone a fair go. We support the fantastic major events calendar that we have in this state both through investment and through the improved infrastructure that I spoke about earlier to be able to get people to and from these events and cater for increasing demand. I would like to commend the Minister for Sport, Minister for Tourism and Major Events and Minister for Veterans for his commitment to seeing sport and these major events go from strength to strength. What is important is that we as a state continue to evolve and to create legislation that deals with issues that are presented today, and I think this bill certainly does that. I commend the bill to the house.

Ms GRALEY (Narre Warren South) (16:16) — It is a pleasure to rise this afternoon to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. As other speakers have said, Melbourne certainly is the cultural and sporting event

capital of Australia. You only have to walk out the front door to see the beautiful theatres across the road from this august building, Parliament House. You see Her Majesty's Theatre and the Princess Theatre. Travel down Bourke Street and you end up at the modern arena, which is Docklands.

Ms Hennessy — Who plays there?

Ms GRALEY — That is the mighty Western Bulldogs' home ground.

Then you can travel down Swanston Street to the National Gallery of Victoria precinct and you see facilities like Hamer Hall and then across the Yarra again to the MCG precinct and of course Rod Laver Arena and AAMI stadium.

Many of those, except of course the earlier ones I mentioned — the theatres — were built by Labor governments, because we have a strong commitment not only to building infrastructure so that all Victorians can have a good quality life in the city that they call home and quite correctly are so proud of, Melbourne, but also to investing in our cultural life and in our sporting life.

I for one very much enjoy going to Docklands and the MCG. I also enjoy going down to the cultural precincts in Melbourne. I must say that whilst this bill is referring to online ticket purchasing, I am not a big fan of it. I can be a bit of a troglodyte where these issues are concerned. I have on many occasions attempted to use online booking services, and I must admit that sometimes I have been successful and other times not. More often than not I have had to defer to the Boy Wonder, my 30-year-old son, to go online for me. He has a little bit more patience and a little bit more understanding of how these matters work. I would just like to put on record my thanks to him because whilst I was overseas he actually acquired some tickets for the Anoushka Shankar concert that is going to be happening in March. All I have to do now is hand over the \$200 to him. That is my preferred way of operating. But I understand that is not the way of the world. In fact this bill will provide for greater scrutiny of the way people purchase online tickets and make sure that those online tickets are exactly that — tickets to get into venues and not actually fakes.

The bill will amend the Major Sporting Events Act 2009 to expand the ticket scalping provisions to cover non-sporting major events and empower the Minister for Tourism and Major Events to make a major event ticketing declaration, which will apply new ticket scalping offences to both major sporting events and

other major events. This is well and truly a timely bill for a number of reasons. The fact is that we are having some amazingly big events in Melbourne. The member for Dandenong referred to the Paul McCartney concert last week, which everybody has raved about, and I know in fact that was a ticket highly sought after in Melbourne. I suspect people paid some really big dollars to get into that probably once-in-a-lifetime experience.

I am going to refer to something that is really dear to me — that is, the matter of the scalping of overpriced tickets, especially as they surround sporting events in Melbourne. This is something that I have been wanting to put on the record for a while, and this bill provides me with an opportunity to raise an issue that has really been gnawing at my thinking for a while. As members are aware, I am a huge Western Bulldogs fan. I must admit that apart from the birth of my children, my wedding and probably my graduation, grand final week in 2016 was actually the best week of my life. Having travelled back down the road after my team won a preliminary final, after I think losing eight, I knew that because I have been a social club member at the Western Bulldogs I was guaranteed a ticket at that amazing grand final. I also know that there were many people who had been lifelong members at the club. I have been a member since I was five, so for 55 years I have been a member of the Footscray/Western Bulldogs Football Club. But I know that lots of people cannot afford social club membership, and many of them were very much wondering whether they would be able to attend the MCG and get to see a grand final.

I note for reference that in this year's grand final when the Tigers made it and they were playing Adelaide, grand final tickets were being scalped for \$3500. That is a lot of money to pay to go the grand final. I am equally aware that when we were in the grand final friends of mine who had not been members at a social club level were actually spending thousands upon thousands of dollars — what amounted to tens of thousands of dollars in some cases because they had to go and buy corporate packages — to get access to the grand final.

I know that the Greens have proposed a bill in the upper house around making the grand final more accessible for the average AFL fan. I do not know in detail what is in that bill, but I do support the idea — not necessarily the bill. I would like the AFL to listen up on this matter because I know that Gillon McLachlan, the CEO, has said he wants to have a more fan-friendly AFL. One way that can be guaranteed is to make sure that real fans can get to go to the grand final. This year they increased the amount to 34 000 fans, but Richmond has 73 000 members and Adelaide has 57 000 members.

That amounts to 130 000, so it would not matter how many tickets there were as not all members would be able to get into the MCG.

I do note that the corporates get 21 000 tickets out of the nearly 101 000 available for people to go to the MCG on grand final day. I know that the men and girls in suits might like to go to the grand final, but I have to say that when I finally got to go to the grand final — after knocking back all those corporate offers that I had had over the years that I had said no to; I said I was not going to the grand final unless the Western Bulldogs were in it anyway — there were some empty seats. There were a lot of people sitting behind glass and a lot of people standing in bars not watching it. There were lots of people who should have been at that grand final, as indeed there should have been probably at the Richmond and Adelaide grand final, who were red, white and blue through and through or black and yellow through and through. I would plead with the AFL to reconsider the number of tickets that are made available to true AFL fans who go to the game every week, week in and week out, and who barrack, buy the corporate gear, go along and buy the raffle tickets to keep their clubs going. We really need to look at making sure that at least 50 per cent are true, loyal, paid-up members of the clubs.

This is a very good bill. Scalping is wrong. Scalping is exploitative. Scalping is taking somebody down when they want to have a really good time. It is now time to make sure that those people who are actually doing the wrong thing, who are taking exorbitant amounts of money, like even in the case I outlined in reference to last year's grand final, are actually penalised and, for those who happen to be able to manage the online service and get a ticket or buy it from one of these other agencies that have bought hundreds of tickets and are selling them at exaggerated prices, that those tickets are real.

I commend the minister for bringing this bill to the house. I think we will have better events in Victoria if we can have more people able to go to them and pay the fair amount to access the terrific experiences in the sporting and cultural capital of Victoria, Melbourne. I know there are lots of events planned for coming years. I commend the bill to the house.

Mr DIMOPOULOS (Oakleigh) (16:26) — I am also pleased to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. It is a very important bill. As you said in your own contribution, Acting Speaker, it is a bill that addresses market failure and this is a hallmark of this government in terms of intervention, where it is necessary, in the marketplace. The bill obviously does

several things, but critically it gives a fair go to Victorians who want to access major events by cracking down on scalping and it also gives confidence to business promoters and other businesses who want to do business in Victoria. We are in a competitive market so they could go anywhere; why they choose Victoria is for a range of reasons, including having a context of clean ticket sales without scalping.

To move to the provisions of the bill: it seeks to expand the act to cover non-sporting major events such as cultural events — theatre, concerts and gallery exhibitions, of which we have had many — and of course still covers major sporting events. The bill seeks to empower the minister to make a major event ticketing declaration, which will apply to new ticket scalping offences for the events I have just described, including major sporting events and other events. The bill proposes to change the ticket scalping provisions in the current act by creating a new, powerful declaration. It changes what constitutes ticket scalping and simplifies the process around when the minister can make a major event ticketing declaration — it shortens the time line, which makes it more clear. It also eliminates or repeals the Tourism Victoria Act 1992.

The bill will allow organisers of major sporting events and major non-sporting events to seek for their specific event to be declared by the minister as a major event for ticketing purposes. The minister can make that declaration, and I will briefly explain later on what basis he will make that declaration on any given event. If he does that, it will become an offence to sell — as others have said — or to advertise for sale any ticket to the event which exceeds the face-value purchase price of the ticket by more than 10 per cent. There are a range of things, including the fact that the proposed offences are split into two categories: for five or fewer tickets scalped, or six or more — different penalties obviously will apply for those who try to sell six or more.

There will be additional offences and the current ticketing provisions of the act will provide more opportunity. I think the current provision is that the notice period required for the declaration is nine months. This has caused concern and problems within the industry as it really does not provide as much flexibility for the creation of a declaration. That will change. The bill will also seek to introduce a new category of authorised officers to deal specifically with the existing and new ticket scalping provisions in the act. So, pretty significant changes.

To go to some of the comments the minister made in his second-reading speech in terms of the new power

that he will have to make those declarations, he said in his second-reading speech the criteria include:

- the size of the event;
- likely demand for tickets;
- exclusive global content;
- the likely media coverage ...

and other criteria.

As others have also said, it is a fairly new phenomenon in terms of its scope. Ticket scalping is not new in terms of an act; it has been around for a very long time but the scope now, particularly with the online platforms we have, has meant that the resale market of tickets has thrived. It has become enough of a problem for us to act and for us to deal with, and of course it is us, it is the Andrews Labor government, that is dealing with this. It is not unusual that we are the ones who are cleaning up the mess of the past or addressing concerns that are currently present.

There has been a whole range of examples given where consumers have had to pay an exorbitant amount just to access what they are entitled to access as Victorians, which is a proud calendar of significant events — sporting and other events. I am reminded of one of the most outstanding statistics I saw recently, which was the *Van Gogh and the Seasons* exhibition. I saw the Van Gogh exhibition, held from May to June 2017. It was the most successful ticketed exhibition in the National Gallery of Victoria's 156-year history. That is extraordinary.

Ms Thomas interjected.

Mr DIMOPOULOS — The member for Macedon reminds me it is one of the top 20 visited galleries in the world, the National Gallery of Victoria, on a population base of 6 million people compared to big, global cities around the world.

Other successes in Victoria's impressive calendar of events: more than 95 000 fans attended the MCG in June 2017 to watch Argentina defeat Brazil, we had the Socceroos versus Greece match, we have had a whole bunch of events. The Presidents Cup is in 2019 and we will have a whole range of events. This government is not only known for good policy around education, health care, roads and public transport, but also for boosting the major events calendar of this state and therefore the opportunities Victorians have to access world events.

You cannot do that if you have got a growing problem with ticket scalping and that is why we are addressing that in this bill in a very significant way. We are ensuring that all Victorians will have access to a fair market price for tickets, rather than having a situation of a bottom-feeder approach, where people buy a whole bunch of tickets and then wait for the appropriate moment to make money on them by selling them at a significantly higher price.

If you think about it, not in the sense of 'I can't attend an event and I have to then relinquish my tickets', but the secondary market in the scalping sense, it contributes nothing to the events calendar and contributes nothing to the cultural fabric of the state nor to the economy. It is base profit motive at its absolute worst, and I am glad that we are seeking to get rid of it in large part. This bill also, as I said at the outset, provides confidence to the international promoter market, the industry that seeks to bring events here, to come to a state and a jurisdiction which provides a clean slate, a clean opportunity, to sell tickets at the price that the promoter and the artists — wherever the event may be — have declared.

I also want to applaud the member for Narre Warren South for her comments in relation to access to tickets for ordinary Victorians, particularly those committed to a club — as she described them in her contribution — and less perhaps for those who go to these events as a social occasion and spend more time drinking than watching the event, whether it be sporting or otherwise, but usually it is sporting in those situations. I understand there is a place for social connection and business connection at these events, and that is important, but I concur with the member for Narre Warren South in terms of the AFL making more provision, taking more leadership to provide tickets to ordinary club members or for AFL members at the very least. I commend the bill, I commend the minister's leadership on this and I look forward to its swift passage in the Parliament.

Mr STAIKOS (Bentleigh) (16:36) — It is a pleasure to make a contribution on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. I commend the Minister for Tourism and Major Events for introducing this bill into the Parliament. Just earlier I felt like I was surrounded by Western Bulldogs fans who were going on about their second premierships win. As members know, my electorate is the home of St Kilda Football Club. It is true to say that the Bulldogs now have twice the number of premierships cups that St Kilda has, which is something funny to admit given this government is building the new St Kilda premises. I had a look

yesterday; they are looking good. The new home of the St Kilda Football Club at Moorabbin Reserve will include a museum, so we are hoping that there will be more than one premierships cup to keep in there.

Of course I was not around in 1966 when St Kilda won their one and only cup, but by all accounts there was a bit of a frenzy in Moorabbin. All of the St Kilda fans converged on Moorabbin's Sierra's pub, which used to stand on the Nepean Highway, and celebrated all night long. In those days obviously we did not have liquor consumption laws as relaxed as we do today, but the pubs in the area got a special licence to keep going. That just shows how much Victorians love the AFL. I guess if you are Victorian and not into AFL, people really do question why. Victorians are quite evangelical, almost, about the AFL.

I think ordinary Victorians have been let down by a system which has allowed scalpers to flourish, a system that has been on steroids, if you like, with technological changes, with the internet and with more online sales of tickets. In some cases in the last AFL finals series some fans were having to buy tickets for up to \$631 in some cases and more than \$1000 in others, whereas just over the border in South Australia there was a totally different situation, because South Australia has laws around anti-scalping — laws that are similar to the laws we are introducing. It was about six months ago that I got a few calls and emails from constituents with regard to the issue of scalping. I made representations to the Minister for Tourism and Major Events, and I was certainly delighted to receive his response when he confirmed that the government was taking action on this important issue. Certainly my constituents were delighted to receive that news.

It is true to say that Victoria is very much a service economy. Our number one export of course is education, but tourism comes a close second. If you look at some of the most recent stats, our tourism and events industry in Victoria generates almost 210 000 jobs annually. Visit Victoria is playing a key role in growing the state's \$23.3 billion tourism and events industry. When you have such a significant industry, one that is loved by Victorians in a sporting sense but also with regard to the arts — Melbourne is known for good reason as both the sporting capital of Australia and the arts capital of Australia — you have to have a system that can maintain the integrity of these industries and make sure that fans are getting a fair go, and this government is all about giving people a fair go.

What this bill does is amend the Major Sporting Events Act 2009 to expand the act to cover non-sporting major events in relation to ticket scalping provisions and

empower the Minister for Tourism and Major Events to make a major event ticketing declaration which will apply new ticket scalping offences to both major sporting events and other major events. The bill expands the current ticket scalping provisions in the act, creating a new major event ticketing declaration that may apply to major events other than sporting events. There will also be changes as to what constitutes ticket scalping and a simplification of the processes required for event organisers, making it more streamlined, less administratively burdensome and quicker to obtain.

The bill repeals the Tourism Victoria Act 1992, which is redundant given Tourism Victoria no longer exists and has been replaced by Visit Victoria. Visit Victoria was created on 1 July 2016 as a company limited by guarantee. It has brought together the functions of Tourism Victoria's marketing division, the Victorian Major Events Company and the Melbourne Convention Bureau into a single organisation. Visit Victoria is responsible for marketing the state and securing new business, cultural and sporting events. Visit Victoria is not a statutory entity and does not require legislation. It has had considerable success already. Recent figures from the tourism and events industry show that it generates almost 210 000 jobs annually and has played a key role in growing the state's \$23.3 billion tourism and events industry. The targets for Visit Victoria are ambitious: by 2025 the aim is to generate \$36.5 billion in visitor spending and to support more than 320 700 jobs.

Since 2014 it is fair to say that in the tourism sector and the major events industry there have been a number of wins. One of the most notable ones I think was the *Van Gogh and the Seasons* exhibition, which many members attended. That, I believe, ended up being the most popular exhibition held in 156 years at the National Gallery of Victoria — something I know the government and the industry were very, very proud of.

As we know, and I mentioned it earlier, Melbourne is the sport and arts capital of Australia, and in our view no truer words have been spoken. Of course Melbourne hosts the four biggest annual sporting events. It has Her Majesty's Theatre, the Princess Theatre and the Regent Theatre. The Harry Potter musical is of course coming to Melbourne soon, and it is important, given how popular that event will be, given how popular it has been in the UK, that we have appropriate laws to protect people who want to go and see it and who want to experience the night-life and the arts offering that we have here in Melbourne.

I am very pleased that this government has taken action, like other states have taken action over the

years. We are not really reinventing the wheel on this. South Australia, as I mentioned earlier, has similar laws in place, as does Queensland. New South Wales has also recently changed its legislation, and in other jurisdictions legislation has been in place for some time. It is important that Victoria also took a strong position on this issue and introduced this important change, because it is about putting real fans first and stopping the predatory scalpers in their place. That is exactly what this bill will do. These are new measures that will crack down on scalpers and help keep our major events fair and accessible for everyone. I commend the bill to the house and wish it a speedy passage.

Ms THOMAS (Macedon) (16:46) — I too am pleased to rise today to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. This bill will amend the Major Sporting Events Act 2009 to (a) expand the act to cover non-sporting major events in relation to ticket scalping provisions, and (b) empower the Minister for Tourism and Major Events to make a major event ticketing declaration, which will apply new ticket scalping offences to both major sporting events and other major events. The bill will also expand the current ticket scalping provisions in the act, creating a new major event ticketing declaration that may apply to major events other than sporting events. There will also be changes to what constitutes ticket scalping and a simplification of the processes required for event organisers, making it more streamlined, less administratively burdensome and quicker to obtain.

The bill also repeals the Tourism Victoria Act 1992, which is redundant given Tourism Victoria no longer exists and has been replaced by Visit Victoria. I will talk about Visit Victoria a little later.

Everyone knows without a doubt that Victoria is the home of major events. Whether it is sport, theatre, music or the arts, we have the best audiences, we pull the biggest crowds and we create the best experiences to ensure that there is something for everyone to enjoy, whether it be here in metropolitan Melbourne or further afield in our regions. This bill is about retaining our number one position by — and this is very important — ensuring that our events, the major events here in Victoria, are able to be experienced by as many Victorians as possible and that there is fairness for patrons.

With the growth of the online secondary ticketing market, ticket scalping has become an increasingly topical issue not just in Victoria but across the nation and other parts of the world. Currently legislation only covers sporting events, and it will be expanded to cover

cultural events. The Victorian government is committed to enabling genuine sporting fans and music and arts lovers to have access to tickets for the many events on the Victorian events calendar without having to pay inflated prices for events due to ticket scalpers. As I said earlier, at the heart of this bill is an absolute commitment to fair ticket prices so that as many Victorians as possible have the opportunity to access all those events that they love.

The legislative changes will coincide with a broad consumer awareness campaign to educate consumers on the value of buying from authorised resellers and the dangers of buying tickets from unauthorised sellers, which does bring me to talk about football. I am conscious that when I say football there are some people out there who might think I mean soccer. You all know what I mean when I say football; I mean the Australian Football League, the best game. It goes without saying that we are footy obsessed here in Victoria and that tickets to the AFL Grand Final are indeed a very precious commodity.

It is important to note that there are no changes in this bill to the declared status of the AFL Grand Final. Under current legislation the AFL must submit a proposed ticketing scheme to the Minister for Tourism and Major Events. The proposal details the allocation of tickets, including how many tickets are allocated to clubs, Melbourne Cricket Club (MCC) members, AFL members and other contractual obligations. The bill does not have an impact on the ticket allocation to fans, and indeed at the 2017 grand final over 70 000 of the 100 000 tickets went to fans, including Melbourne Cricket Club and AFL members. I am pleased to note that the bill does provide the potential for the minister to declare other AFL games, such as the Anzac Day match and the finals series, as games that will be covered by the provisions of the act. The AFL will not need to submit a ticketing scheme for these events.

What we do know, however, is that in 2017 there were several media reports of footy fans missing out on tickets to the grand final because they had purchased dodgy tickets from online resale sites. This legislation makes it very clear that tickets will not be able to be resold or advertised for resale at more than 10 per cent above the face value of the ticket. As I said, there will be a consumer education campaign really focused on warning people about the danger of or the potential for fraudulent tickets and so on and to be very cautious about what they are purchasing.

I have to say that I have been very fortunate to have a membership of the Melbourne Cricket Club as a consequence of my uncle transferring his ladies ticket

to me when I was still at school. As a consequence of that I have been able to attend many grand finals and have enjoyed lining up from 4 or 5 o'clock in the morning to secure a seat, including at the 2009 and 2010 grand finals. I appreciate the member for Bentleigh's contribution. I am a long-suffering St Kilda fan and club member. Being a fan of that team, I do extend my best wishes to those others who have spent a long time at the bottom of the ladder, including the Bulldogs and Richmond, who have enjoyed some grand final success in recent times.

In talking about my MCC membership as the result of my uncle transferring a ladies ticket, I want to remind the house — and I know, Acting Speaker Pearson, that you will be well aware of this, being a historian of the Labor Party — it was as a consequence of the anti-discrimination laws that were introduced by former Labor Premier John Cain that we got rid of this antiquated, nonsense notion that women could not be full members of clubs, including the Melbourne Cricket Club and the Victoria Racing Club. It is yet one more example, if we needed one, that it is only Labor governments that fight for fairness.

I understand what it is like to be a long-suffering football fan of a team that has struggled to enjoy success. I am privileged to have my MCC membership. I understand the lengths that some members will go to to get to a grand final. I note that the member for Melbourne is not in the house, but I use this opportunity to point out that one needs to be very careful when wanting to occupy the high moral ground, as the member for Melbourne has perhaps found out when only weeks after her party condemned the number of tickets that were available for corporates at the grand final, she herself was able to accept one. I do not begrudge anyone taking the opportunity to attend the grand final to see their team, particularly a team like Richmond, win the grand final, but it is a cautionary note to all of us. If you want to occupy that moral high ground, then you are setting the bar very high for yourself and you should try and act in accordance with those beliefs. But I digress.

I want to speak very briefly about Visit Victoria. This bill recognises the value of Visit Victoria, which was introduced by this government. Visit Victoria has done a lot of work and been very successful not only in developing a fabulous major events calendar for Victoria as a whole but also in my own electorate tourism has really grown under this government; it has been quite extraordinary. In fact in some information released today by the Minister for Tourism and Major Events overnight stays in Daylesford and the Macedon Ranges have increased by 43.6 per cent in the last year.

This is fantastic news because the visitor economy is worth \$287 million in my electorate and employs at least 1500 local people. I commend the Minister for Tourism and Major Events and Minister for Sport on the work he is doing. These two portfolios are inextricably linked — sport, tourism and major events all go hand in hand.

I am also very grateful for the support for some significant events in my electorate — the ChillOut Festival in Daylesford, which is Australia's largest regional celebration of LGBTI pride, and the Lost Trades Fair, another significant event that occurs on Labor Day each year in Kyneton and has been supported by Visit Victoria. This is a very good bill. Fundamentally it is about fairness and access to our amazing calendar of major events and sporting and cultural activities. I commend it to the house.

Debate adjourned on motion of Ms ALLAN (Minister for Public Transport).

Debate adjourned until later this day.

COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, page 2, line 29, omit "(a)." and insert "(a) (subject to a scheme applying to certain unbooked commercial passenger vehicle services).".
2. Clause 7, page 14, line 2, omit "vehicle," and insert "vehicle service,".
3. Clause 7, page 17, after line 14 insert—
 '() In section 5(2)(c) of the **Commercial Passenger Vehicle Industry Act 2017**, for "reward or hiring fee" substitute "fare or other consideration".'.
4. Clause 18, page 90, after line 25 insert—

"Division 1A— Protections for unbooked commercial passenger vehicle services

110A Definitions

In this Division—

applicable unbooked service means an unbooked commercial passenger vehicle service in respect of carriage on a journey that begins in—

- (a) the Melbourne Metropolitan Zone; or
- (b) the Urban and Large Regional Zone;

Melbourne Metropolitan Zone means the Melbourne Metropolitan Zone established under section 143B(1)(a) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017**;

Urban and Large Regional Zone means the Urban and Large Regional Zone established under section 143B(1)(b) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017**.

110B Application of Essential Services Commission Act 2001

- (1) For the purposes of the **Essential Services Commission Act 2001**—
 - (a) this Division is relevant legislation; and
 - (b) the commercial passenger vehicle industry is a regulated industry in relation to applicable unbooked services.
- (2) If there is any inconsistency between this Division and a provision of the **Essential Services Commission Act 2001**, the provision of this Division prevails.

110C Objective of the ESC

The objective of the ESC in relation to the commercial passenger vehicle industry is to promote the efficient provision and use of applicable unbooked services.

110D Powers in relation to fares regulation

For the purposes of Part 3 of the **Essential Services Commission Act 2001**—

- (a) applicable unbooked services are prescribed services; and
- (b) the maximum charges for the services covered by paragraph (a) are prescribed prices.

110E Price determinations

Without limiting section 33(5) of the **Essential Services Commission Act 2001**, the manner in which the ESC may regulate prescribed prices includes determining different prices according to—

- (a) the time of day at which, or day of the week or kind of day on which, an applicable unbooked service is provided;

- (b) the speed at which the commercial passenger vehicle used in the provision of the applicable unbooked service is travelling;
- (c) the distance travelled by the commercial passenger vehicle used in the provision of the applicable unbooked service;
- (d) the type of commercial passenger vehicle used in the provision of the applicable unbooked service;
- (e) the occupancy of the commercial passenger vehicle used in the provision of the applicable unbooked service, including where there is more than one passenger;
- (f) where a journey in respect of which the applicable unbooked service is provided begins or ends;
- (g) the prevailing economic conditions, including the price of fuel and the consumer price index;
- (h) any other matter the ESC considers to be relevant.

110F Exercise of regulatory functions

- (1) The ESC must make a determination under this Division of the maximum charges for applicable unbooked services before the first anniversary of the day on which this section comes into operation.
- (2) The ESC must complete a review of a price determination no later than 2 years after it is made.

110G Offence to charge or ask for a fare for an unbooked service in excess of the maximum fare

A person who drives a commercial passenger vehicle for the purpose of providing an applicable unbooked service must not charge or ask for a fare for the service that is in excess of the fare or hiring rates permitted by a determination of the ESC under this Division.

Penalty: 60 penalty units.”.

- 5. Clause 20, page 253, line 12, omit “169(1)” and insert “169I(1)”.
- 6. Clause 20, page 266, after line 19 insert—

“47A Price determination

- (1) This clause applies to the determination that was—
 - (a) made under Division 5A of Part VI of the old Act; and
 - (b) in force immediately before the commencement day.
- (2) On the commencement day, the determination as modified by subclause (3) is taken to be a determination under Division 1A of Part 6.

- (3) For the purposes of subclause (2), the determination is modified as follows—
- (a) a determination of a price that is expressed to relate to Urban and Large Regional Zone taxi licences is taken to be a determination of a price for an applicable unbooked service in respect of a journey that begins in the Urban and Large Regional Zone;
 - (b) a determination of a price that is expressed to relate to metropolitan zone taxi licences is taken to be a determination of a price for an applicable unbooked service in respect of a journey that begins in the Melbourne Metropolitan Zone.
- (4) Nothing in this clause affects the ESC’s obligation, under section 110F(1), to make a determination under Division 1A of Part 6 in the time specified in that section.
- (5) In this clause—
- applicable unbooked service* has the meaning given by section 110A;
- Melbourne Metropolitan Zone* has the meaning given by section 110A;
- Urban and Large Regional Zone* has the meaning given by section 110A.”.
7. Schedule 1, item 4, line 27, omit all words and expressions on this line and insert—
- ‘(b) in paragraph (fb), for “taxi industry” **substitute** “commercial passenger vehicle industry in relation to applicable unbooked services within the meaning of Division 1A of Part 6 of the **Commercial Passenger Vehicle Industry Act 2017**”.’.
8. Schedule 1, item 11, page 280, line 27, omit “115,” and insert “115A.”.

Ms ALLAN (Minister for Public Transport) (16:57) — I move:

That the amendments be agreed to.

I will just make a few comments on what has been a very long policy development and legislative process. It is with some optimism that I rise this afternoon to hopefully seek the support of the house for the final instalment of that process.

Members of the house will know that what we are considering here are amendments to the second tranche of the legislation that the Andrews Labor government has put in place in terms of improving and modernising the commercial passenger vehicle industry. The first tranche of the legislation was put to the Parliament earlier this year and concluded, I think, in around August. This is the second set of reforms that need to be

made to enable an environment where there is choice for passengers across the range of service providers that they have access to and the putting in place of important safety frameworks that are required.

The reason we are considering this matter this afternoon is that the bill was passed by the Legislative Assembly without amendment, but the Legislative Council made some amendments that were moved by Fiona Patten, a member for Northern Metropolitan Region. The government accepted those amendments which deal with issues around fare deregulation. I understand that the reforms in this area of the bill attracted some attention and raised some issues on the way through. I reiterate something that I think I indicated during the debate a few weeks ago when this bill was in this place, which is that fare deregulation was brought into Victoria by the former Liberal government — the immediate past Liberal government — which in 2014 deregulated fares, including unbooked rank and hail fares, in both regional and country taxi zones. What we undertook through this legislation was to expand that to the rest of the state. So just to be clear, the regional and country zones already had deregulated fares prior to this legislation. We were putting this in place for the rest of Victoria.

Unbooked trips still require an up-front fare estimate and the use of a taxi meter to calculate the fares. The fares would be set by the networks that have been established under this legislation, not individual drivers. However, as I indicated, there was concern that this may create some confusion for passengers, which led to Ms Patten raising these issues and putting forward some amendments that were acceptable to the government and ultimately to the Legislative Council. These amendments provide for the ongoing regulation of the unbooked commercial passenger vehicle services.

It is proposed under the framework that the Essential Services Commission will continue to determine the fares for unbooked services and under the proposal that we are considering the industry will still have the flexibility to set their own fares for booked services. This will ensure that the community will receive the benefit of the reforms because, of course, they are the reason why we are making these changes — to support passengers to have more choice, greater competition, cheaper fares as a result of this increased competition and, most importantly, better services.

As I indicated, it is with some optimism that we have reached the final stage of what has been a very long journey. I appreciate the work that has been undertaken in the Legislative Council and now put the

bill, as amended, for support in the Legislative Assembly today.

Mr HODGETT (Croydon) (17:01) — I rise to make a brief contribution on the amendments to the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017, and advise that these were supported in the upper house. We will not be opposing them here. I will just take the opportunity to raise a couple of matters that I have been asked to put on record in relation to the bill and the amendments. First and foremost, there was concern raised in the sector that the government intends to wind back the provision of the VHA plates and the subsequent series. I know Mr Davis and Minister Pulford had a number of discussions about this during the debate in the other place and some assurances were sought on that matter. Mr Davis has today provided me a letter from Mann Lawyers, who act on behalf of the Victorian Hire Car Association (VHCA). I ask the minister to take on board — and she will no doubt respond in due course through Minister Pulford — that Mann Lawyers have written to the minister saying:

We act on behalf of the Victorian Hire Car Association, an association incorporated pursuant to Victorian and Australian law.

We write following the conclusion of debate in the Legislative Council on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017, which passed, with amendments, on 30 November 2017.

This is written to Minister Jaala Pulford. It continues:

Pursuant to *Hansard*, your contribution to debate on the bill included the following passage:

Secondly, the amendment suggests that the VHCA or their successor in law should be responsible for the allocation of plates. The VHCA does not currently exist in law, so we are concerned about the drafting in this respect or the detail in this, because something that does not currently have a legal status also cannot have a successor. So there is a lack of certainty and clarity that would be introduced. For those reasons we are not supporting this amendment.

That is the end of the quote from *Hansard*. The letter from Mann Lawyers goes on to say:

The allegation that ‘the VHCA does not currently exist in law’ is concerning to the association as, to the extent of our enquiries, the VHCA does exist in law, and at law. Pursuant to Consumer Affairs Victoria, the association has been duly registered, with a constitution, with first incorporation in 1991. In that time, it has advocated on behalf of members of the taxi and hire car industries. It has sat, and continues to sit, on numerous government working and reference groups. The association’s president and vice-president have, in that capacity, repeatedly met with the Minister for Public Transport and given evidence before the inquiry into the Commercial Passenger Vehicle Industry Bill 2017. Put

simply, the VHCA is an incorporated association, with the status equivalent to a corporation, and is regulated by the Associations Incorporation Reform Act 2012.

As such, in our view, there is no reasonable basis for the proposition that the VHCA does not exist in law.

If there is a basis on which to assert that the VHCA does not currently exist in law, we request that you advise us as this may have material consequences for members of the association. Given the reference to ‘we’ in your statement, the presumption is that this reflects the government’s position. The statement is of particular concern given that the VHCA has, for some length of time, been involved in negotiations with litigation funders and a well-known law firm, Maurice Blackburn, regarding a potential class action against Uber. The allegation that the VHCA is not a legal entity is deleterious to those negotiations, which involve an eight-figure amount of funding.

If the minister’s intention was otherwise than as is expressed in *Hansard* — that the association, for instance, does not possess a role specified in law or that the VHCA is not a statutory body — we request that you take the appropriate steps to correct the parliamentary record and advise us of such.

In the event that no steps are taken to correct the record, I am instructed to formally write to the President of the Legislative Council pursuant to orders 21.02 to 21.05 of the Legislative Council standing orders to seek a right of reply on behalf of the association.

We look forward to your earliest response.

I put that letter to Ms Pulford in the other place on record and seek clarification on that for the Victorian Hire Car Association. As I said, Mr Davis and Ms Pulford had quite some discussion on the *Hansard* record in the other place on this matter, but I take the opportunity to raise it here so that that is clarified and the matter hopefully put to rest in the way that the VHCA think it ought to be or that certainly they or their lawyers are given a right of reply if that is not the case.

Secondly, this has, as the minister said, been a long debate on two bills around the commercial passenger vehicle industry. It has been a long debate to get where we are, and at every opportunity I have implored the minister and her department to deal as quickly as possible with some of the claims and hardship cases that we hear about. Again, there is one that I think was sent to all MPs today. It was certainly sent to me by email at 3.28 p.m. today from a Karam Deep Sidhu. Mr Sidhu has an outstanding business loan of \$266 000, having purchased a taxi licence for \$515 000 in 2012. He has received payouts — \$100 000 from the transition fund and an additional \$50 000 — but he has an outstanding business loan of \$116 000 and he is quite stressed about that and the possibility that the bank will take the family home. In his email he outlines his case. He has a young family with two young

children, and he is not sure how he is going to address this business loan.

There are many, many examples from taxi families. We continue to hear from taxi families about their cases of hardship and the assets they bought and how they are only getting limited amounts back now. I would ask again that the department and the minister address those claims or those issues as quickly as possible and as fairly as possible so that the levels of stress and anxiety caused by these bills amongst taxi families are resolved to the greatest satisfaction of those taxi families.

Mr Sidhu's email today is yet another example of someone who is trying to run a business, has a loan, has invested and has built up his business yet he has now got a business loan debt outstanding to the bank. He is stressed and worried that the bank might come looking for that additional money and foreclose on his house when he has got a young family.

With that having been said and having put on record both the letter from Mann Lawyers in relation to the Victorian Hire Car Association and again a plea to the minister and the department to deal with the taxi families in a fair, consistent, quick way on all their claims and grievances, we are not opposing the amendments before the house. I am happy to leave that as my contribution — that we will not oppose these amendments when they are put.

Mr WATT (Burwood) (17:09) — I rise to follow the shadow minister for roads and infrastructure, who just spoke about Mr Sidhu. The reason I want to speak about Mr Sidhu and his circumstances is that I raised a constituency question some time ago asking the minister what advice she had for Mr Sidhu to repay his \$112 000 loan. I must say that I was very disappointed with the disregard that the minister had for Mr Sidhu and his circumstances.

When we are talking about this particular issue I understand that the minister said that this has been going on for quite some time, and I accept that it has been going on for quite some time. I have spoken with many, many people who have been adversely affected by the policy position that the government has now taken, which is clearly a different policy position to that which the government took to the last election. The now Minister for Roads and Road Safety some four years ago in this house talked about compensation and the lack of consultation. The language he used was quite inflammatory. It was so inflammatory that during debate on the first tranche of legislation that went through, the Parliament had to be shut down because I tried to repeat the words that the now minister used four years ago.

This topic affects people greatly, and I have constituents in my electorate who are still hurting from the actions of the government. Mr Sidhu has an outstanding debt which needs to be paid. When the government has finished giving him all the relevant compensation — and I understand that the government does not call it compensation; it calls it transition payments and the like, but nonetheless it is some form of compensation for the taking of his licence — he has been left with a \$112 000 debt that he needs to pay —

Mr Hodgett — \$116 000.

Mr WATT — It is \$116 000, and no capacity to pay it.

I listened to the previous debate around scalping. Many people on the government side talked about being fair. They said that it is the Labor Party that stands up for fairness and does the fair thing. The fair thing would be for Mr Sidhu not to have a debt hanging around his neck and for him to be able to move on with his life like many people who had taxi licences. He should not be left with a massive debt as a result of government policy and the government's position.

I think the time for politics in this regard has finished inasmuch as this will probably be one of the last opportunities for us to have a significant conversation and discussion on these changes. I think we need to put petty politics behind us. We need to understand that there are some people who are really hurting. There are people who are hurting right across the state, not just my constituents. Right across the state people are hurting because of the policy position that the government has taken. I cannot let this go, because this is a policy position which the government did not have at the last election. The government appears to have done a complete about-face from its previous policy position, to the point where many people are coming to me and crying on my shoulder about their inability to pay their bills and having no assets. They have worked for quite some time to build an asset base in the form of a licence or a number of licences that they thought at the time were assets, and they were always treated as assets, and now they have been taken away. The government does not recognise the damage that it is doing and has done to people.

I have attended many protests on the steps of Parliament. I have met with many people in my office, and I have been trying to help a group of people who have been treated unfairly. If you took a policy position because you think it is a good policy position, that would be one thing, but to go to an election saying one thing and then three years later do something

completely different is somewhat concerning. What is also concerning is the misinformation that has been coming out over the last three years while this government has been in power. I talked —

Ms Allan — On a point of order, Acting Speaker, I appreciate that this is a bill with a significant amount of policy and content; however, none of what the member for Burwood is saying is in any way remotely relevant to this bill. This bill speaks to a whole range of framework setting around safety issues and a whole range of other measures. I encourage you to bring the member for Burwood back to addressing the content of this bill because even as his own colleagues have acknowledged, he is not addressing the substance of the amendments which are before the house. If he needs reminding about what the amendments are about, they are to do with the changes to the fares that are set on rank and hail. I ask him to come back to addressing the substance of the amendments.

The ACTING SPEAKER (Ms Kilkenny) — I ask the member to come back to addressing the bill and the amendments before the house.

Mr WATT — I am happy to address the bill and maybe to take guidance from the minister. I am not going to go for too long on this, but in the broader context of the debate, I think it is important that we take heed that what we say and what we do in here actually has a real effect. I have turned up to the briefings that have been made available to members of the opposition. I specifically remember turning up to a briefing some time ago and asking a question around compensation for hire car licences. I was told very clearly that the amount — and it was not a throwaway comment; it was a discussion, and it was reinforced to me — that hire car licence holders would be compensated was \$40 000, not the \$25 000 that they have been.

I would just say in the broader context of the issue that it has been a very long debate. The minister has talked about the long debate around taxi licences and hire car licences and where we have got to. They should not be forgotten in this debate. All of these issues have been ongoing for some time, and we accept the fact that there has been some discussion. It is the misinformation that disappoints me. While we are not opposing these amendments we are disappointed with the way that the government has handled itself through this debate. When the government talks about being fair, it has been anything but fair when it comes to taxi licence holders and hire car licence holders.

Motion agreed to.

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL 2017

Second reading

Debate resumed from 18 October; motion of Mr PALLAS (Minister for Resources).

Mr SOUTHWICK (Caulfield) (17:18) — I rise to make a contribution on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. This bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to provide protections for the holders of petroleum titles affected by changes to the boundary between the offshore area and the commonwealth-defined offshore areas.

The main focus of this bill is to take into account some of the change in tidal waters that alter potentially when the 3 nautical miles are mapped from the onshore point to offshore, and to ensure that if those boundaries move, the titles that are contained within the mapping do not affect the permit-holders. Ultimately it is protecting those that have existing permits to ensure that they are not disadvantaged by the new mapping that is being carried out.

On that basis the opposition will not be opposing this bill. We believe it is very important that we protect those people who are seeking to do exploration, particularly during the times that we are currently experiencing, when it is important to bring more supply into the market. When we are looking at the likes of gas, which I will talk a little bit about today, it is important that we ensure we do not disadvantage those title holders.

The amendments to this bill will ensure that the title holders who are affected by the boundary change receive equivalent entitlements to those they would have otherwise had, were it not for the relevant boundary change. The bill also provides reciprocal arrangements for the protection of the commonwealth petroleum title rights in the event of a boundary change, a feature already provided for under the state petroleum titles under relevant commonwealth legislation. It amends the delaying provisions to ensure that the effect of a boundary change is delayed with respect to a commonwealth title while that title remains in force. It will establish a framework to automatically grant or extend the coverage of a commonwealth petroleum title when part of the title moves from commonwealth to Victorian coastal waters as the result of a boundary change. It provides arrangements for the valid granting of renewals of Victorian petroleum and greenhouse gas

titles when part of that title has moved into commonwealth waters as a result of a boundary change. The overarching impact of this bill is to better align state and commonwealth legislation, and to increase protections for relevant title holders.

We believe, or certainly we have been informed, that there are 17 current commonwealth petroleum titles located along or near the coastal waters boundary: 10 pipeline licences, three exploration permits, one production licence and three retention leases. Pipeline licences in particular are vulnerable because a licence may extend from commonwealth waters across the coastal waters boundary to carry raw products from the Bass Strait petroleum fields to onshore Victoria for processing. It is very important that those title holders are protected.

One of the things that I wanted to discuss today is when we have situations where title holders have looked at going from onshore to offshore to be within the boundary of 3 nautical miles and therefore to be effectively considered as offshore exploration. When you look at some of the legislation and the moratoriums that have been put in place by this government, we now have a situation where some companies are unfortunately being advantaged or disadvantaged. We also have a situation where some companies unfortunately have to look at deliberately working their way through to avoid some of the moratorium legislation just to get some exploration going.

I want to particularly point out the Black Watch and Halladale fields, which are developed through four extended reach wells, which will be drilled from an offshore location. The gas is transported from a drill site via two sections of pipeline totalling 10 kilometres. A pipeline connects the onshore well location to a tie-in point in an existing pipeline and then further through the Otway or Iona gas plants. These fields have reserves in excess of 50 billion cubic feet, and the Black Watch field is located in an area of 46 metres of water.

So here you have a situation where the current moratorium in place does not allow for onshore exploration of gas. Certainly the difference between the coalition and the government at this point is that we have said that a Liberal-Nationals government would allow exploration of onshore gas and that we would kickstart the industry. Obviously we would ensure that no fracking would take place in Victoria because we support the ban on fracking. We would also ensure that landowners would benefit and that they would have a right of veto. These policies are part of a gas policy we announced a few months back, and effectively the

situation in terms of the Black Watch and Halladale options looks at this very thing.

One of the things that we think is very important is to reduce the costs and bring new entrants into the market. We know offshore exploration is a very costly exercise. This limits the ability of a whole lot of smaller participants to enter the industry because you have to deal with and purchase very big bits of equipment. We know the cost of drilling and exploration is actually about 10 times that of onshore exploration. In the particular case of Halladale the cost, because it starts onshore and then goes offshore, is certainly not as expensive as purely offshore drilling, but it is nowhere near as cheap as onshore exploration.

The case was made to me by many people in the industry. Particularly when you are talking about environmental situations, it makes far more sense to be able to drill straight onshore than going and drilling 1 kilometre down and then 10 kilometres out into the ocean floor and seabed, and having to run extended piping. So the opposition's policy would enable the likes of onshore exploration and not have the situation where you have to start a drill site onshore, go offshore and then bring that gas back onshore.

Back in October 2014 the first lot of permits for offshore gas drilling near the Bay of Islands — so the state government which was certainly under our watch — allowed drilling to start in the waters off the Great Ocean Road. It was Origin Energy which was given the permit to tap into Halladale gas field near the Bay of Islands national park 30 kilometres south of Warrnambool. It allowed petroleum production licences, for the first time, to be drilled in these waters, and it allowed about 70 jobs to be created. Also — and certainly I saw this when I visited the initial workings that were being done at Halladale — this enabled job creation in the whole town, from the likes of catering, hardware, equipment and transport; a whole range of industries was created when this business was established.

The Halladale project is a multimillion-dollar project. It helps provide natural gas for residents and businesses. The licence allowed the company to search for natural gas and associated liquids. As we know, gas was first discovered in the Bass Strait, in federal waters, in 1965, and this licence, because the project was within Victorian waters, allowed gas exploration to be done under our legislation. The Halladale project escaped the government's moratorium on onshore gas drilling because the reserves are located within 5 kilometres of the shore and can be reached by drilling horizontally.

As I alluded to, on the one hand we certainly commend Origin for the work that they did initially in taking up this project, creating the jobs and kickstarting industry in terms of exploration, and now Beach, which it has been sold to. We know that that project frustrated a number of gas companies which wanted to drill in the land nearby. There have been many, many companies, Lakes Oil being one of them, that have permits very, very close to the Halladale project, but they are not allowed to drill onshore because of the moratorium that the Labor government has put in place. However, you have got the situation where another company is able to do this offshore-to-onshore process. As I said, that project has now been sold to Beach, but it was a very complex project to run the pipeline through and to do a lot of the test drilling, and it certainly took Origin a fair amount of time to get that process going. The simplest and easiest method is a straight onshore drill that would not have to go through that very, very expensive process.

I am not going to spend much time elaborating today because I am conscious that there are a number of people who want to contribute to the debate, including the former Minister for Resources, who I am sure has a lot to contribute on this particular bill. I will just finish by saying that, needless to say, resources have always been a key part of Victoria as a state and have provided a competitive advantage for us for many, many years. It is very disappointing that we are seeing our resources being locked up and that we have no opportunity to conduct onshore exploration for gas. All that is doing is harming businesses and all Victorians, who are experiencing unprecedented prices — prices that we have never seen before — which is making it very, very hard, particularly for many small businesses that I talk to, to stay in business.

The same applies to energy with the closure within five months of Hazelwood power station. It is seeing power prices almost double. We have heard the Minister for Energy, Environment and Climate Change say on countless occasions, 'It's all about supply', in a situation where, when it comes to gas and when it comes to baseload power, albeit the Latrobe Valley and Hazelwood power station, in both instances this government has not allowed supply to take place.

We certainly believe that in terms of gas, getting onshore exploration of gas to kickstart the industry and get more supply into the market, particularly for smaller businesses to be able to compete, is really important, and that will certainly ensure that we can start to get that competition going. Unfortunately in the offshore element you have got a lot of these big companies, and this will allow some small entrants. With those words I will conclude by saying, as I said at the beginning of

this contribution, that we will not be opposing the bill. However, we are very, very keen to see this government get on with it and kickstart industry with some onshore exploration of gas as soon as we possibly can to reduce the pressure on prices for all Victorians.

Mr NOONAN (Williamstown) (17:32) — It is a pleasure to follow the member for Caulfield and make a contribution on this Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. Although it was relatively minor, I would say that I had a hand in developing this particular bill when I was Minister for Resources. This gives me an opportunity to thank the many dedicated staff in the Department of Economic Development, Jobs, Transport and Resources who have a focus on this particular area of Victoria's economy and also those within Earth Resources Regulation and what was the Geological Survey of Victoria for their assistance to me. As a minister I was certainly well serviced by many dedicated and hardworking people, and I look back on my time as resources minister with many positive memories, having achieved a great deal in a short period of time.

The member for Caulfield explained the technical aspects of this bill, and he did that quite well. This is a relatively technical bill in function and in detail. We know that in Australia, offshore petroleum exploration and development is regulated by a title system. Petroleum-related activities can only be conducted if a company acquires and maintains a valid title. The most important feature of this bill relates to the boundary between Victorian and commonwealth waters and the impacts associated with the shifting of a boundary. We know that Geoscience Australia is currently undertaking a review of the offshore coastal boundaries in Victoria. The outcome of this review is expected to be known next year. Changes to those boundaries, even in a minimal sense, will have the impact potentially of creating some uncertainty for those titleholders. To the extent that we as a Parliament can give certainty if there are in fact boundary changes, that is what this bill will do.

The member for Caulfield stepped us through the fact that if there is a substantial movement in the boundary in a seaward direction, I understand, up to 17 permits, one production licence and three retention leases could be impacted. Similarly, in the instance that a substantial movement in the boundary towards a landward direction takes place, up to 16 Victorian petroleum titles, nine pipeline licences, one production licence for exploration permits, one retention lease and two access authorities could be impacted.

If a boundary shift takes place and titles granted under the commonwealth act cease to fall within the boundary, the commonwealth may no longer have jurisdiction to deal with that part of the title as it has moved. In light of Victoria's significant role in the generation of gas and oil for the rest of the country, Victorian legislation that provides security for titleholders is in fact required more than ever, and that is exactly what this bill will do. This bill will provide a reciprocal arrangement to that which already exists within the commonwealth legislation.

The member for Caulfield made some general comments in relation to the oil and gas industry. Indeed if you look back at Victoria's history in relation to the peak of Victoria's crude oil production back in the 1980s, I think it has been some time since we have seen annual production around that 170 million to 180 million per year figure. In fact we are substantially lower on production these days than we were at the height of that period. In terms of gas, last year Victoria produced about 400 petajoules of gas and consumed about 200 — about half of what we produced. The rest of that gas made its way into the eastern Australian grid, as it is known, and that is why we still claim today and will continue to claim to be a net exporter of our gas and we will continue to be for the foreseeable future.

Of course those who have followed this issue of gas in recent times will know that there has been much said and written in relation to gas and the future of gas in Australia. Those who understand this issue well are right when they say that Victoria and Australia are really swimming in gas. It is what happens to the gas when we bring it into our pipeline system that really matters, because what we have seen in recent times is probably the biggest disruption to gas production and usage of that gas that Australia has seen since gas was first discovered. That is because three very, very large liquefied natural gas plants have been established in Queensland, and they are exporting significant gas to the Asian markets. That is not a bad thing; that is actually very good for our economic development and opportunity here in Australia, but the reality is that we are exporting far more than we have available to satisfy domestic markets.

The other thing that is happening is that because we are now exporting gas from the eastern Australian grid the value of that gas is now pegged to an international value. That means that in fact Australian households and businesses are paying an export value for gas, which we have never done in the past. What we have sensibly done on our side of politics is we have called on a national basis for a correction of that arrangement to ensure that the needs of domestic gas users are met,

particularly when it comes to Victoria, particularly on the basis that we continue to be a net exporter of gas in such a way that we can stabilise the price of that gas and ensure that Australian users are catered for first. That is a sensible approach, and that is sadly where the facts of this have been lost in terms of the opportunities that political pointscoring have provided during the course of this particular debate.

I heard the member for Caulfield talk about the opposition's position now in relation to gas, and I would make the point, because he did not, that the opposition's position has changed on the issue of onshore gas. Political parties are allowed to change their position, but it is worth again making it clear that in this term of Parliament we have had a parliamentary inquiry into the issue of onshore unconventional gas, which looked at the issue of unconventional extraction, commonly understood to be fracking, which we have banned. We have proudly done so on this side of politics, and we will stand on the right side of history when it comes to that ban.

In the course of the parliamentary inquiry into the issue of onshore gas they did look at the issue of conventional gas. I want to quote from the report of that parliamentary inquiry because it provides important evidence in the context of this ongoing debate. It says:

There has been significant exploration for onshore conventional gas reserves in Victoria since the 1950s. No conventional gas has been found in the Gippsland region. In 1959, conventional gas was discovered near the Port Campbell township in the onshore Otway Basin. Dr Goldie Divko states that exploratory wells were then drilled across the onshore Otway Basin in the 1960s. From the late 1970s until 2006 (particularly between 1986 and 2006) the Port Campbell embayment was an active onshore gas-producing region, until the discovered commercially viable gas was depleted.

That is why we know today that in Victoria there are currently no commercial onshore conventional gas reserves. That is why our government announced when I was the minister that we would invest \$42.5 million into a Victorian gas program. This is the biggest investment ever made by a Victorian government in equipping ourselves during the period of the moratorium leading up to 2020 — midway through 2020 — to do the geoscientific work that is necessary to gather the evidence to actually understand whether or not there are serious reserves of onshore conventional gas.

This work has started. This work will involve a team of about 20 people and involve considerable community consultation. What we did when we announced this was ask Malcolm Turnbull and his resources minister at the time to match Victoria's funding. If they are serious

about getting more gas into the grid and bringing down prices on gas, they will match the Victorian contribution. Because yes, we all want to take advantage of resources and keep prices down, and this is of course the sensible way in which Labor approaches government and this issue. I commend the bill to the house.

Mr WATT (Burwood) (17:42) — I rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. I do want to take up a few things that the member for Williamstown talked about, but firstly I want to put on record my view, which is that with energy — whether it is petroleum, gas or diesel — we should be trying to look at good policy and get a little bit past the politics. I am concerned, frankly, about Victoria's ability to have electricity through the summer period. Given the changes to some of the positions that the government has taken, given the closure of Hazelwood and given the 22 per cent of electricity that has come out of the market, I have serious concerns about our ability to keep the lights on over the summer.

Victorians deserve reliable and affordable electricity, and we in the coalition want to make sure that when we get into government we have reliable and affordable electricity for all — not just for those who can afford to put solar panels on their roofs, not just for those people in Toorak or Brighton who can afford to pay for solar panels, but also for many of those people in Ashwood, Chadstone or Ashburton in my electorate and many of those in public housing who cannot afford solar panels. We as the coalition want to make sure that we have reliable and affordable electricity, and I as the member for Burwood have serious concerns about our ability to have power during the summer period when we are going to have peak demand. It is an indictment of this government — the prospect of blackouts — because of the positions that it has taken around energy policy.

The member for Williamstown talked about the price of gas being directly related to the export of gas. One of the problems that we have is we have a government here that refuses to understand that they are the government in Victoria. They are responsible for whether or not we have gas, how much gas we have, whether we have electricity and how much electricity we have.

The Minister for Energy, Environment and Climate Change in question time only a few weeks ago pointed to an app on her phone by Red Dolphin. I have looked at that app consistently since that period, and actually before she mentioned it I knew of this app. What the app shows is that Victoria has the highest cost of electricity,

and it has had that since the minister pointed people to the app. We in Victoria used to pride ourselves on having cheap, reliable electricity. That allowed us to have a competitive advantage in the manufacturing sector. We are seeing manufacturing jobs fall off the cliff. Part of that comes back to the government deciding to triple coal royalties. We have seen prices go up. We have seen energy providers come out of the market. We have a serious problem in this state.

I have serious concerns about constituents who come into my office and tell me that they cannot afford to pay their electricity bill or they cannot afford to pay their gas bill. I have constituents who come to me and say, 'I'd like you to ring my provider to make sure that my bill has been sent', because they cannot afford to pay late fees. They say to me, 'I can't afford to pay late fees, so please call my energy provider'. I have constituents who have had their gas cut off. They have actually cut the gas so that they do not get charged. I have serious concerns. I have constituents who go to bed when it gets dark. They cover themselves with blankets because they cannot afford gas. They cannot afford electric heating; they cannot afford gas heating. Constituents of mine are in dire circumstances, and it does not appear as though we have a government that understands that we have people in real need here in Victoria.

It is not just in my electorate. I know it is right across the state. People understand that unless we have electricity we will not be able to turn our lights on at night. We will not be able to cook if we have got electric ovens. The minister's answer is, 'Gas — it is all about gas. The price of electricity has gone up because of gas'. Let me tell you, if you take 22 per cent of the production out of the market, then you are going to force the price up. When the minister stands in front of us and tells us, 'Electricity prices are all a product of gas', then I would say, what is the minister doing about the gas problem? What is she doing to make sure that gas is not going up so we can afford gas? If the minister tells me that gas is the problem, then why is she refusing to accept conventional onshore gas?

The member for Williamstown just talked about the fact that we do not need to worry about conventional onshore gas because there is no conventional onshore gas. If there is no conventional onshore gas, why are we banning it? Why has the government gone about banning something that apparently does not exist? If it does not exist, then you do not need to ban it. What you do need to do is find ways to be able to tap into what might be there. You need to look for it. The minister is the one who is telling us that gas is the problem. If gas is the problem, let us get more gas. The

way to do that is not to ban conventional onshore gas exploration and production.

We in the opposition, we in the coalition, have come to realise that we actually do need to get on with it and find energy sources that will bring down the cost of electricity and reduce the cost of living for my constituents. We need to make sure that when the summer heat hits properly — and we understand that we are in summer — and when the peak time comes, that we have the electricity and we have the power. There is nothing wrong with turning on an air conditioner. What is even worse than not being able to afford it is that the electricity does not exist because of brownouts or blackouts — and then we have a serious problem in this state.

I have a serious concern about the health effects on my constituents who will suffer through the heat this summer. They will suffer because the government has not done what the government needs to do to shore up electricity supplies. If you look at the closure of Hazelwood and the potential closure of other power stations as a result of policies that the government is driving, and if you look at the potential for energy shortages, to cover off those energy shortages what we are actually going to do is use diesel-generated power. Anybody who is seriously concerned about the effects on the environment or carbon emissions cannot seriously come into this place and say that they think it is a good idea to provide the electricity that we need for the summer to get ourselves through that period because we do not have the coal, through diesel — diesel of all things. What we do know is that diesel is dirty, and this government is simply replacing coal with diesel.

I am not sure how members opposite could seriously turn to their constituents and say, 'We have got reliable electricity. We have got reliable forms of power'. What are members opposite going to say to their electorate when the lights do not turn on, when they do not have the capacity to make sure that constituents are safe? Because it will get hot, and as night turns to day, when it gets hot people will want to consume electricity. When we in Victoria do not have the electricity over the summer period, then we have some serious concerns.

Councils have already said that what will happen is people will end up going to the pool or they will go to the library, because you will not have to pay for the library. We will see many people go to the library. We will see many people go to the cinemas. I am hearing that the government might actually hand out free cinema tickets so that the elderly, who would suffer through the heat in their homes, will be able to be in the cool of a cinema. People do not want to be in the cool

of a cinema. People want electricity in their homes, and it is incumbent upon the government to make sure we have that electricity. I have some serious concerns about our capacity to keep our residents safe and our capacity to provide the electricity that we need to provide. It is the duty of the government to make sure that we can turn on the lights, and it is the duty of the government to make sure constituents are safe and have affordable and reliable electricity.

Mr PEARSON (Essendon) (17:52) — I am delighted to make a contribution on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. I listened with interest to the member for Burwood's contribution. I feel it is incumbent upon me to point out a couple of observations to the member for Burwood in relation to his contribution. Firstly, in 1998 the balance of the Gas and Fuel Corporation of Victoria was privatised by the Kennett government, so the ability to have a command and control approach to the economy in relation to gas supply and distribution was gone at that point in time.

The second point I make is that we now have an integrated eastern energy market, and we have gas pipelines that run up from Bass Strait into Victoria, into New South Wales and into Queensland. One of the challenges we have and one of the issues that I wish to take the member for Burwood up on is the fact that in about 2008 Santos decided to invest billions of dollars — I think it was probably \$2 billion or \$3 billion — in a liquefied natural gas plant at Gladstone, Gladstone Liquefied Natural Gas, otherwise known as GLNG. The feedstock for that plant was going to be as a result of fracking in Queensland. So the use of non-conventional or onshore gas would provide the feedstock to produce the gas to go to Gladstone to convert it into liquefied natural gas and to then send it off for export.

The issue here, though, is that because of what we now know in relation to fracking, that feedstock was lost. So Santos had invested billions of dollars, and they decided they wanted to try and bid up the gas reserves along the eastern seaboard in order to then export that gas. Now, as a result of that, at around the time that Gladstone Liquefied Natural Gas plant came onstream, gas was trading at, I think, around about \$8 to \$9 per gigajoule. The long-term average in Victoria was \$5 to \$6 per gigajoule. So straightaway there was an incentive for Santos to buy up Victoria's gas supply and to export it.

Last time I checked, export policy is a matter for the federal government. Last time I checked, once the gas leaves Victoria there is not a great deal that we can do

about it. Last time I checked, it is no longer actually a state-owned enterprise that is manufacturing the gas or distributing the gas; it is a private company. So the ability for the state to try to intervene in these matters is somewhat limited. I am not quite sure if the member for Burwood realises what an energy market looks like and how the Victorian energy market has been devised and developed, but I think there is a weakness in his logic and his thinking.

The other point I make too is that the member for Burwood attacked the government's decision — the minister's decision — to look at having diesel generators available. The reality is that for the bulk of the time baseload and intermediate peaker power stations will be able to deal with Victoria's energy needs. When you look at a baseload coal-fired power station coupled with intermediate peaker plants like the one that AGL commissioned up at Somerton, coupled with the hydro plant up in Bright, that will on any given day be able to deal with Victoria's needs.

What the minister has done in relation to having diesel generators is to be able to deal with those sudden shocks, which usually occur at around 5.00 p.m.

Mr Burgess interjected.

Mr PEARSON — I will come to that interjection in a moment. They will deal with those shocks that occur at around 5 o'clock or 6 o'clock when people come home, their house is hot and they turn on the air conditioning. It is a way of basically saying that where the system is in stress and demand, running riot, there is capacity for diesel generators to come in to fill that demand, briefly I would suggest — I do not think you are going to have them running for days on end — in order to make sure that the lights stay on.

In relation to the interjection of the member for Hastings in relation to Hazelwood, Hazelwood has always been, at least since probably the early 1990s, a dog of an asset.

Mr Burgess — What?

Mr PEARSON — It is a dog of an asset. It is old technology.

Mr Burgess interjected.

Mr PEARSON — Again, if you listened to my contribution, you would appreciate the fact that I am talking about that very brief moment in peak periods when there is a need to fill the demand.

Mr Burgess interjected.

Mr PEARSON — Well, Hazelwood didn't fill all that demand.

Mr Burgess interjected.

Mr PEARSON — The member for Hastings is not being honest. If Hazelwood covered that need, then there would be no need for peaking plants, because base load would cover that. But base load does not cover that, which is why there is gas and why there is hydro. I would also point out to the member for Hastings that we did not make the decision to close Hazelwood. Hazelwood was owned by Engie. Engie is a French multinational company that had made a decision to get out of all fossil fuels, and they got out of this and they got out of gas in Perth. They made that decision.

Mr Burgess interjected.

Mr PEARSON — Okay. Yes, we tripled coal royalties; that is right, and I think in terms of what that meant per megawatt hour it was around about 4 cents per megawatt hour.

Mr Burgess — It tripled the cost of business.

Mr PEARSON — It did not triple —

The ACTING SPEAKER (Ms Kilkenny) — Through the Chair.

Mr PEARSON — Through the Chair, it clearly did not triple the cost of business because it was a modest increase in relation to the base —

Mr Burgess interjected.

Mr PEARSON — Clearly the member for Hastings cannot count past 21.

The reality is that what you saw happen with Hazelwood was a decision by the operators to recognise that the station was commissioned in 1964, I believe, and it was old technology; and the cost of trying to keep that station running just did not make sense. In the same way, AGL has determined that the Liddell coal-fired power station in New South Wales is past its use-by date. The reality is that whenever you have property, plant or equipment there is a depreciation that is levelled against those assets. There comes a point in time when the asset is written down to zero because it is past its use-by date.

Mr Burgess interjected.

Mr PEARSON — The reality is that the tripling of the coal royalties had nothing to do with the fact that

the asset had been run down. It was an old asset. That is the reality.

If we look at Bass Strait, there are 23 offshore platforms and installations that to date have produced 4 billion barrels of crude oil and 8 trillion cubic metres of gas. The bill is important because what it does is provide certainty to those businesses that have made those investments in Bass Strait in terms of the assets they own. The bill is important because it deals with that, which I think is an important issue. The other issue is that gas is an intermediate fuel source, as we would appreciate and acknowledge, but the reality is that in terms of trying to provide that certainty and greater levels of investment in Bass Strait there is a need to encourage those companies that have made those investments and to provide some level of certainty so they can continue to make those investments.

I think if you look at it in 20 to 30 years time, probably the last coal-fired baseload power stations in operation will be Loy Yang A and Loy Yang B, and they will need to be offset with a number of intermediate sources, notably gas, again complemented with renewables, as we transition ultimately to a cleaner energy future. So gas plays an important part in that equation. We do not have enough gas at this point in time to be able to just shut down every baseload coal-fired power station because, frankly, we would run out. I remember a few years ago learning that if you converted every single baseload coal-fired power station to gas you would probably deplete the Bass Strait basin within about seven years. But we have got to try and encourage these companies and make sure that they have certainty over the assets they own and the assets they have invested in and that we are able to provide that level of certainty.

The reality with a policy area like this is that it is complicated. Those opposite can shout their interjections, but the future was never going to be a dirty coal-fired power station that was 50 years old. That was not going to —

Mr Burgess interjected.

Mr PEARSON — Again, we didn't turn it off, member for Hastings.

Mr Burgess interjected.

Mr PEARSON — No, no. Again, your party was the party that actually privatised the State Electricity Commission of Victoria and sold Hazelwood in the mid-1990s.

Mr Burgess interjected.

Mr PEARSON — It was not running efficiently at all. It was always a dog of an asset. It was running at around 60 per cent capacity. So you can be in denial. You can be a climate change sceptic — that's what you are — but this is an important piece of legislation. I commend the bill to the house.

Ms SANDELL (Melbourne) (18:02) — I rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. The Greens will not be supporting this bill. The bill seeks to give effect to arrangements between the commonwealth and states relating to revenue from petroleum sources that straddle the boundaries of those jurisdictions. This bill essentially wants to provide protection for holders of offshore titles, to protect their rights to drill and to protect their rights to profit from the fossil fuel industry.

In the federal Parliament, a similar bill was opposed by my Greens colleagues. That bill followed a High Court judgement that potentially threatened the profitability of the offshore petroleum industry, and the bill sought to protect oil and gas companies' profits. My colleague Senator Sarah Hanson-Young spoke to that bill at the time and she said, and I agree with her, that this is just another of the frequent bills that comes into Parliament aimed at keeping the offshore oil and gas industry going, giving that industry the regulations that they want and that suit them.

Governments in Australia seem to spend a lot of time making sure that the big oil and fossil fuel companies get exactly the regulatory settings that they ask for. This bill in federal Parliament was no exception, and now we are seeing it here in the Victorian Parliament. The Greens opposed the bill in the federal Parliament and we will be opposing this bill here. That is because the Greens will always oppose measures that make it easier to dredge up and burn fossil fuels while a climate emergency is happening all around us. The Greens will always oppose measures which seek to support the archaic and outdated oil and gas industry when in fact what we should be doing is keeping fossil fuels in the ground.

We stand, and we are the only party that stands, together with the fishing industry, the tourism industry and the environmental movement in opposing drilling for oil in our pristine marine environments. We saw what happened in the Gulf of Mexico. It can happen anywhere, including here. A big oil spill would forever damage and destroy precious areas in our marine environment. The campaign to protect the Great Australian Bight in South Australia is one that has really galvanised local communities. It is a campaign based on wanting to protect our precious marine life and that ecosystem, and ensuring that drilling for oil by

massive multinationals does not occur. We know that because of the lack of courage and spine from governments across the board, big multinational oil and gas companies continue to put pressure on our parliamentarians to get access to the Great Australian Bight to drill for oil and other offshore areas to drill for oil and gas.

This is despite the huge risks to the environment and to the climate. This government seems willing to take this risk, and wants to give this industry the regulations to protect their drilling and to protect their profits. Unfortunately this bill is just the latest in a series of efforts by this Labor government, supported by the Liberal and National parties, to prop up the fossil fuel industry. Here we have seen millions of taxpayer dollars poured into the Victorian gas program. This program pays taxpayer money to help identify new resources in the Otway geological basin, presumably in order to promote further exploration and development of gas.

This Labor government is literally using taxpayer money to go on the hunt for fossil fuels. This is even after the community campaign to Lock the Gate and to ban onshore gas and fracking was incredibly successful in getting Labor to ban fracking. Yet we are still seeing the Labor government use taxpayer dollars to investigate gas resources in the Otway basin. As part of this gas program there is even funding to directly promote investment in offshore gas. If voters want to see where this government stands when it comes to fossil fuels, it simply does not get any clearer than that.

Meanwhile, we also have the CarbonNet Project looking for ways to capture carbon emissions and store them in offshore reserves, similar to those dealt with in this bill. Putting taxpayer dollars into carbon capture and storage is not the way of the future. Instead we should be weaning ourselves off polluting fossil fuels, not continuing to support them and then frantically throwing taxpayer dollars around trying to figure out how to store their waste.

If the oil and gas companies want to continue to pollute our atmosphere, the very least they could do is fund their own research and development into carbon capture and storage and demonstrate that it is commercially viable. There is a \$40 million higher resources expenditure in the 2017–18 budget than in the previous budget, and at the Public Accounts and Estimates Committee hearings the then resources minister told us that this was from ramping up the CarbonNet Project to the next phase after delays. This is simply a ridiculous amount of money — tens of millions of dollars of taxpayer money — to spend on investigating an unnecessary and outdated technology

when we should be looking simply to the wind and the sun for our future power needs. We should not be spending tens of millions of dollars to find a way to sequester carbon underground when actually the best way to do that is to keep fossil fuels in the ground in the first place.

Pursuing the carbon capture and sequestration fantasy is just the death rattle of a dying industry. If we can store greenhouse gases underground, then the fossil fuel industry simply does not have to change their business model, and they can go on polluting with a get-out-of-jail-free card in their back pocket. But there is one problem: carbon capture and storage simply does not work. Experts agree that carbon capture and sequestration has not been carried out economically anywhere in the world. Mining industry leaders know that no-one is stumping up the cash to open new coal plants. These geoengineering technologies are unproven, they are risky and they are expensive. Plus we are just dumping the problem somewhere for future generations to deal with. We simply cannot keep running from this problem. Instead of using taxpayer dollars to clean up the mess that has been created by the coal, oil and gas industries, we just need to keep fossil fuels in the ground in the first place.

Renewable energy we know is here. It is ready to implement, it is becoming cheaper by the day and it is more than capable of providing our energy needs if we actually invest in it properly. But it is clear here in Victoria that we are still happy to be on the fossil fuel bandwagon and to continue to support that industry, not just through regulation, but through taxpayer dollars as well. This bill is just another example of that.

It is clear the Labor government know they are doing the wrong thing. The *Statement on Future Uses of Brown Coal* — Labor's statement on what they wanted to do with brown coal in this state — was released very quietly to ensure it sailed under the radar. The Premier's Facebook page, which is prolific, mentioned nothing about Victoria having an 'open for business' approach to coal, even though they were the words used in the report. Yet we are still seeing tens of millions of dollars for the CarbonNet Project and other fossil fuel projects. This is — let us be clear: this government in Victoria, a Labor government — funding brown coal on the sly.

We know, as I have said, that the best way to store carbon is to avoid emitting it in the first place by leaving it in the ground. I call on the government to close the door on carbon capture and storage. I call on them to close the door on funding offshore gas exploration. I call on them to close the door on

introducing regulations like this that are simply written for the oil and gas industry, and to close the door on fossil fuels.

The Greens actually have a plan to phase out our brown coal and transition to 100 per cent renewables and to support the community and workers while we do so, and we know that this is actually what Victorians want. If we do not plan for climate change, if we do not plan to get out of fossil fuels, the rest of the world will just forge ahead and we will be left carrying the can, continuing to prop up a dying industry. It is really time that politicians on both sides of this chamber, no matter which party they come from, simply face the scientific fact that we are up against. We are in a climate emergency — you will not find a climate scientist who tells you otherwise — and it is actually time we acted like it. The very least we should do is not continue to introduce regulations and legislation and funding that prop up this industry. The very least we should do is shut the door on any new fossil fuel projects and actually transition away from the current ones we have.

Mr HOWARD (Buninyong) (18:11) — The member for Melbourne still had some time available to her, but I am pleased to be able to speak to —

Ms Sandell interjected.

Mr HOWARD — I understand her challenge though because she did not really speak on the bill at all. I think it is appropriate to speak on the bill first, and I will be pleased to make some further comments in response to some of the comments that have been made by members from the other side of the house.

We have not heard much on this bill to date because it is a machinery-type bill that recognises an odd feature. The odd feature is that the state offshore boundaries that come up against the federal offshore boundaries, further than 3 kilometres out from the coastline, are not fixed. The fact that they are not fixed means that there are challenges for bodies, such as those that have offshore licences and pipelines. The titles may be found to be not entirely in the state jurisdiction or not entirely in the federal area, but because of boundary changes they can move. This bill really is simply putting in place an arrangement for when boundary changes occur.

At the moment we find that Geoscience Australia is responsible for determining and regularly reviewing these offshore boundaries. At the moment it is undertaking a review of the Victorian federal offshore boundary, and next year it will come down with an outcome on new boundaries.

This legislation simply puts in place machinery measures for pipeline holders in particular but also for petroleum licences. We know there are 17 licences held in the federal area that could be found partly in the state area: for pipeline holders, there are 10; for exploration permit-holders, there are three; and there is one production licence and three retention licences. For those who might find that their titles are now not entirely either in federal or state areas, that they have moved, this bill simply puts in place a recognition that nothing will change in terms of their actual ability to continue as they have been.

This is not major legislation that changes the lives of Victorians. It simply puts in place sound legislation which provides security for those who are in the industry — running pipelines, exploring, running petroleum titles or whatever. It ensures that with the review of boundaries that is taking place they know that the rules are not changing and they can continue to operate as they have been operating. There is clearly an arrangement in place on this issue, as there is with many other matters, where the state and the federal governments are working cooperatively to ensure that even though the boundaries may change between the state and the federal governments in terms of offshore boundaries, the operators operating on those offshore sites can continue with business. That is the basis of this legislation — nothing dramatic, nothing that is going to change the lives of Victorians overall. But it is something that clearly is relevant to what we know are significant investments in these offshore developments, and it provides security for those offshore developments. The Victorian government is committed to ensuring that these investors are able to operate in a confident environment, and we know then that it keeps the security of offshore petroleum, gas production and so on in safe hands.

There is not really a lot more than one can say about this particular piece of legislation, and hence those who have spoken on the legislation before me were often drawing on a broad range of associated topics. I will make some comments about those, because one of the issues that clearly has come up is the issue about gas production in this state. Some members of the opposition keep harping on that the Victorian government needs to be able to provide more gas or needs to be able to provide more petroleum for that matter, that it needs to ensure that we have enough of these resources so that we have electricity through the summer.

What they have neglected to say — and they know the truth — is that this industry has been privatised. We know that the energy industry was privatised, mostly by the Liberal-National coalition under Jeff Kennett, and

since that time the industry across the country has mostly been in private hands. Therefore the Victorian government no longer has the control, as it used to under the Gas and Fuel Corporation or under the State Electricity Commission. We are reliant upon private industry to hop in and invest in whichever form of energy provision they have.

As a member of the state government I am certainly pleased to say that we do recognise that global warming is real. We have taken leadership in promoting alternative clean energy sources like wind and also solar. We are showing leadership in gradually changing the balance of energy that is being produced in the state to try to reduce our greenhouse gas emissions. We continue to work along that way.

The issue of gas has been a particular concern. As we know, gas prices have been rising this year. Is it because we are not producing enough in Victoria? It is not. We know that in fact the reserves of Victorian offshore gas amount to something like 400 petajoules annually, and in Victoria our usage is only about half of that. We know that the problem of gas, as some members have identified, is because it is owned by private operators — Santos owns much of it — and it is in fact being exported to other states and other countries. The problem is a federal issue. Controlling the gas to ensure that we get adequate amounts within our state is something that is important, but clearly that is a federal matter. It is something that the state government has no control over. That is a matter that the opposition fails to recognise. It wants to play games to misrepresent the case for political purposes.

It was certainly interesting to hear the concerns of the opposition about the closing of Hazelwood. That again was a decision made by a private operator which recognised that for its own reputation it did not want to be seen to be continuing to operate one of the world's dirtiest power stations, with polluting greenhouse gas emissions higher than most other power stations around the world. It recognised that to make it cleaner it would have required investment beyond what it was prepared to put in, and so Engie made that decision to close Hazelwood.

We know that the Australian Energy Market Operator (AEMO) is the body that is in place to oversee energy provision across the country and to try and ensure that there is enough supply of energy to meet peak needs. We know that in the coming summer there will be peak needs as people use air conditioning. It is interesting to see that switch from peak need being on very cold days, as it used to be, when people would use their heaters to now being on hot days when suddenly more and more

people are using air conditioners. It is interesting to see the way that this has changed. Therefore AEMO has, as we have identified, put in place a situation where it is acknowledged that diesel generation may be needed in this state for short periods of time to meet that need but certainly not to meet base load. Base load continues to be provided by coal, with wind in there to provide some of that, as well as hydro — that mix. That is what AEMO is looking at.

The last thing I should make note of is that in the member for Melbourne's rant, which did not relate to the bill very much at all, she said the Greens are opposed to just keeping the rules as they are. They appear to want to close down all coal-fired power stations immediately and do away with any further offshore petroleum or gas exploration. That does not recognise the reality of the world. Yes, we do need to address greenhouse gas emissions and bring down our reliance on petroleum, gas and coal. Yes, we do need to maximise our chances of bringing in wind, solar and so on, but the technology is not there yet. We cannot do it immediately. It has got to be done sensibly. It is good to see that we have got a Labor government in place that does get that balance somewhere near right and sensible. If it was left to the Liberals and The Nationals, they would not close down any coal-fired power stations. They would simply want to see it all going and we would be in a mess.

Mrs FYFFE (Evelyn) (18:21) — I rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. The purpose of this bill is to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to provide protection for the holders of offshore titles that may be affected by changes to the location of boundaries between Victorian coastal waters and commonwealth waters.

Sitting here and listening to the contributions from the other side of the chamber, I was quite interested. We have got a smattering of Luddites around. We have this talk of nostalgia for the State Electricity Commission of Victoria (SEC) of more than 40 years ago. The SEC was known as safe, easy and comfortable. I remember very well those days. The Labor Party has been in power for the majority of the years since that time, 40 years, so they had plenty of time to prepare to make sure that everything was fixed, yet there is this continuous harking back to those dark years, as they referred to them, the Kennett years. Talk about Luddites! It is time to move on, and it is time to actually handle the problem and to fix it.

Some of the first wells in Victoria were drilled in the 1920s to 1940s in the Anglesea and Torquay areas, part

of the Otway Basin. The Otway Basin covers approximately 150 000 square kilometres extending along the southern margin of Victoria and South Australia to the north-west of Tasmania. Eighty per cent of the basin is offshore. In 1965, after overcoming the many technical challenges of the deep water and extremely hostile weather conditions, BHP and Esso drilled Bass Strait's first offshore well. The well successfully encountered hydrocarbons, and the Barracouta gas field was discovered. Additional gas-bearing reservoirs were located in 1966, and oil was discovered in 1967. Through these discoveries, Bass Strait was confirmed as a world-class hydrocarbon province. The discovery of oil and gas in Bass Strait was a boost for Australia. Australia was provided with an increased degree of energy independence and self-sufficiency previously unthinkable. This gave manufacturing in Victoria an even better competitive advantage in energy security.

Today Victoria's petroleum — oil and gas — exploration and production is concentrated in the offshore commonwealth waters of the Otway and Gippsland basins. The offshore Gippsland Basin covers approximately 46 000 square kilometres. Drilling started in the late 1960s, and it is one of Australia's most prolific systems, having historically generated approximately two-thirds of Australia's cumulative oil production and one-third of its gas. In 2012 it was reported that remaining reserves in the Gippsland Basin were estimated at 400 million barrels of liquids and 5 trillion cubic feet of gas.

Victoria's energy market has historically had the cheapest electricity prices in the country because of its brown coal and gas reserves, but now it is rivalling South Australia as the most expensive. Cheap and reliable energy is what built this state. Our manufacturing industries thrived on secure power and affordable energy. It became the lifeblood of this great state. The government is clearly always putting sustainability before security and affordability. I agree that sustainability should have a part but not override our energy security and affordability. Neither should it override the need for families to be able to provide light, power, air conditioning and comfort for their families. The cost of electricity is very damaging to so many. So many coming into my office — decent people, a lot of them pensioners — are having great trouble in paying their bills. They are going and sitting in shopping centres to stay cool or in the winter to stay warm because they cannot afford to run air conditioning and heaters at home. There are parents who are having to juggle paying the power bills and paying the food bills and are falling behind on their school fees.

I do not see how the government is actually tackling these cost-of-living pressures. This bill, of course, is not particularly aligned to that. But, as I said before, they blame everyone but themselves for the power price increases — Jeff Kennett, the French — but it does not change the fact that in the 2016–17 budget, the coal royalty levy was tripled to gather an extra \$252 million. Hazelwood power station was expected to pay \$87.5 million in increased taxes by this government, forcing an early closure. Hazelwood represented 22 per cent of Victoria's energy generation supply and put downward pressure on electricity prices. Also, what is this government signalling to the private sector involved with energy: no point in investing here because you will probably be copping more taxes in future? How will this mindset affect our offshore industries and our sovereign risk?

Currently the Victorian government estimates that 17 per cent of Victoria's generated electricity comes from renewable energy: that is up roughly from 12 per cent since Hazelwood's closure. It is no wonder prices have jumped so much. I can only wonder what prices will increase to if it jumps to 40 per cent, as proposed by this government. The fallout from this closure has made Victorian household electricity bills rise by 7.7 per cent in the recent March quarter. Average household energy bills are expected to rise \$300 this year — \$300.

The Australian Energy Market Operator has also warned that Victoria faces 72 days of power shortfall in the next two years due to Hazelwood's closure, yet there are no practical plans in place to prevent looming blackouts, putting increased pressure on our gas-run generators. Hospitals have had to divert parts of their health funding just to keep their lights on. Now we hear the government is investing in diesel generation as backups here and around the state. I hear the South Australian government has also invested in diesel generation to fix their troubles and their self-inflicted wounds. It has been reported that South Australian Labor are trying to keep the costs secret.

South Australia has a state-based target of 50 per cent renewable energy by 2025. That state's failure to effectively integrate more than 40 per cent renewable energy with the wholesale electricity market contributed to their security and affordability problems. The South Australian energy disaster educated federal Labor and the Western Australian Labor government to put aside legislated schemes to meet specific renewable energy targets. But not Victorian Labor — they are locked in to increasing power costs.

The opposition will take the cost-of-living pressures of Victorians seriously, even if this government does not.

The opposition has already announced that if elected in 2018, it will abolish the Victorian renewable energy target to stop energy prices from soaring further. We will support the safe exploration of offshore reserves and we will lift the moratorium on conventional gas exploration in Victoria while keeping the ban on fracking. We will also look after our farmers by ensuring fair royalties and a right of veto, putting downwards pressure on the cost of living.

We here are elected. It is a very important position that we have. We are here to represent the whole of Victoria, but it seems to me that the poor, the aged and the infirm are not being looked after properly by this government. The increasing costs are taking a great toll on all of them. There will be many who will not be having a happy Christmas.

Ms HALFPENNY (Thomastown) (18:29) — I would also like to rise to speak in support of the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. As a previous speaker, the member for Buninyong, was saying, this bill is a machinery bill, if you like, a sort of a technical bill which talks about making some small changes that have to be done by way of making changes to legislation to ensure the current situation is maintained and the rights of those who have licences and permits to mine or take resources offshore have the certainty and the understanding that they can continue to do so in the same manner that it was agreed they could.

What happened is that many years ago there was a settlement between the commonwealth, the states and the territories — at least the Northern Territory — to ensure that as far as possible there would be common rules that would apply in the maritime areas, the sea. Those rules and regulations would apply across the board to ensure that there was no confusion in terms of, in this case, Victorian titles as compared to commonwealth titles when it came to permit-holders that may be putting in pipelines or taking oil or whatever. What it did was ensure that the boundaries that are determined by the commonwealth, the Victorian boundaries, continue to be the same. We cannot actually say what those boundaries are, of course, because boundaries on the coastline change — there is the sea and there is the water. This bill provides rights for permit-holders even if the boundaries may slightly change because of currents, because of the sea or because of changes to the coastline. Permit-holders will continue to have what they had prior to the change, so the title is a little bit flexible and can change. Continuity and stability are guaranteed for those permit-holders even if the boundaries may change because of changes to the coastline and so on.

This is important legislation because it ensures certainty. It gives gas and oil companies the ability to know with certainty the boundaries of their titles and what they are entitled to take from the environment. We have heard a lot of far-reaching debate and discussion talking about climate change in most cases and the need for alternative energy and renewable energy to ensure the security of our planet and our future generations. Of course I totally support that and agree that we need to do something about climate change. The state Labor government is doing a lot on renewable energy and to ensure that we have good, secure supplies into the future.

The government is looking at security not just through renewable energy but also through jobs. We saw, for example, when wind farms came into doubt under the last state Liberal government that there were a lot of jobs in jeopardy, such as those at the Keppel Prince Engineering plant in Portland. There were wind turbines there, and really that company was about to go under. Luckily the Labor government came in after those terrible four years and was able to start investing again in and promoting renewable energy, including in that business and the jobs of the many people who worked there. This was also of great benefit to the local area, including Portland, Warrnambool and the surrounding areas, and to all the businesses that rely on the wages that people make in that workplace and spend in the local area.

When it comes to the petroleum industry, yes, it is quite a dirty industry, it is old energy and we are looking at moving away from that because of greenhouse gas emissions, but that transition needs to be done in a sensible and organised way to ensure job security as well as the supply of energy. When we look at some of the companies in the petroleum industry, it is not just the way they operate in terms of their permits offshore but also the way they operate in terms of their workforce. If you look at the offshore arm of Esso down in Gippsland, there is a very long-running dispute at the moment. Esso, through its contractors, is doing what is now becoming more and more common among unscrupulous employers — employing contractors using sham agreements. A contractor is given work by Esso for a particular period of time. They employ so many workers — I think in this case about 200 maintenance workers — and they then do the work offshore. Near the end of that contract the contractor goes through all the legal loopholes of changing its name and becoming a different company, sacking all the employees and then making up a new enterprise agreement with, in this case, three workers. Once that enterprise agreement has been made, the contractor attempts to employ the existing workforce of 200 on much lower wages and conditions. In the case of Esso, workers there on strike and having to

deal with the company are facing up to 30 per cent wage cuts, a lot of changes to rosters and a lot of changes to annual leave entitlements.

This is work that can be very difficult. You are away from your family for long periods of time. You could be on the rigs for up to two weeks at a time without any ability to get home or to drop in and see the kids or to find out what is going on because you are literally in the middle of a sea and you are getting in and out by helicopter and there is bad weather and so on. When we look at legislation such as the bill we are debating today we know that governments want to be supportive and assist and work with companies that are providing resources for the economy. We are being as cooperative as we can to ensure that there can be business as usual and that Esso and other companies can work in an organised and easy fashion without red tape and without problems in terms of legislation, so it really is disappointing to see them behaving as they have been with the workforce down at Esso offshore around the Gippsland area. It really is disgusting. I hope to see an end to this, and I am sure the workers there will stick together.

They have a lot of support down there, and I am sure ultimately they will win, but the sacrifice that they make in the meantime when these companies do things such as this is significant. I understand that it has been reported in some of the local papers and in leaflets that in fact this is a company that has made a lot of money and is one of the many companies that pay little, if any, tax in this country.

So here we are again, doing the right thing — as we should — ensuring that we honour the agreement with the commonwealth to ensure that we have legislation that provides for the way that boundaries shift when you are talking about the Offshore Petroleum and Greenhouse Gas Storage Act and to make sure that companies can continue to go on with their business. But then we have companies that do not pay the tax that they should and also treat working people with contempt by trying to cut their wages and conditions, particularly in an area such as Gippsland, which has had its fair share of difficulties.

We have had the Hazelwood mine fires, we have had a reduction in the dairy industry down that way, and here we have again companies like Esso putting the boot in and trying to take existing workers wages and jobs away if they do not accept much less than they have worked for and fought for in the past. This legislation is important. It is a mechanical type of legislation just to make sure that things are in line, and I commend the bill to the house.

Mr CRISP (Mildura) (18:39) — I rise to make a contribution on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. The Nationals and coalition are not opposing this bill, and the coalition did not oppose the original bill when it was introduced in early 2010.

The purpose of the bill is to amend the Offshore Petroleum and Greenhouse Storage Act 2010 to provide protections for holders of petroleum titles affected by changes to the boundary between the offshore area and the commonwealth-defined onshore area. The state has control of the waters out to 3 nautical miles off our coast, and the commonwealth has control of the waters beyond that. This bill is about managing some issues around boundary changes, should they occur, and the infrastructure that is around those boundaries. The amendments to this bill ensure that the titleholder who is affected by a boundary change receives equivalent entitlements to those they would have had otherwise were it not for the relevant boundary change. The bill provides reciprocal arrangements for the protection of the commonwealth petroleum title rights in the event of a boundary change, a feature already provided in the state petroleum titles under the relevant commonwealth legislation.

It amends delaying provisions to ensure that the effect of a boundary change is delayed with respect to a commonwealth title where that remains in force. It will establish a framework to automatically grant or extend coverage of the commonwealth petroleum titles when part of the title moves from commonwealth to Victorian coastal waters as a result of a boundary change. It provides arrangements for the valid granting of renewals of the Victorian petroleum and greenhouse gas titles when part of that title is moved to the commonwealth waters as a result of the boundary change.

An overarching impact of this bill is to better align state and commonwealth legislation and to increase protections for relevant stakeholders. The amendments are aimed at bringing state legislation closer to commonwealth legislation to protect the current and future offshore petroleum and greenhouse gas titles. Western Australia has enacted similar legislation. It is only Western Australia and Victoria that have viable offshore petroleum reserves, and the need for this legislation is only relevant to those two states.

It is a complicated bill about boundaries. An example that might be a little closer to my electorate is that New South Wales, when Victoria came into being, retained the Murray River, its bed and up to three chains from the spring high-water mark in the early 1850s. That boundary is extremely difficult to manage because

nobody was around to bang in a peg at the appropriate time in 1851. So boundary changes can be a challenge everywhere when they occur. This bill certainly helps in that area. Some of the boundary issues with the Murray River require similar management from time to time.

Some of this bill does deal with the potential for the geological and other sequestration of greenhouse gases. CO₂ is a by-product of open combustion which occurs in our power stations. In particular in the Gippsland area, which is close to the existing oil and gas fields in Bass Strait, there has been a long-held desire to take the CO₂ back and inject it into those spent gas fields in Bass Strait. It can be compressed from the thermal power stations and then it has to be pipelined. At this stage its ability is very much to be fully proven, but probably when it comes to compressing and sequestering it in the spent gas fields it requires very large thermal power stations, and such a project would require those power stations to be operating for quite a number of years.

We do know that those gas fields are depleting in Bass Strait. There are varying estimates but the ones that I have read indicate that the Bass Strait gas fields will expire in about 2028. That does seem to be a long way away in some respect, but it is much closer than most people think, and that will leave us with some considerable challenges if new gas is not found. With those challenges in mind, that is very much why the coalition has come about a policy to allow for the exploration of conventional gas. This is not fracking, this is looking for conventional gas — extensions of those deep gas fields that exist in Bass Strait — onshore.

It is very, very important when it comes to protecting our farmers and protecting our farmland, but also protecting our energy future that we do find more gas in order to power the gas turbines that are very much a transitional fuel for us into the future.

While I have the opportunity I would also like to talk about some of the other things that have happened around greenhouse gases or the sequestration of CO₂. A decade or so ago when I was first elected to Parliament there was quite a lot of research work going on, particularly at James Cook University in Queensland, using algae to digest CO₂. The CO₂ was suspended in a water medium, algae then proceeded to grow and the algae was processed and initially split, or cracked as it was called then, between the protein and the oil, which was fish oil. That oil could then be used as a biofuel. Then the food scientists got hold of it and decided to try to move that directly into the food chain.

I have tasted some of the green algae, and it does taste like fish oil. Following a trip to Queensland when I had a good teaspoonful or two of it, I woke up in the morning and found that I had green teeth, so it was a case of keeping my mouth shut until it disappeared. By the way, it did not taste too bad. That research project has gone by the by.

I then look to my area where everybody is trying to do what they can to be reasonable climate citizens. In our agricultural area we have huge almond farms. As we know, trees absorb CO₂ to grow. The almonds are hulled and shelled to extract the kernel, they are stored and burnt in a small-scale thermal power station. Select Harvests in my electorate has got a cogeneration plant that burns the shells to produce electricity and steam to treat the almonds — and the process goes on. They are treating the almonds and they are producing CO₂, which goes back to the orchard and the trees absorb it. This is a practical way to do the little things that count.

Similarly, we were involved with a project for using winery marc. When you make wine the stems and seeds are a by-product. They go to Australian Tartaric Products, which extracts the tartaric acid. The balance is then burnt in a thermal power plant to provide the heat that is needed for the tartaric acid extraction process and to power the site. There is a great deal that can be and is being done, particularly in the agricultural sector.

A few years ago the Linklaters used the CO₂ from their diesel tractors in their air seeder to see how that went, so people are trying all sorts of things. Olive waste is now being actively considered by the large olive farms in my electorate, again in the cogeneration process. This is where everybody can make a difference in various ways. I am very proud of the approach to the environment that is taken in my electorate.

On energy in general, which is a topic that is perhaps for another day, I note that today Terry McCrann has written a very interesting article, which I advise those who read *Hansard* to have a look at, as it does make some very scathing assessments of where our energy system is. With that, The Nationals in coalition are not opposing the bill.

Mr J. BULL (Sunbury) (18:48) — I am pleased to contribute to debate on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. As honourable members have mentioned this evening, the bill is fundamentally about the machinery in relation to the state and federal boundaries, which we know are not fixed. That therefore results in challenges about jurisdictional responsibility, functions and roles in such matters. Geoscience Australia regularly reviews these

boundaries, and this legislation puts in place the machinery around how licences can operate under particular titles. Other members this evening have discussed that at length.

The primary purpose of the bill is to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to provide protections for the holders of offshore titles affected by possible future changes to the location of the boundary between Victorian coastal waters and commonwealth waters.

The amendments will ensure that a titleholder who is affected by a boundary change receives equivalent entitlements to those that they would have otherwise had were it not for the relevant boundary change, and this is where this boundary change becomes important, and it is the reason for the bill. By agreement, the commonwealth, states and the Northern Territory maintain, as far as practicable, common rules for the regulation of offshore petroleum and greenhouse gas activities. Consistent with that agreement, the bill provides reciprocal arrangements for the protection of commonwealth petroleum title rights in the event of a boundary change, as are already provided for in state petroleum titles under the commonwealth legislation, and a number of members have discussed that this evening.

The bill creates a framework, which will automatically grant or extend the coverage of commonwealth petroleum titles where part of a title moves from commonwealth to Victorian coastal waters as a result of a boundary change, while also providing arrangements for the valid granting of renewals of Victorian petroleum and greenhouse gas titles where part of that title has moved into commonwealth waters as a result of a boundary change.

The Andrews Labor government is committed to a renewable energy market that is modern and flexible, and of course we have introduced our renewable energy target. Let us remember, and I discussed this earlier today in a previous contribution, that the state is growing significantly. It is growing upwards of 100 000 new people calling Victoria home each year, and as this happens more and more pressure is put on all of our essential services, like roads, schools, hospitals and of course the energy market. That is why there is a need to bring on more energy through renewables — through wind, through solar and through other technologies. But equally we understand the practicality and the realities around doing that. First and foremost we are fundamentally committed to jobs.

What you need in these situations is transition over time, and we know that jurisdictions across the world are moving in that direction. There are significant challenges in the east coast gas market. We know there is not a supply issue; there is a demand issue. Victoria produces in fact 7.2 million households worth of supply, but only uses 3.6 million households worth. That is the equivalent of around 206 petajoules each and every year. Clearly we understand that there is far too much gas being exported, and a number of these factors have already been mentioned this evening by members.

To set the context, following the 1979 Offshore Constitutional Settlement, the commonwealth, states and the Northern Territory agreed to maintain, as far as practicable, common rules for the regulation of offshore activities. Geoscience Australia, as I have already mentioned, has an ongoing responsibility to define the limits of Australia's maritime jurisdiction, and it is currently undertaking a review of the offshore coastal boundary in Victoria. This is where the critical element of the bill comes in — that is, around the review boundaries, in particular for this state. Any changes as a result of this review are expected to be announced in 2018.

The bill reflects some of the changes made in 2015 to the commonwealth legislation regulating offshore petroleum and greenhouse gas activities, and which ensured the security of offshore titles granted under the Victorian act. There are a number of key details that the bill deals with. In particular I would like to touch on the ability to amend existing provisions in the Victorian act to ensure that the effect of a boundary change is delayed with respect to a commonwealth petroleum or greenhouse gas title while that title remains in force. A number of members this evening have mentioned the complexities around achieving this balance. It certainly is not an easy balance to achieve.

Automatically granting or extending the coverage of the commonwealth petroleum titles, where part of the title moves from commonwealth to Victorian coastal waters as a result of these boundary changes, is another component or another provision that is incorporated in the mechanics of this bill.

The bill goes on further to provide for those arrangements for the valid granting of renewals of Victorian petroleum and greenhouse gas titles where part of those titles were moved into commonwealth waters as a result of the boundary change. Without necessarily knowing what those changes are going to be, there needs to be that creativity and flexibility within the framework to provide for those future changes, and that is certainly something that I think is an important point.

I know that the member for Buninyong spoke at length on this, and I think it is something that is well noted. The bill will also provide those arrangements for any necessary variation to the conditions of a title affected by the boundary change, and I think that is something that needs to be incorporated given those points that we mentioned earlier.

If we look at how the bill specifically applies to Victorian offshore titles that are affected, we know that the commonwealth act provides an equivalent framework to ensure security of title in the converse scenario where part of a state, or the Northern Territory, becomes located in commonwealth waters due to that boundary shift. This is by way of the provision of the commonwealth act that acknowledges that the commonwealth act does not apply to the part of the title that has become located in the commonwealth waters while the transition remains in place. The provision operates in conjunction with the reciprocal provision in the Victorian act, which states that the Victorian act continues to apply to the relevant title area. Much of this can seem quite mundane and quite dry, but these are important provisions that go to the management of what is an ever-changing and quite dynamic market, and this is a bill that I certainly think is needed.

In the time that I have remaining I want to go back to those key provisions and requirements around an energy market being flexible and having the ability to transition through time. Certainly in my area, and I know in other honourable members' areas, there is significant demand. We have ever-changing communities, communities that are experiencing significant growth and communities that five or 10 years ago did not exist; they were simply greenfield sites or vacant land. We know through this growth and through the ever-challenging fact of more and more people wanting to come into this great state that the Andrews Labor government is getting on with providing the key infrastructure, the key services, road, schools and hospitals to deliver for our growing communities, and of course we have a changing energy market.

This bill provides for the necessary framework around what is a dynamic market. As we have heard this afternoon it is a market that requires flexibility, specifically in relation to those boundary changes. With those comments I commend the bill to the house.

Ms GRALEY (Narre Warren South) (18:58) — It is a pleasure at this late stage of the day to rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2017. As previous speakers have said, this is actually a technical bill that is essentially a series

of amendments. As other speakers have taken the liberty to speak generally on the matter, I would just like to provide a very brief commentary.

From the green corner we have people telling us what we should do, but they will never have a chance to make a decision because they are mere commentators in this space; that is the Greens party. In the blue corner we have had a lot of lectures from people who do not really understand what the future looks like in this energy space. Given the commentary from the green and the blue, those of us in the Labor government who are dealing with energy policy have probably got our policy spot on.

We actually are talking about sustainability, not just in the sense of it being about renewables but about it being an efficient supply of power that is cost-effective and that will supply new jobs in a new industry. I recommend the Ross Gittins article in the Fairfax press which says that for his next trick Turnbull wants us to think he is a magician. Go and read that. Gittins is a very good commentator on a lot of issues. I can see the frown from the member for Kew. He is probably not a Ross Gittins fan. Gittins does give some good advice to politicians and one piece is:

Economists are always telling politicians not to try picking industry winners.

This is what he is telling you about backing coal-fired power stations.

Business interrupted under sessional orders.

RULINGS BY THE CHAIR

Adjournment matters

The DEPUTY SPEAKER (19:00) — On the last sitting Thursday the member for Brighton took a point of order regarding whether the member for Melbourne had requested two actions in her adjournment debate contribution. The Acting Speaker referred the matter to the Speaker for consideration. On behalf of the Speaker I have reviewed the transcript and I am satisfied that at the start of her contribution the member for Melbourne asked for one action: for the Minister for Racing to ban greyhound and jumps racing in Victoria. However, towards the end of her contribution she also spoke about duck shooting and at the end of her contribution restated her action to include ending duck shooting.

The member for Brighton is correct that a member can only seek one action in the adjournment debate. On this occasion I am prepared to accept the adjournment debate matter raised by the member for Melbourne but

ask the minister to only address the action requested at the start of her contribution. I remind members to take care in how they express their adjournment debate issues and to ensure that they only request one action.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Vacant residential property tax

Mr R. SMITH (Warrandyte) (19:01) — (13 792)
The issue I raise this evening is for the attention of the Treasurer, and the action I seek is for the Treasurer to provide an explanation as to how his vacant property tax exemptions are assessed.

A constituent of mine recently contacted my office with some real concerns about one of the eleven new taxes that the Andrews government promised not to introduce, but did once elected. This government has recently claimed they want to make things fair, but the vacant residential property tax has no intention of being fair, as it taxes everyday, hardworking Victorians who purchase a property for work purposes, for a holiday house or for a secondary occasional residence. This tax is clearly not fair.

My constituent Mr Parry has his primary residence in Warrandyte and has also purchased an apartment in Melbourne as both he and his wife work at times in the city, making this Melbourne property now taxable by this greedy government. As outlined on the State Revenue Office website, there is only one exemption for work-purpose properties, and that is:

The property must be occupied by the owner for at least 140 days in a calendar year for the purpose of attending their workplace or conducting business. To be eligible for the exemption, the workplace must be located in one of the specified local council areas.

I ask the Treasurer: why does Mr Parry now have to tell the government where he and his wife sleep throughout the year and why they sleep there in order to avoid being taxed an extra \$6500? And how will the government monitor these 140 days? Will the government be supplying booklets similar to those used by learner drivers for logging hours? If a relative of the family or another immediate family member uses the property for work purposes, will this also be counted towards the 140 days?

This tax is clearly open to evasion by declaring the property as a holiday home and only having to prove residence for four weeks rather than 140 days under

those circumstances. This tax is a desperate money grab by a Treasurer who is facing multibillion-dollar blowouts on all of the Andrews government's major projects and is hell-bent on making hardworking Victorians pay for his inability to get the sums right.

Mr Nardella interjected.

Mr R. SMITH — Again, the action I seek is for the Treasurer to provide an explanation as to how his vacant property tax exemptions will be assessed. Do you have something to say?

Mr Nardella interjected.

Mr R. SMITH — You shouldn't be here. You know that. You are a roting, thieving member of Parliament, and you should not be here.

The DEPUTY SPEAKER — Order! Member for Warrandyte, through the Chair.

Lonsdale Street, Dandenong

Ms WILLIAMS (Dandenong) (19:03) — (13 793)
My adjournment matter is for the attention of the Minister for Roads and Road Safety, and the action I seek from the minister is that he conduct a review of the right-hand turn conditions and restrictions in operation along Lonsdale Street in central Dandenong.

Currently motorists cannot turn right from Lonsdale Street throughout Dandenong's central business district, and this is having a detrimental impact on traders on the eastern side of Lonsdale Street. To access the businesses on that side of the road, many motorists are forced to travel a significant distance beyond their intended turning point to make a U-turn and then to double back. This is a significant inconvenience, making it more difficult to access these shops and subsequently easier to go elsewhere. In particular there has been speculation that the right-hand turn restrictions may be leading to an increased shop vacancy rate along Lonsdale Street. Local Little India traders are also keen to see traffic redirected through their precinct, which is Foster Street, to ensure its success long into the future.

The City of Greater Dandenong has also requested a review of the right-hand turn ban. They have safety concerns that the right-hand turn ban is causing an unnecessary build-up of traffic along Lonsdale Street, and I think this is worthy of investigation. Over 35 000 vehicles travel through central Dandenong every day. Our main street is one of the busiest in Melbourne's south-east. We need to ensure our road rules are properly serving the community, and this means providing the best available road conditions to

ensure the best possible traffic flow as well as safety, of course, and accessibility to all those businesses in the region so that they can continue to thrive. As such, I seek that the minister conduct a review of the right-hand turn conditions and restrictions in operation in central Dandenong.

Kilmore roads

Ms RYAN (Euroa) (19:05) — (13 794) My adjournment matter is also for the Minister for Roads and Road Safety, and the action I am seeking from the minister is that he address the terrible and deteriorating condition of roads around Kilmore and provide the funding that is needed to make those roads safe and in an acceptable condition for residents — and that takes a number of forms.

I have recently been speaking to residents from around Kilmore, and what is most concerning to them is the terrible condition of Kilmore's roads. I met with Peter Medley last week. He lives on Broadford-Kilmore Road. At the moment he has issues with the height of the grass on his roadsides, which probably comes to above my shoulder. There is a real issue there in that VicRoads will only undertake one slash a year. He is concerned about the fire risk that that presents. In my view there is a real need for the minister to instruct VicRoads, and provide them with the funding, to undertake more than one slash of that long grass a year to protect the safety of those residents.

It is also about the condition of the local roads, including the Northern Highway, Kilmore-Lancefield Road and Broadford-Kilmore Road. Those roads are all facing issues with potholes, bumps and deteriorating road edges as well. We all know that if you fix country roads, you save country lives. Some parts of those roads are completely worn out. Constituents have contacted me concerned about potholes, but they are also concerned about the urgent need for resurfacing.

Obviously the population of Kilmore and the surrounding areas is increasing quite dramatically, and as a consequence it is vital that the government actually invests in those roads to ensure that we have adequate infrastructure. That of course raises the issue of the Kilmore-Wallan bypass, which the government has been absolutely silent on for the last three years. The community is still desperately waiting for some direction from the government, which seems to continue to find new reasons to delay the process.

I would also urge the government to give serious consideration to the application made by Mitchell Shire Council to the Growing Suburbs Fund for money to

revitalise Kilmore's main street. The bypass project has been an important part of being able to do that, but I think it is absolutely necessary that the government gives favourable consideration to its application for that revitalisation of the main street to get trucks off that street and reinvigorate things for traders. I do note with some disappointment that the coalition made a commitment of \$2 million to do that, which the Andrews government scrapped.

Broadmeadows electorate roads

Mr McGUIRE (Broadmeadows) (19:08) — (13 795) My adjournment request is to the Minister for Roads and Road Safety. The action I seek is for the minister's department to examine improving road connections between Broadmeadows and Campbellfield. Key infrastructure is required to unlock the development potential between Broadmeadows and Campbellfield, one of the biggest areas for industrial and manufacturing employment in Melbourne's north. However, connections from the Broadmeadows town centre to the Northcorp industrial area and the rest of Campbellfield are poor. Pascoe Vale Road and the two railway lines act as a barrier between the east and west of Broadmeadows. These connections deliver infrastructure that enables employment, but as I identified in the strategy document published last year, *Creating Opportunity: Postcodes of Hope*, it is the interconnection that is now critical. The proposed Merlynston Creek road crossing linking the old industrial areas with the new through Belfast Street, Broadmeadows, would be ideal for this proposition.

Beyond this centre and its critical connections, we look at what is happening with the rest of the transport infrastructure that we are improving. What I am calling for is an integrated system. It is vital to look at how we design the capital of Melbourne's north in Broadmeadows. This would now also help with the CityLink Tulla widening project that is going on at the moment from Melbourne Airport to Bulla Road. We have got the curfew-free international airport at the back door. This is one of the most strategic assets we have for economic development. There is going to be a new runway built as well, so there is a whole economic development model to be built around that — new jobs, from white collar to blue collar jobs — and that will be really important for this community.

We have just removed the level crossing at Camp Road in Campbellfield, and it was done in record time and done safely. This was a crossing that proved to be fatal and continuously dangerous, and I am delighted to report to the Parliament that trains will be running

under Camp Road for the first time tomorrow. That has even been fast-tracked.

These are important initiatives. Families will get home safely. We will increase productivity. We will attract investment, and we will create jobs where they are needed most.

Sandringham railway station Christmas lights

Mr THOMPSON (Sandringham) (19:10) — (13 796) I wish to raise a matter for the attention of the Minister for Public Transport. By way of general preamble, the Victorian Parliament currently is set up to mark a number of important occasions — Hanukkah will be celebrated here tomorrow lunchtime and there is a Christmas tree in Queen's Hall. Likewise, the City of Bayside is seeking to mark Christmas with the installation of bud lighting at a number of locations.

The Black Rock clock tower has a spectacular display of lighting which provides a focus on the district, and the City of Bayside is seeking to install bud lighting at the Sandringham railway station.

The matter that I wish to raise with the Minister for Public Transport is for her to review, in the spirit of Christmas, the proposed charges by Metro Trains Melbourne to secure the provision and installation of bud lighting at the Sandringham railway station. According to correspondence I have received today from the City of Bayside, there is a quote from Metro Trains that is seeking project management costs of \$2807 and a margin of \$556, meaning that the cost of these items, excluding the lights and other matters, including installation — just the management costs — will exceed \$3000.

I am advised by the City of Bayside chief executive officer, Mr Adrian Robb, that the City of Bayside had 'sought a waiver of these fees but our request was declined'. The council has indicated via the CEO that they will be seeking to escalate this matter through the appropriate channels.

Increasing costs is not a matter that the government is unfamiliar with, with increasing electricity and gas charges, road tolls and more than 20 charges which have been increased since the last election, when they said that they would not be imposing any new taxes. There have been more than nine new taxes introduced as well as a number of other costs that have been increased.

I seek that the minister liaise with Metro to see whether, in the spirit of Christmas, they might be able to facilitate the installation of bud lighting at the Sandringham

railway station without the impost — the excessive impost in the view of the City of Bayside — of management costs and a margin that goes over \$3000.

Victorian Emergency Management Institute

Ms THOMAS (Macedon) (19:13) — (13 797) The matter I wish to raise is for the attention of the Minister for Emergency Services, and it concerns the Victorian Emergency Management Institute (VEMI) at Mount Macedon. The action I seek is that the minister join me early in the new year to celebrate the opening of the institute.

My community recalls the federal Liberal government closing the then Australian Emergency Management Institute following the Abbott government's infamous commission of audit and 2014–15 budget. Overnight a vital piece of Australia's emergency management infrastructure was trashed, and 60 jobs were lost as a consequence. The story of the emergency management institute is illustrative of the fundamental difference between Liberal and Labor — while they are for cutting down, we are for building up.

My community was delighted, as you can imagine, Deputy Speaker, when the Deputy Premier and Minister for Emergency Services announced in 2016 that the old Australian Emergency Management Institute would be purchased by the Victorian government and reopened as the Victorian Emergency Management Institute. VEMI will build leadership capabilities across our emergency services, drive change and encourage diversity in the sector through education and training. The facility is set on 6.5 acres and includes a large theatre with tiered seating, a simulation centre and room to accommodate almost 60 people. The site has been redeveloped to meet Victoria's emergency management training needs now and into the future, with an overhaul of the accommodation facilities, the installation of new technology and safety upgrades. Importantly, the future of the golf course at the site was secured by the minister, with the Victorian government signing an agreement to lease the land back to the Mount Macedon Golf Club for the next 15 years, with an option to extend that for a further 15 years.

The opening of the Victorian Emergency Management Institute is a much-anticipated event, and I look forward to welcoming the minister to Mount Macedon in the new year.

Road safety

Mr NARDELLA (Melton) (19:15) — (13 798) The matter I wish to raise is for the Minister for Roads and

Road Safety, and the action I seek is that he have some discussions with VicRoads and hopefully, through them, with Victoria Police to educate people on and enforce the keep-to-the-left road rule. Lots of cars and trucks stick to the right-hand lanes where they are just an absolute nuisance. We are spending billions of dollars to upgrade freeways and roads, with some that are multi-lane or multi-carriageway roads, yet we have a number of cars and trucks that stick to the right-hand lane. You might be in a 100-kilometre zone and they are sticking like — I was going to say ‘like something to a blanket’ —

Mr Edbrooke — White on rice.

Mr NARDELLA — That is right, like white on rice on the right-hand side. It is a 100-kilometre zone, it is a bright and sunny day, and they are sticking there doing 80 kilometres. It happens on the Geelong freeway, it happens on the Monash, it happens I am sure on the Calder Freeway where you are just frustrated. It happens on the West Gate Bridge, where you have got trucks, you have got cars, it is an 80-kilometre zone and they are doing 60 kilometres up the bridge. It just congests the whole freeway system. There might need to be some consideration in terms of having — like on the Geelong freeway — three lanes or more on a carriageway where the trucks keep out of the right-hand lane. You see this on the West Gate Freeway where the heavily loaded trucks are in the right-hand lane trying to get up the bridge. It happens on the Bolte as well. It is extremely dangerous, because then cars have to travel illegally — because the law does not allow this — on the left-hand inside lane to pass these slow vehicles. That is not only dangerous but is frustrating for many road users.

Whether it is the enforcement, whether it is some education, whether it is some other action that might need to be taken to speed up travel on these major freeways and highways, I ask the minister to have those discussions.

Frankston ministerial visit

Mr EDBROOKE (Frankston) (19:18) — (13 799) My adjournment matter is for the Minister for Small Business, and I ask the minister to visit my Frankston electorate in the coming months to speak with small businesses about opportunities the state government can offer them to grow and prosper. I understand in the last financial year more than 7700 small businesses have accessed support from the Small Business Bus right across the state of Victoria, and this is certainly something I think our Frankston community could take advantage of. Small businesses make an incredible contribution to our community and our economy in

Frankston and of course Victoria, and I know business owners would look forward to an opportunity to speak with the minister in person.

Clyde North bus service

Mr PAYNTER (Bass) (19:19) — (13 800) My question is for the Minister for Public Transport. The action I seek is the introduction of a bus service along Grices Road in Clyde North. With the massive growth in the area, the housing estates extend for kilometres down Grices Road from Clyde Road and pass by thousands of homes.

Without a bus service it is virtually impossible for the residents to access either the local shopping centres or train stations without the use of a car or by adding great expense to the trip. Clearly the people living in Clyde North are being let down by this Andrews government and its policies, which seem to favour only those living in the city. The residents of Clyde North deserve to have the same access to public transport as people living in the city. Without access to public transport they are at a disadvantage when seeking employment, accessing education, attending doctors' appointments and quite simply going about their daily lives.

If we are to encourage people to shift into an area such as Clyde North, it is incumbent on the government to provide access to public infrastructure and services. As traffic congestion is also a major problem, this government should be doing its utmost to provide residents with alternative forms of transport. A regular bus service along Grices Road would certainly help with this issue and should be implemented without delay.

Ivanhoe library

Mr CARBINES (Ivanhoe) (19:20) — (13 801) My adjournment matter is for the Minister for Local Government, and the action I seek is the minister's support for the Living Libraries Infrastructure program for the Ivanhoe library in my electorate. The Ivanhoe library is a member of the Yarra Plenty Regional Library, which provides library services for some 115 000 members across the Nillumbik, Whittlesea and Banyule council areas. That is 31 per cent of a population of nearly 400 000 people. It has 155 staff and 3.6 million loans a year.

But the Ivanhoe library, built in the 1960s, up there with the historic Heidelberg town hall, does not have lift access. It is a two-storey building and you have got to work your way up a couple of flights of stairs to access parts of the library service there. It is a fantastic library in very difficult circumstances and conditions.

We have staff providing excellent services to the local community, but of course what we provided in the 1960s is not fit for purpose in the 21st century.

In the community consultation plan, in February 2017, Cate said in relation to the plan for the new Ivanhoe library and cultural hub:

Finally, a plan to bring the Ivanhoe library into the 21st century ... Libraries nowadays are vibrant areas that create community and encourage participation in a range of activities ...

I agree that it is not just about borrowing a couple of books; it is about access to the internet and it is an opportunity for people in the community to come and read the papers and to get engaged and involved. We know, as a family with a young daughter, it is a place for activities, a place for parents to come and meet and an opportunity for some time out and to allow children to get involved in a range of activities. As someone who was chair of the Yarra Plenty Regional Library when I was a Banyule city councillor, I know the value of the library services that we provide right across Nillumbik, Banyule and Whittlesea.

What I would say is the libraries in the Banyule City Council area do not reflect some of the libraries that we have seen in places like the electorate of the Minister for Energy, Environment and Climate Change, who is at the table, out at Mill Park. Certainly we do not have those sorts of facilities in Ivanhoe. For too long Ivanhoe residents have funded and resourced services to the north of the municipality because of the capacity that people in Ivanhoe have had to generate a lot of the wealth and opportunity for those across the municipality. But it is time for a new Ivanhoe library. It is time for the community in the south of my electorate to get the services they deserve. The Living Libraries Infrastructure program provides opportunities for the government to provide those services, and I am hopeful the minister will support the grant.

Responses

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (19:23) — I will refer the following matters to the appropriate ministers: the member for Warrandyte raised a matter for the Treasurer regarding vacant property tax exemptions; the member for Dandenong raised a matter for the Minister for Roads and Road Safety regarding a right-hand turn at Lonsdale Street in Dandenong; the member for Euroa raised a matter for the Minister for Roads and Road Safety regarding the state of roads around the Kilmore area; the member for Broadmeadows raised a matter for the Minister for

Roads and Road Safety regarding improving road connections between Broadmeadows and Campbellfield; and the member for Sandringham raised a matter for the Minister for Public Transport regarding charges for Christmas bud lighting at Sandringham station.

The member for Macedon raised a matter for the Minister for Emergency Services regarding the opening of the Victorian Emergency Management Institute at Mount Macedon; the member for Melton raised a matter for the Minister for Roads and Road Safety regarding compliance matters to do with the keeping to the left of the road rule; the member for Frankston raised a matter for the Minister for Small Business and requested a visit to small businesses in the electorate; the member for Bass raised a matter for the Minister for Public Transport regarding a bus service for Grices Road in the Clyde North area; and the member for Ivanhoe raised a matter for the Minister for Local Government regarding support from the Living Libraries Infrastructure program for the Ivanhoe library.

The DEPUTY SPEAKER — Order! The house now stands adjourned until tomorrow.

House adjourned 7.25 p.m.

Wednesday, 13 December 2017

The **DEPUTY SPEAKER (Ms Edwards)** took the chair at 9.32 a.m. and read the prayer.

LABOUR HIRE LICENSING BILL 2017

Introduction and first reading

Mr DONNELLAN (Minister for Roads and Road Safety) introduced a bill for an act to provide for the regulation and licensing of providers of labour hire services, to establish the Labour Hire Licensing Authority and the office of Labour Hire Licensing Commissioner, to amend the Public Administration Act 2004 and for other purposes.

Read first time.

PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017

Introduction and first reading

Mr WYNNE (Minister for Planning) — I move:

That I have leave to bring in a bill for an act to amend the Planning and Environment Act 1987 to provide for the protection and conservation of distinctive areas and landscapes, to make consequential amendments to other acts and for other purposes.

Mr BATTIN (Gembrook) — I ask for a brief explanation of the bill.

Mr WYNNE (Minister for Planning) — The bill implements the government's commitment in *Keeping it Liveable: Labor's Plan for Your Community*. It legislates to protect the iconic and historic Macedon Ranges region, promoting jobs by protecting the natural beauty of the ranges and preserving its environment and rural values.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Mornington Peninsula planning

To the Legislative Assembly of Victoria:

The petition of the residents of the Mornington Peninsula draws to the attention of the house the need to protect the Mornington Peninsula from inappropriate development by:

1. removing 'as of right' approvals which now allow three-storey developments and buildings up to 11 metres high within our general residential zone;
2. repealing recent changes which have expanded the scope of VicSmart planning applications, removing residents rights to be aware of future developments in their neighbourhood;
3. ensuring our existing design development overlays, which prohibit three-storey developments within general residential zones, are protected in perpetuity;
4. implement mandatory controls to strengthen and enforce the intent of our 2014 *Mornington Peninsula Localised Planning Statement* to override, in unambiguous language, any changes to the planning scheme, thereby providing a clear direction for decision-making;
5. protecting and strengthening local council control within the green wedge zone and rural conservation zone by limiting, or where necessary, preventing commercial and industrial developments on rural land, including accommodation complexes.

By Mr DIXON (Nepean) (389 signatures).

Mornington Peninsula public transport

To the Legislative Assembly of Victoria:

The petition of the residents of the Mornington Peninsula draws to the attention of the house the legacy of underinvestment in our public transport services and request a complete service review to identify, fund and resolve shortfalls to enable public transport on the Mornington Peninsula to align with PTV's minimum service level, including but not limited to:

1. bus route changes to ensure all business, commercial, educational and all residential areas are properly serviced with the timetable they need, and in particular bringing route 788 bus (Frankston to Portsea) to a 20-minute timetable; extending route 783 bus (Frankston to Hastings) service; reconfiguring Mornington North bus services;
2. find and invest the \$6 million allocated in the 2014 budget for Mornington Peninsula bus infrastructure, but which has never been seen;
3. provide bus access direct to Frankston Hospital from all points around the peninsula;
4. a cross-peninsula service from Hastings to Rosebud, and another from Hastings to Mornington;
5. provide bus services to our key tourism destinations with intrapeninsula shuttles in peak season;
6. provision of express commuter services of major bus routes directly to Frankston station and Monash University Peninsula campus;

7. update all bus route signage to reflect current standards across all bus routes.

By Mr DIXON (Nepean) (92 signatures).

Victoria State Emergency Service Cobram unit

To the Legislative Assembly of Victoria:

This petition of business owners and residents in the Cobram area (Ovens Valley electorate) draws the attention on the house the urgent need for a headquarters for the Victoria State Emergency Service Cobram unit.

At present they are operating out of Tocumwal, NSW (18 kilometres away), which affects their response times to emergency calls.

After experiencing two tornados and several floods in the last 10 years, the unit is also called upon for road crash rescue, storms and assisting all our other emergency services. The petitioners therefore request that the Legislative Assembly of Victoria considers providing funding for this unit to be able to bring all of their equipment et cetera this side of the Murray River into Victoria to do what they are trained for and to enhance flood response of the Victorian side of the border, and also to continue to support our NSW partners.

**By Mr McCURDY (Ovens Valley)
(1267 signatures).**

Creswick ambulance station

To the Legislative Assembly of Victoria:

The petition of residents in the Ripon electorate calls on the Legislative Assembly to note that:

the ambulance station in Creswick is only open 12 hours a day;

Creswick is growing, and a 24-hour ambulance station is required to ensure the community's health and wellbeing.

We, therefore, call on the Daniel Andrews Labor government to ensure a 24-hour ambulance station in Creswick.

By Ms STALEY (Ripon) (398 signatures).

Remembrance Drive speed limit

To the Legislative Assembly of Victoria:

The petition of residents in the Ripon electorate calls on the Legislative Assembly to note that:

the proposed change to the speed limit along Remembrance Drive is not supported by the residents.

Remembrance Drive is a commuter corridor, and lowering the speed limit will cause congestion and gridlock.

We, therefore, call on the Daniel Andrews Labor government to not permit the speed limit to be lowered.

By Ms STALEY (Ripon) (35 signatures).

Tabled.

Ordered that petitions presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

Ordered that petition presented by honourable member for Ovens Valley be considered next day on motion of Mr McCURDY (Ovens Valley).

Ordered that petitions presented by honourable member for Murray Plains on 12 December be considered next day on motion of Mr WALSH (Murray Plains).

DOCUMENTS

Tabled by Acting Clerk:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Management and Storage of Combustible Recyclable and Waste Materials (*Gazette G49, 7 December 2017*)

Ombudsman — Investigation into the financial support provided to kinship carers — Ordered to be published.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

Council's suggested amendments

Returned from Council with message relating to suggested amendments.

Ordered to be considered later this day.

MEMBERS STATEMENTS

Crime prevention

Mr R. SMITH (Warrandyte) (09:38) — Despite this government's rhetoric that they are dealing with the unprecedented crime wave that has engulfed Victoria over the past three years, I rise today to highlight the fact that residents, not only in my electorate of Warrandyte but also across this state, still live in fear. I recently came across a post on a local community alert page on Facebook, a post which should make those on the Labor side sit up and take notice. The post described a conversation between a husband and wife regarding whether or not they should leave their car keys in plain sight for burglars to immediately see if they break into their house while the family sleeps, thereby hoping that any home invaders would leave their family alone and be spared the violence that has become so common under this government's watch.

It is a sad indictment of the Premier and his Labor government that conversations such as these have become the norm. That people have to live in a state of fear and are actively discussing that giving their car to violent criminals may be the only way to keep their families from harm is a tragic circumstance and one which we on the side of the house do not accept. This government's soft approach on crime has allowed criminals to terrorise innocent families knowing all the while that there will be few consequences. This government has comprehensively failed Victorians when it comes to community safety.

Only a government led by the Leader of the Opposition will protect communities through mandatory sentencing for violent offenders, reforming the bail and parole systems and, unlike this government, putting victims' rights ahead of those of criminals.

Lions Village Bellarine

Ms NEVILLE (Minister for Police) (09:40) — On Friday, 1 December, I had the pleasure of opening the new Alan and Winifred Vallance complex at the Portarlington Lions village. The Portarlington Lions village is a senior citizens home that has been an important part of the Portarlington community since it opened in 1983. It derived its name from the significant contribution the local Lions Club played in its establishment and in its continuation.

Since that time the village has continued to grow and prosper, thanks to its provision of quality accommodation and lifestyle, overseen by a very effective committee of management. The village has over the decades seen a number of building stages through the 1980s and 1990s and, prior to this new complex, in 2005, which I was pleased to open as well. This facility provides affordable, low-cost, quality, stable accommodation to aged pensioners on the Bellarine Peninsula, filling a major gap on the peninsula.

The naming of the new complex after Alan and Win is a much-deserved honour for the couple, who have been integrally involved in the village since it was first mooted in 1978. Alan and Win are wonderful people who have contributed to the village in many ways for well over a combined 60 years. They have both served on the committee of management, including as president and secretary, and are an integral part of the social fabric and day-to-day life of the village.

In congratulating Alan and Win, I also congratulate all those involved in the development of the new complex — current president Geoff Webster, secretary Roger Sanders and outgoing secretary Kayleen

Harman — for their extraordinary work. To all, a great job well done and a great facility for the older community on the Bellarine.

CityLink tolls

Mr T. BULL (Gippsland East) (09:41) — Many Gippsland motorists use the Monash Freeway and CityLink to access the city and accordingly pay the tolls that are paying it off. That is how a fair user-pays system works. But what they will not stand for is the scam proposal that is being perpetrated by the Andrews government that will see East Gippsland motorists who use the Monash paying for a tunnel on the other side of the city that many will never use. There is nothing fair about slugging East Gippsland motorists with up to 12 years of extra CityLink tolls to pay for a road in the west that they will never use.

Energy supply

Mr T. BULL — The Minister for Environment, Energy and Climate Change's recent assurances that Victoria will have sufficient energy in the grid over summer are not washing with at least one Bairnsdale business. Bairnsteel has forked out over \$30 000 for a backup generator to ensure it has power supply continuity in the event of load shedding on hot days. This absurd situation will likely be replicated by other business owners whose livelihoods are threatened by a fragile and unreliable electricity supply, courtesy of this government.

Gippsland East electorate neighbourhood houses

Mr T. BULL — I wish to highlight the Victorian neighbourhood houses campaign calling on the Minister for Families and Children and Minister for Youth Affairs to deliver on the ALP's 2014 election commitment to invest in and expand the network of neighbourhood houses. To date, over 550 campaign postcards, like many I have received, have been signed by members of the public from my electorate supporting neighbourhood houses in areas like Bairnsdale, Bemm River, Benambra, Bendoc, Buchan, Cann River, Swifts Creek, Lakes Entrance, Orbost, Mallacoota, Paynesville, Tubbut, Briagolong, Dargo, Heyfield and Maffra. They are concerned the minister is not going to —

The DEPUTY SPEAKER — The Minister for Tourism and Major Events.

University Hospital Geelong

Mr EREN (Minister for Tourism and Major Events) (09:43) — I was pleased to attend the University Hospital Geelong recently, along with the Minister for Health and the member for Geelong, for the official opening of the new Barwon Health surgery hub. The surgery hub is a \$6.38 million project and has been made possible with funding from the Department of Health and Human Services as part of a \$93.27 million upgrade of the Geelong hospital.

It is a significant reconfiguration and expansion of the recovery suite and day of surgery admission area adjoining the current theatre suite. It includes consulting rooms, 12 holding bays, 11 recovery bays, offices and waiting admissions, discharge, patients' belongings and family rooms. Another wonderful feature is the dedicated paediatric area, which will aim to support children and their families. This is a wonderful project, and special thanks go to all involved for ensuring this project was able to come to fruition.

Geelong major events

Mr EREN — Also over the coming months sporting fans can look forward to a blockbuster calendar featuring the best of the best. There are a number of events going on in Geelong: the Cadel Evans Great Ocean Road Race, the Geelong Festival of Sails and the Melbourne Renegades versus the Sydney Sixers in blockbuster men's and women's fixtures at the GMHBA Stadium.

Of course Geelong's summer of major events just would not be complete without Victoria's premier golf tournament, the Oates Vic Open. Last Friday, 8 December, I was pleased to attend the launch of the 2018 Oates Vic Open, and it was fantastic to see some of the stars right there. The open is now a feature in our state's outstanding calendar of golf events. As Australia's only joint men's and women's state professional golf tournament, this event continues to be a game changer, especially for women in golf.

St Jude's School, Langwarrin

Mr BURGESS (Hastings) (09:44) — On 10 November I was very proud to present Langwarrin's wonderful St Jude's School with a certificate congratulating them on their nomination for the prestigious Community Leadership School of the Year award in the 2017 ResourceSmart School Awards. These awards recognise schools that commit to establishing sustainable environments by minimising waste, saving energy and water, reducing greenhouse

gas emissions and providing solutions to tackling climate change.

Remembrance Day

Mr BURGESS — On 11 November this year I was honoured to join the Hastings RSL sub-branch and the Hastings community for a service and wreath-laying ceremony at the Hastings cenotaph to commemorate Remembrance Day. Each year at the 11th hour of the 11th day of the 11th month we stop and show appreciation to our servicemen and women past and present for the freedoms Australians all cherish.

White Ribbon March

Mr BURGESS — On 25 November I was pleased to participate in this year's White Ribbon March and to show support for the prevention of violence against women.

Liberal Party election candidate

Mr BURGESS — On 4 December I was pleased to join the Liberal candidate for Ivanhoe, Monica Clark, in doorknocking small businesses in the Ivanhoe area. Victorian small businesses have had enough of a government that is run by a bully and that governs only for itself and its union mates. After watching Monica connecting with her community, I have no doubt she will do very well in next year's election.

Marion Harriden

Mr BURGESS — On 8 December I was pleased to present Marion Harriden with a certificate recognising her 11 years as chairperson of the Somerville Community House. Marion has always put her community first, and this recognition is well deserved.

Somerville Football Netball Club

Mr BURGESS — Last Sunday I was grateful for the opportunity to help the team at Somerville Football Netball Club cook up a storm for shoppers at Bunnings Hastings. The sausage sizzle raised over \$1000 for the club.

Frankston electorate drug and alcohol services

Mr EDBROOKE (Frankston) (09:46) — I am pleased to announce that more than 400 people are now able to access their health needs and get addiction treatment outside the Frankston CBD, in their home town, for the first time in many decades. This win-win result has been achieved by evidence-based decisions and turning the way we looked at this issue on its head.

By looking at the actual facts of the drug issue in Frankston, which is reflected in many other suburbs across the state, it was not shown to be at all how it was portrayed. People came to Frankston from the peninsula for treatment because it was their only option.

So we decided to initiate in-reach nurse educators to assist peninsula doctors to get trained up in this complex sector. Now more than 51 GPs across the catchment are trained to treat people with complex needs locally, where they live. We are also developing the first centre of excellence in addiction medicine in Frankston, a partnership between Monash University and Peninsula Health. These two successful nation-leading initiatives started right here in Frankston and will be used elsewhere, I am sure. We should be very proud of this as a community.

Monterey Secondary College

Mr EDBROOKE — Last week at the prestigious Fire Awareness Awards, Monterey Secondary College Victorian certificate of applied learning (VCAL) students won the Community Learning and Knowledge Award for the Monterey fire-ready program. Every VCAL student studied the certificate in public safety as an extra vocational education and training subject. They also won the overall RACV Insurance Award for Excellence and a \$10 000 prize. Congratulations to Monterey students; you are a credit to Frankston.

Pacific School Games soccer competition

Mr EDBROOKE — Congratulations to Derinya Primary School student Alessandra, who represented Victoria in the national schoolgirls soccer championships in Adelaide this month, with her team walking away with the under-12s championship trophy. Awesome effort, Alessandra and team!

Community Support Frankston

Mr EDBROOKE — I would like to wish Community Support Frankston and all their volunteers the best today for packing the hampers for Christmas.

The Knox School

Mr WAKELING (Ferntree Gully) (09:47) — I recently had the pleasure of attending the Knox School's annual Christmas giving tree assembly. I wish to congratulate the school, which collectively raised over \$15 000 for donations provided by the Salvation Army. They will use that money to support over 80 families in the Knox community. Congratulations to principal Alan Shaw and to the staff and students for a great outcome.

Ferntree Gully Cricket Club

Mr WAKELING — I was also pleased to recently attend the Ferntree Gully Cricket Club's president's luncheon, with former police commissioner Kel Glare as guest speaker. It was a very informative speech, and I congratulate the club on the success of the event and also wish them all the best for success this year in the Ferntree Gully and District Cricket Association.

Rotary Club of Fern Tree Gully

Mr WAKELING — I was also pleased to attend the Rotary Club of Fern Tree Gully's annual presentation for students from both Ferntree Gully North Primary School and Fairhills Primary School who completed the Rotary junior community program. It was a fantastic event with a number of students who participated in a range of programs, and I congratulate Rotary and the schools for providing students with this great opportunity.

Mountain District Learning Centre

Mr WAKELING — I also had the great pleasure to attend the Mountain District Learning Centre's Victorian certificate of learning and cottage students' end-of-year celebrations. Congratulations to everyone at the Mountain District Learning Centre — to Janet Claringbold, to all staff and to all the board for providing great educational opportunities for many students in our region who would normally be lost to education. It is a great organisation.

Pascoe Vale electorate Catholic primary schools

Ms BLANDTHORN (Pascoe Vale) (09:49) — I wish to congratulate all of those students from the more than seven Catholic primary schools who entered my annual Christmas card competition and to acknowledge each of the best-in-school entries at each school and also the overall winner. Hundreds of students from Corpus Christi Primary School, St Fidelis Primary School, St Francis de Sales, St Marks Primary School, St Oliver Plunkett Primary School, St Thomas More Primary School and St Paul's Primary School entered my annual Christmas card competition. Tegan McKenna from Corpus Christi won best in school for the second year in a row, Micaela Xerri from St Fedelis won best in school and Nicholas Florentino from St Francis won best in school. Alexandra Brecci from St Mark's Primary School, Kayla Ellul from St Oliver Plunkett Primary School, Gianluca Guglielmino from St Thomas More Primary School also won best in school, and Lucy Pereira from St Paul's Primary

School won the overall winning design. Each of the best in school entries will have received a \$50 voucher for use at the children's bookshop in Coburg called Pictures and Pages, and both the winning school and the winning student have won a \$100 voucher for Pictures and Pages.

This is the second year in a row that St Pauls's Primary School have submitted the winning entry. Lucy's design is made up of the Star of Bethlehem shining down upon a Christmas tree on the peak of a hill. There is a magical skyline, and a shepherd's delight composed of a number of warm colours forms the backdrop. It certainly is a beautiful design.

Willowfest Girls Cricket Academy

Mr CRISP (Mildura) (09:50) — I would like to congratulate Willowfest on the establishment of the Willowfest Girls Cricket Academy. The academy, made possible with the aid of a \$3000 VicHealth grant, was launched last week and aims to provide girls with resources locally rather than having them travel to capital cities to foster their potential. Long term they are hoping to also give the girls the opportunity to tour abroad. This is a great initiative which will help grow the participation of females in cricket.

Operation Challis

Mr CRISP — I was delighted to attend the Operation Challis family fun day on Saturday. Operation Challis is a local charity established by John Burfitt to raise funds to assist families with children fighting life-threatening conditions. These funds are raised to assist them with travel and accommodation costs incurred when the child is undergoing treatment in Melbourne or Adelaide.

Dudley Marrows

Mr CRISP — I was privileged to be invited to speak at the 100th birthday celebration of Dudley Marrows, Mildura's most distinguished World War II veteran. At 24, Dudley was the pilot of a Sunderland flying boat, with the 461 Squadron in the World War II Battle of the Atlantic. His heroism included leading an attack against three German U-boats, which saw a submarine sunk with the same call sign — U-461 — as his squadron. After flying back over the wreckage, Dudley saw 15 men struggling in the water and dropped the Sunderland's dinghy to them — a controversial act at the time.

Dudley received two wartime honours: the Distinguished Service Order and the Distinguished Flying Cross. In 2015 he became the only recipient in

north-west Victoria of the Legion of Honour, France's highest decoration. Upon moving to Sunraysia, Dudley purchased a soldier settlement block and became a prominent citrus grower.

Westfield Southland

Mr RICHARDSON (Mordialloc) (09:52) — It is coming up to three months since Westfield Southland announced that they would be introducing paid parking for their workers. Approximately \$500 000 has now been taken out of the community from low-paid retail workers who have already had a hit to their penalty rates and who are already struggling to make ends meet. I want to place on the record my great concern leading into Christmas about the impact on these families and ask, once again, for the Scentre Group and Westfield to reconsider their decision to charge workers for parking.

I want to congratulate the Lowy family on an extraordinary result, with Westfield accepting an offer of \$33 billion for their empire. Sir Frank Lowy's story is an extraordinary tale. He established Westfield out at Blacktown, and an incredible empire was created in the retail service, underpinning the prosperity of Westfield and creating many hundreds of thousands of jobs. But the big concern is the \$2 million that has been ripped out of the pockets of low-paid workers in the Mordialloc electorate and surrounds who are struggling to make ends meet. A great Christmas gift would be for the Lowy family, the Scentre Group and Westfield Corporation to do the right thing and return the money to these workers, who have already had a hit to their penalty rates and are struggling going into Christmas. I renew my call: hear our call, Sir Frank Lowy and Scentre Group CEO Peter Allen, and support these retail workers.

Melbourne Pavilion event

Ms SANDELL (Melbourne) (09:53) — There is simply no place for racism and sexism in our community. My electorate of Melbourne is a compassionate and multicultural community, and this diversity is part of what makes Melbourne, including my neighbourhood of Kensington, such a great place to live. But last week the values that we hold dear were threatened. An international far-right Neo-Fascist — and I will not give him the pleasure of naming him — came to speak at the Melbourne Pavilion on Racecourse Road in Kensington. He used this platform to spread hateful, racist and sexist messages, and brought members of the far right to our suburb. They were aggressive and goaded peaceful protesters, nearby public housing residents and African community

members, leading to violence. This violence and hate is not welcome in our community. Thank you to everyone who responded peacefully with a strong message of community and multiculturalism. This is the message that will always win.

I am also concerned about reports that the police response was disproportionate and indiscriminate, including the use of capsicum spray on the public housing estate in Flemington into the night. I stand with the Kensington and Flemington community in condemning all of this violence, and we will be holding a public meeting this week to bring the community together to talk about what happened. Those who seek to divide us — whether they be politicians, far-right protesters or those seeking fame and fortune through their hateful views — will not win, because our community is stronger and more open-minded than that.

Kylie on Stage exhibition

Ms COUZENS (Geelong) (09:55) — I was pleased to represent the Minister for Creative Industries at the opening of the Kylie on Stage exhibition at the Geelong Gallery. The exhibition shows the fabulous stagecraft of Kylie Minogue, one of our most celebrated performers. It features Kylie's spectacular stage costumes alongside designs, working drawings, photos and footage. Kylie on Stage rounds off a big year for the Geelong Gallery, hot on the heels of the 2017 Archibald Prize exhibition. Congratulations to Jason Smith, the CEO, and the team at the Geelong Gallery. They are doing an amazing job. I also had the pleasure of announcing that the Geelong Gallery will receive \$28 000 funding through Creative Victoria's engaging audiences program.

Christ the King School, Newcomb

Ms COUZENS — I want to congratulate Christ the King School's Cre8te the Future team for making it through to the First Lego League national championships in Sydney. They have taken out the inspiration award and will now go to Hungary for the international competition in May next year. This amazing team should be very proud.

Building unions picnic, Geelong

Ms COUZENS — I also had the pleasure of opening the Geelong builders picnic, which was a fantastic day. Hundreds of building workers and their families spent the day enjoying rides, games and entertainment. Congratulations to the building unions for allowing families to have a special day.

Swinburne University of Technology

Mr PESUTTO (Hawthorn) (09:56) — I congratulate Swinburne University of Technology's chancellor, Graham Goldsmith; the vice-chancellor, Linda Kristjanson; the director of multicultural engagement, Chin Tan; and the entire Swinburne University team on winning an award in Victoria's Multicultural Awards for Excellence in 2017. On 23 November Jane Ward received the award at Government House on behalf of Swinburne University. I am advised that Swinburne University is the first university to have won such an award in Victoria's Multicultural Awards for Excellence. Vice-chancellor Linda Kristjanson said that at this relatively early stage of their cultural diversity journey, to win an award of this magnitude is an encouragement and affirmation of the work the university has done so well.

Major John Frewen

Mr PESUTTO — I wish for this Parliament to note the passing of Major John Frewen, a stalwart of my local community and the veterans community. John passed away on 4 December 2017. He was a devoted and loving husband of Louise and a very proud father of John, Michael and Nicholas. He was a highly decorated soldier and officer who undertook three tours of Vietnam, earning him numerous honours. John Frewen was a distinguished member of the Camberwell City RSL sub-branch, where he was a long-time member and president for 20 years from 1997 to 2017. John gave his life to the service of his country and community, and he will be missed not just by his loving family but by everyone at Camberwell City RSL.

Ivanhoe electorate schools

Mr CARBINES (Ivanhoe) (09:58) — It has been a year of cheer in the Ivanhoe electorate. Can I just say that at Viewbank College, my old school, the \$11.5 million new performing arts centre, science, technology, engineering, arts and maths classrooms will open next year and benefit some 1200 students. Rosanna Golf Links Primary School, which is also the regional school for the deaf, will receive over \$6 million for the redevelopment of classrooms and administration facilities — a school that my daughter will start prep in next year. That project will also conclude next year, and I thank people in the school community for their patience. At St Martin of Tours Primary School, a \$3.5 million 10-classroom redevelopment for over 500 students is now under construction. Master plans for a new school at Olympic Village in West Heidelberg and for Banyule Primary School to serve over 650 students have both been

completed. Project work is now underway at Banyule Primary School for their new gym. At Ivanhoe Primary School a \$2 million additional permanent classroom project is also to get underway over the school break. The \$10 million Banyule-Nillumbik Tech School is now under construction.

Ivanhoe electorate infrastructure

Mr CARBINES — The \$395 million Hurstbridge line upgrade will be concluded by the end of April next year, including boom gates at Lower Plenty Road, Rosanna, and Grange Road, Alphington, a new station at Rosanna and duplicated track between Heidelberg and Rosanna. Not only that, but we have made an announcement for a new \$3 million home base for the Victoria State Emergency Service in West Heidelberg. There are many other projects. If you are not in hi-vis in Ivanhoe, you are just not trying.

Harold Holt

Mr T. SMITH (Kew) (09:59) — The 17th of December is the 50th anniversary of the passing of the Right Honourable Harold Holt, the 17th Prime Minister of Australia. Harold Holt was a great Victorian. He was the member for Fawkner in the federal Parliament between 1935 and 1949 and the member for Higgins between 1949 and his untimely passing in 1967.

Harold's children Nicholas, Sam and Andrew are well loved within the Liberal Party. Sam and his wife, Zegna, are very dear friends of mine, and it has been my pleasure to get to know them since I was the mayor of Stonnington way back in 2010. The enormous contribution made by Harold Holt to our nation cannot be underestimated. As Treasurer he presided over the creation of the decimal currency. As Prime Minister he furthered our relations with South-East Asia and with the United States, and he presided over the ending of the White Australia Policy and the 1967 referendum to recognise Aboriginal people in the census. I pay tribute to his contribution to our state and to our nation, and particularly to his sons Nicky and Sam.

Growing Suburbs Fund

Mr J. BULL (Sunbury) (10:01) — What an outstanding day Friday, 1 December, was in my electorate. I joined players, committee members and supporters at the East Sunbury Thunder sporting oval to confirm the Andrews Labor government will invest over \$2 million in a master plan for a new oval, new pavilion, netball courts, parking and lights.

This money is made possible of course through the Andrews Labor government's Growing Suburbs Fund, a fund that has delivered so much for my electorate. I would like to thank the minister, who I see is at the table, for her commitment to East Sunbury. We are thrilled with the news, and this is yet again another project that will make a significant difference to my community.

On the Growing Suburbs Fund, last year I was thrilled to be able to announce \$400 000 for the Sunbury tennis club, and last week I joined Hume mayor, Geoff Porter, and a number of councillors, including former mayor Drew Jessop and former deputy mayor Ann Potter — both strong advocates for the project — for the opening of this brand-new pavilion. It was a great day, and I want to thank all who made it possible.

Sunbury electorate

Mr J. BULL — For three years the Andrews Labor government has been putting people first in my electorate, with record investment in local schools, funding towards the brand-new Sunbury global learning centre, a new pavilion for the Sunbury tennis club, an upgrade of Boardman oval, the East Sunbury Thunder upgrade, the Gap Road and Horne Street intersection signalisation, the Melbourne-Lancefield Road upgrade, a new men's shed at Tullamarine, noise barriers at Gowanbrae, a \$53 million upgrade of the Sunbury recycled water treatment plant, signalisation of the Mickleham Road and Melrose Drive intersection, and working towards a final master plan for Jacksons Hill.

I would like to take this opportunity to thank my caucus colleagues, local branch members, supporters, terrific staff, wonderful family and friends who have made 2017 a fantastic year for the Sunbury community.

Country Fire Authority volunteers

Ms McLEISH (Eildon) (10:02) — The Andrews Labor government stands condemned for its treatment of Country Fire Authority (CFA) volunteers. I know that brigades across the Eildon electorate are very proud of their heritage and their history. *Fire Wise* is a part of that history, having provided information to CFA volunteers for 50 years. That is why it is so bitterly disappointing that the \$60 000 annual grant to assist in *Fire Wise's* publication was recently cut. In this month's edition of *Fire Wise*, editor Gordon King said:

... it is vitally important for there to be a thriving and respected opportunity for the voice of CFA volunteers to be shared and for the unconstrained conversations about volunteer issues, ideas and opinions to be on the table.

Under the Andrews Labor government we are seeing the complete opposite. This is just another shoddy attempt at silencing volunteers who do not agree with the Premier's plan to split the CFA. CFA members see this as just another attack on volunteers and volunteerism.

Marine rescue services

Ms McLEISH — The Andrews Labor government stands condemned for its treatment of marine rescue volunteers. It is outrageous that volunteers have to fundraise to pay for fuel for their vessels, which can be up to \$300 a day. There has been no money allocated in the budget to support this vital service. The Victorian coast guard and independent units are a critical and extremely specialised part of our emergency management system, being involved in patrol; search and rescue; assisting boats in distress, out of fuel or sinking; and drownings. Marine rescue is reliant on a highly skilled volunteer workforce of about 870. They are ready to respond 365 days a year. It is a disgrace, the way they are treated by the government.

Oakleigh electorate schools

Mr DIMOPOULOS (Oakleigh) (10:04) — As we come to the end of another school year, I rise to pay tribute to those school leaders in my community who have decided to enjoy a well-earned retirement.

First is Jack Fisher, the principal at Oakleigh primary. I have worked really closely with Jack over the last three years, particularly regarding developing the school's new master plan. It is sad to see him go, because when the school moves to the next stage — and it will — it will have Jack's fingerprints all over it. Then there is Craig Tanner from Hughesdale Primary School. Craig has been a really passionate advocate for his school for so many years. It was a real pleasure to see that we were able to achieve his goal of an upgrade in his final year.

And last is Michael McCarthy, the assistant principal at Carnegie Primary School. Michael and the principal, Linda, work so well as a team, and it was through their guidance and support that we were able to achieve the major upgrade at the school. I will certainly miss his bubbly enthusiasm, but I know he will be back to see the fruition of his hard work when the upgrade is complete.

These are just a few staff members who I have worked closely with over the last three years, as well as Heather Hill from Murrumbeena Primary School, who left a few months ago and who I paid tribute to earlier this year. I know there are many other school staff who are also retiring this year. I wish all the teachers and staff

retiring the very best for the future, and I thank them sincerely for their service. Without their passion our education system as we know it would not exist.

Christmas felicitations

Mr WATT (Burwood) (10:05) — Christmas, like the Andy Williams song says, is the most wonderful time of the year. It is a time for frivolity and laughter. It is also time to take stock of the year past and the year ahead. Over the coming summer and into the New Year we will face a number of challenges, some foreseen and some unforeseen, like power blackouts. I would like to take this opportunity to acknowledge the people working through the festive season, the staff of our emergency services and hospitals, without whom we would not have a happy New Year. For now let us enjoy the most wonderful time of the year.

It is a pleasure to work with so many in my local community to improve the area in which we live. I wish them all a merry Christmas and a safe New Year. I also want to thank the parliamentary staff for the year past. I particularly thank my staff for all the work they have done over the last year, although not only the last year but the last seven years that they have been working with me. It is a pleasure to work with my staff. It is a pleasure to work with people in here, including the Hansard staff, and it is a pleasure to work with the people in my community. I wish everybody a merry Christmas and a safe and prosperous new year.

West Gate tunnel project

Mr WATT — Nearly two and a half years ago I asked the Treasurer to reject a proposal to slug motorists in the south-eastern suburbs in relation to the western distributor project. It is a disgrace that the Treasurer has decided to ignore those in my community and slug the people of Burwood with tolls so that he can pay for a road so his constituents can get —

The ACTING SPEAKER (Mr Edbrooke) — The member's time has expired.

St Albans electorate

Ms SULEYMAN (St Albans) (10:07) — The festive season has begun, and what a fantastic year it has been for St Albans. The removal of the deadly level crossings at Main Road and Ginifer has been a fantastic outcome for the local residents. We have begun the construction of the new Joan Kirner Women's and Children's Hospital.

Vietnamese Brimbank Senior Citizens Friendly Group

Ms SULEYMAN — On Thursday, 7 December, I attended the Vietnamese Brimbank Senior Citizens Friendly Group, a fantastic dedicated group of volunteers. I thank Helen Do and Luan Nguyen for inviting me to enjoy the Vietnamese culture of dancing and karaoke.

Joan Kirner Women's and Children's Hospital

Ms SULEYMAN — On another matter, I recently attended a fundraiser at Errington community centre for the Western Health Foundation and Joan Kirner Women's and Children's Hospital. The event raised funds towards the new hospital. I thank local Paul Spiteri from the Girna community group. The Maltese community is an integral part of the St Albans community. I thank everybody for their efforts in organising this fundraiser.

St Albans Lunar New Year Festival

Ms SULEYMAN — On a final note, I congratulate the St Albans Business Association. Again in 2018 the St Albans Lunar New Year Festival will be held in January. This event attracts over 20 000 people from across Melbourne to Alfreda Street in St Albans —

The ACTING SPEAKER (Mr Edbrooke) — The time for making statements has now ended.

STATEMENTS ON REPORTS

Electoral Matters Committee: electronic voting

Ms ASHER (Brighton) (10:09) — I wish to make a couple of comments in relation to the Electoral Matters Committee report on its inquiry into electronic voting dated May 2017. When most people think of electronic voting they think of casting their vote electronically. The committee has made recommendations on that, the government has responded and I have spoken on that previously. Today I would like to look at recommendations 5 and 6 of the committee, which look at the use of electronics and IT in an election, which is not always front of mind.

In recommendation 5 the committee recommends that the Victorian Electoral Commission (VEC) have electronic roll mark-off and asks that their investigation into electronic roll mark-off be included in their 2017–18 annual report. In recommendation 6 the committee requests that the VEC further investigate electronic ballot paper scanning for the 2018 Victorian state

election and report back to the committee. The government very sensibly in its response to the committee noted that these two recommendations were not directed to the government. However, the VEC has responded and I would like to, if I can manage not to create a Brighton by-election at the moment — I have tried very hard to avoid that for most of this term — look at the VEC's response to this.

The VEC made the observation that it has used electronic roll marking facilities since 2006 but only in a very limited capacity. In fact at the last state election, the 2014 election, there was electronic roll mark-off in the early voting centres and in some centres on election day. In total 31 per cent of the votes counted at the election were marked off electronically. However, the committee feels, and the VEC agrees, that electronic mark-off of rolls, first of all, speeds up queues, and secondly, stops the problem of people multiple voting. Multiple voting is not a massive problem in the state of Victoria, but I think this is a use of technology in our election system that would be advantageous to the integrity of the system. The VEC is going to report back to the Electoral Matters Committee, and we are looking forward to progress on that front to a more efficient electronic roll mark-off for the next election.

The committee also recommended that technology could be used for the counting of the votes to a greater extent than it is used now. Of course all members would know that the Legislative Council has an electronic count, and the VEC in its response to the committee goes into some detail about the way in which that is done for the upper house. I want to quote from its response to the committee:

The VEC does see merit in capturing ballot paper preferences electronically for Victorian Legislative Assembly elections and is considering the conduct of a pilot using data entry in the near future to do so.

The VEC makes the observation that this would allow faster preference distributions for Legislative Assembly seats, and it is going to report back to the Electoral Matters Committee by 30 June 2018 on that.

Can I use this opportunity, if I may, in the presence of the deputy chair of the committee, the member for Yuroke, in the first instance to acknowledge the work of the committee on this particular reference; we worked very cooperatively. As I often say, it is a great shame that the public does not see cooperative work across parties. I also want to acknowledge the VEC. They have been responsive to these two recommendations, and I look forward to hearing back from the VEC on these two fronts. I think these are very, very important recommendations that, if implemented, would add to the

smooth running of the 2018 election, and I look forward to their implementation.

**Public Accounts and Estimates Committee:
budget estimates 2016–17**

Mr McGUIRE (Broadmeadows) (10:14) — I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates for 2016–17 and particularly to the contribution by the Minister for Industry and Employment, who referred to how working in a collaborative fashion presents an opportunity to drive strategic results. I want to continue my contribution on strategic results and how we can actually get this done, not just in relation to the Victorian government but how we deal with this with the Australian government.

My call is that Australia needs unity tickets on issues of national significance like medical research so they are not gamed by partisan politics and to eliminate follies. This was highlighted again just last week, when the jewel in Australia's medical research crown, CSL, unveiled its new world-class manufacturing facility in Broadmeadows. It will create life-saving medicine and hundreds of jobs. I was delighted to join the Minister for Trade and Investment and the Minister for Industry and Employment at the opening of the \$230 million Broadmeadows facility, which will create 200 new local full-time jobs. This was a co-investment by the company and the Victorian government. The facility will manufacture albumin, a protein derived from human plasma used in critical care to treat burns and shock. CSL expects the facility to produce therapies with an estimated annual market value of \$850 million, with plans to export products to the United States and Europe while also producing products for the Australian market.

The company provides life-saving products to more than 60 countries and employs nearly 20 000 people, with major facilities in Australia, China, the UK, Germany, Switzerland and the USA. In Australia CSL employs more than 2000 people with 98 per cent of them in Victoria. Victoria is a world leader in the development and manufacture of biotechnology, medical technology and pharmaceutical products. Here is the rub: in the document I produced last year, *Creating Opportunity: Postcodes of Hope*, I highlighted that CSL built a \$500 million plant not in Broadmeadows but in Switzerland to manufacture three of its new products and warned a Senate inquiry in 2014:

Australia is a relatively unattractive location ... to commercialise locally developed intellectual property ... into global markets.

This is where we have got to get the connection right with the Australian government. The Andrews Labor government has established the Science, Medical Research and Technology Ministerial Advisory Panel to actually help address such issues, to bring capital to ideas, to bring the science from the benchtop into a business and to help create more CSLs. This is the big-picture vision. This is what we are trying to do. Victoria is the leader in the latest round of National Health and Medical Research Council grants from the independent experts. Victoria again has the largest share of the total competitive grants at about 40 per cent. The lion's share goes to the lion. We are leading like the lion. This is the proposition.

To end on that point, we want the Australian government to be more collaborative about these issues, to actually get a deal done so that we can make the best offer to companies like CSL, because it would be fantastic for them to put their \$500 million plant right next to the one that we have just extended in Broadmeadows and use that as the platform for this manufacturing for the world. We have to get the value out of our intellectual property. We have to then manufacture it here and get the jobs, further the investment and add to the world-leading proposition that we have.

This issue goes to what we are doing on cancer. I put up the proposition that Australia should partner America in the moonshot quest to cure cancer. The Premier was able to get Joe Biden, then US vice-president, to come here for the opening of the billion-dollar jewel in our medical research crown, the Victorian Comprehensive Cancer Centre, yet the Australian government put the proton beam therapy centre in Adelaide, not in the Royal Children's Hospital in Melbourne. This was the second folly. This was a mistake. I call on the Australian government to reverse that decision.

Further to the negotiations with America, much progress has been made in developing these connections and collaborations. The Victorian Cancer Agency will continue to progress long-term opportunities around genomics, surveillance and prevention and also work with Victorian cancer researchers to leverage possible funding through the Beau Biden Cancer Moonshot. Beau Biden, Joe Biden's son, unfortunately died of brain cancer.

**Economic, Education, Jobs and Skills
Committee: community energy projects**

Mr CRISP (Mildura) (10:19) — I rise to speak on the report of the Economic, Education, Jobs and Skills Committee inquiry into community energy projects

tabled in September 2017. The report looked at many and differing community energy projects. The one I wish to talk about today is a little different but very relevant to our current times. During the committee's inquiry AGL made a submission, and they also gave evidence. In the submission there is one part on page 4 that says:

In August 2016, AGL announced that it will develop the world's largest virtual power plant, which will involve 1000 connected batteries installed in homes and businesses in South Australia, providing 5 MW of peaking capacity, and offering customers the opportunity to store and use more of their rooftop solar generation, and to save on their energy bills. AGL hopes that this project will demonstrate how coordinated distributed energy resources can create new sources of value across the energy supply chain, and how customers and utilities can access and share in these benefits.

When AGL came to give evidence I sought to explore more given what AGL had had to say in its submission. Again, on page 5 of the evidence that it gave, AGL responded to a line of questioning about the South Australian project and said, and I quote:

But the point of our project in South Australia is to demonstrate exactly what those values are. We are doing it in partnership with ARENA. The South Australian government is also pulling together an oversight panel that includes various stakeholders from the community sector, the networks and other key users so that everyone can see what is the total value created and then how might that equitably be shared. So what is the value for the household themselves, what is the value for the network, what are the extra services in terms of frequency and stability that are provided? What is the value for a generator like ourselves? The purpose of the project in South Australia is to prove ...

and demonstrate the value in such a process. I asked them about the time line and they said they were endeavouring to have them all installed within a year of them giving evidence, which has now passed, and that they would have some results in 2018.

Let us look at this project from the Victorian perspective and what we know. We have got a growing population. We have got reduced power supply due to the Hazelwood closure. We have got concerns about shortages during peak summer demand and we are seeking that industries shut down as a result of that peak summer demand and compensating them. That also means that we have a loss of productivity and an economic impact on the state of Victoria. We are installing diesel generators to bridge that gap, so about now we all should be having an 'aha' moment about what is actually happening. Did we consider in Victoria a similar project to what AGL has undertaken in South Australia to cover some of the shortfall and the costs involved with various aspects of running diesel generators?

A household-distributed battery solution similar to South Australia's in remote areas of the state could and would save energy and increase reliability. Saving energy is in the line losses in moving electricity. You cannot move electricity from a generator to a customer without losing some of it — quite a bit of it. Also our distributed model improves reliability. The Mildura region is different from the generators and has high line losses. The Mildura region would be a very suitable site for an AGL distributed storage — or virtual — power plant that could provide an alternative to diesel generators. It begs the question: how much is the diesel standby generating capacity costing Victoria? What else could we have done with that money? What could have been purchased, and how many small-scale domestic battery installations could have been purchased in that style of model? These are questions that need to be answered, as we will have energy issues with us for some time and families will continue to suffer the impacts of those energy issues and energy pricing.

Public Accounts and Estimates Committee: budget estimates 2016–17

Mr STAIKOS (Bentleigh) (10:24) — I refer to the Public Accounts and Estimates Committee (PAEC) inquiry into budget estimates 2016–17 and in particular to the appearance by the Minister for Education on 10 May 2016 and that particular transcript. There were two points that the minister highlighted that I want to focus on. The first one is where the minister highlighted the investment in special schools, specifically a \$68.5 million investment in infrastructure for children with disabilities to fund upgrades to 20 specialist schools, including all of those identified in the worst condition.

At the time I was very pleased that my electorate was a significant beneficiary of that, with two schools receiving funding in that budget. Bayside Special Developmental School received planning funding and subsequently \$11.4 million for a rebuild. This is a school that celebrated its 30th anniversary last year. It has been accommodated in the buildings of the old Moorabbin High School on Genoa Street in Moorabbin. It is not fit for purpose; it was not purpose-built. That has been a problem for a very long time. Facilities have been substandard. Thanks to this government it will be rebuilt from top to bottom, and we are very proud of that.

Another special school in my electorate to receive funding for a rebuild is Berendale School, which received \$2.5 million for a brand-new building. We are going to start construction of that early in the new year. Berendale School has also been around for a long time, and one thing that Berendale prides itself on is that at the end of year 12 each and every one of

its students — with no exception — transitions to either employment or training. This is because education is part of the experience and giving students in special education — who unfortunately played second fiddle to mainstream education for too long, though not under this government — the dignity of fantastic school facilities should always lead to, when you finish school, getting the dignity of work. They do that at Berendale School. They achieve that not just because Berendale is a great school and has terrific teachers who make sure that they get on the pathway to training or a job, but they manage to achieve that because of the support of organisations like Marriott Support Services, which is also in my electorate.

Marriott is very much a social enterprise which has a number of supported workers with intellectual disabilities in the areas of land management, landscaping, mowing, garden maintenance but also at Marriott Industries, which is a warehouse in Cheltenham where workers with disabilities get a go and get the dignity of work.

This government has done some good work in ensuring that we support apprentices and also Indigenous Australians with jobs on government contracts. I think there are around 100 Aboriginal workers on the elevated rail project on the Dandenong line. What we need to focus on next is workers with disabilities to make sure that they get a fair go as well.

The other point that I make arising from the minister's appearance at the PAEC hearing is where he started talking about the boom in new student numbers across Victoria. He pointed out that Victoria will see an increase of 90 000 students over the next five years, and that in some of our fastest growing local government areas there is a primary school born every month. Even though my electorate is very much a well-established area, by 2021 we are expecting more than 1000 extra secondary school students. That is significant growth. At the moment the government is consulting on a new secondary school for the area. We had a community workshop last week, which was a huge success. Lots of ideas were shared. I am certainly looking forward to 2018 and continuing to consult and hopefully finalise plans on a way forward to ensure that we are accommodating this significant influx of secondary school students in my electorate.

**Family and Community Development
Committee: services for people with autism
spectrum disorder**

Ms McLEISH (Eildon) (10:29) — I rise to make a contribution on the report of the inquiry into services

for people with autism spectrum disorder (ASD), tabled by the Family and Community Development Committee in June this year. I note, Acting Speaker Edbrooke, that you were part of that committee. I think that was a good example of bipartisan politics at work. As we heard during the committee's hearings, the pathway to diagnosis is different for everybody. Living with autism is different for everybody, whether that is through your childhood years; school life; into adulthood, that transition from school to adulthood and transition again into work life; and of course becoming a family, an autistic parent with children of your own. We heard a different range of experiences. As has been said by me and others, if you have met one person with autism, you have met one person with autism, because the experience is very different for each person.

The first recommendation of the committee is very overarching. It is about consultation and engagement with people with autism spectrum disorder, their families and their advocates as governments go about developing policies, programs and services that support people living with ASD or impact on people with ASD. Too often we see that decisions are made by people who are sometimes in ivory towers and who do not actually go and listen and talk to people to find out what the needs are or what might be the shortcomings or indeed the positives of the implementation of a particular policy.

The chapters that we covered are quite varied, but I will note three of them in particular. One is on the early years. We also then have the school years and adulthood as separate years. I think this is really important because the experiences felt at each of those key periods is very different. With the early years, particularly in getting a diagnosis, there is a lot of running around and a lot of waiting while trying to locate the right specialists. There is difficulty in getting speech therapy, a paediatrician or even a psychologist or psychiatrist, and this is even more so in country areas.

The difficulty is not only in being diagnosed. Sometimes people were not diagnosed. They were told they did not have autism spectrum disorder or their child did not have autism spectrum disorder only for it to be found out much later on, perhaps at seven or eight years of age or even in the teenage years, that they were on the spectrum. That is really disappointing for families because they feel that they have lost so much time where they could have been dealing with it much more appropriately.

One of the points that actually came up time and time again during the overseas component of the study was actually how well Australia is doing in this field. It is

very easy for people in Australia to say that we are way behind the rest of the world, but in fact I came back thinking Australia is doing really well, in particular the reputation of the Olga Tennison Autism Research Centre (OTARC) and Cheryl Dissanayake, who is the founder and director of that centre. The reputation that she holds worldwide is really terrific. They have made some wonderful advances in the early detection of autism at La Trobe University. In particular they have done very well in identifying a set of behaviours or red flag markers which are characteristic of children with ASD from as young as 12 months.

Looking at that 12 month to two-year period is particularly important, and they have been able to identify these red flags. It can be with eye contact, gestures, pointing at objects, the response to being called by name or imitation or copying the activity of others. These have been developed into three checklists at about 12, 18 and 24 months, which have been used by maternal and child health nurses to identify those at risk. They had a particular cohort of maternal and child health workers. I think from memory about five different local government authorities were engaged in this program. The maternal health workers that I have spoken to said this is a brilliant program and that early identification really does allow them to help families on that road to really make some positive inroads to not only relieve their stress but also that of their children. I commend OTARC on the work that they have done and on their international reputation.

Public Accounts and Estimates Committee: budget estimates 2017–18

Mr PEARSON (Essendon) (10:34) — I am delighted to make a contribution on the report into the 2017–18 budget estimates from October this year. I particularly refer to the transcript of evidence of the Minister for Housing, Disability and Ageing on 31 May this year, specifically to pages 4 and 5 of the minister's evidence. It was very good evidence from the minister. I was delighted to be in his presence when he gave it. The evidence the minister gave at that time related to the redevelopment of the run-down, decrepit public housing estates across inner Melbourne. To quote the minister:

They are more than run-down, frankly. Far too many of them, particularly the concrete places, have well and truly expired in terms of their use-by date for what constitutes affordable, safe housing in 2017. They essentially condemn people to lifetimes of housing poverty in their current state.

It was a very good quote by the minister, and I think it neatly encapsulates the problem that confronts many public housing tenants in Victoria today. They are living today in decrepit public housing. The

government has made a commitment to look at redeveloping these public housing estates by providing opportunities for more public housing, better public housing and a mixed and diverse community to ensure basically that public housing tenants can mix with a wider range of people in society.

Yet what we saw recently in the other place was a decision by the coalition, aided and abetted by the Greens political party, to rescind a public housing development in Ashburton. There are no guarantees that this was just a one-off isolated incident. Instead this might be the start of a sustained attack to prevent these developments occurring. I am not surprised that the Liberal Party would do this, but I am surprised that the Greens political party, which often seeks out votes from public housing tenants to pursue its own political agenda, would condemn public housing tenants to abject poverty and misery.

This is neatly encapsulated by a recent article in the *Age* written by Tony Keenan, who is the CEO of Launch Housing. Keenan makes a very good point. He says in the article that under the original proposal:

... the first houses would become available in 2020 and the last in 2025. If the reason behind the veto is that a better proposal can be developed when a new government is formed, then at best the first houses will come online around 2023 or 2024 and the last about 2028. Those of us working in homelessness can't wait that long; we had to stop letting the perfect get in the way of the good a long time ago.

Keenan concludes his article by saying:

That is why the Victorian Council of Social Service, the Council to Homeless Persons, the Community Housing Industry Association Victoria and organisations like Launch Housing, who actually work with people in desperate need of housing, are calling on the opposition and Greens to support these important projects.

The reality is that if you have these continued actions by a majority of members of the other place seeking to rescind these sorts of projects and prevent them occurring, you are going to have more people living in abject poverty for longer, and that is entirely unacceptable. The reality is, as we know, that a lot of these tenements are frankly unsafe. In the minister's evidence he referred to — and I was with him at the time — having met a young child at the Flemington walk-ups who almost lost his finger through simply opening a window in one of these concrete walk-ups. They are dark, they are cold and they are damp.

What the Greens political party and the coalition are saying is that they want people to live in unsafe, dark, cold, damp, decrepit structures not just for a couple of years more while we rebuild; they want people to live

in these sorts of structures for eternity. That is their solution. That is their answer. They want the public housing tenants to live in these sorts of tenements for the term of their natural life, and it is just not good enough. It is simply not good enough.

I commend Mr Keenan for having the courage to expose this wanton and appalling conduct by the Greens political party and the coalition in the other place to prevent these developments occurring. Public housing tenants deserve to have a decent, dignified existence. The program that has been outlined by the minister, which he outlined in evidence on 31 May, points to that, and I condemn those who oppose the program.

AUDIT AMENDMENT BILL 2017

Statement of compatibility

Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Audit Amendment Bill 2017.

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill improves the Audit Act to ensure that the Auditor-General can effectively audit the expenditure of public funds and performance of public sector activities, while setting out clear, effective rights and obligations for audited entities.

The bill achieves this by restructuring and modernising the Audit Act to make it more accessible, effective and efficient for the Victorian Auditor-General's Office (VAGO) and audited entities, and addressing concerns about the Audit Act raised by the Auditor-General, VAGO and other stakeholders.

Most relevantly, the bill:

- strengthens and modernises the Auditor-General's information gathering powers, including providing the Auditor-General with the power to enter and inspect premises for the purposes of an audit, subject to appropriate safeguards;

- facilitates more effective information sharing between the Auditor-General and other integrity bodies, Auditors-General from other jurisdictions, and other relevant stakeholders;

- clarifies reporting requirements and giving the Auditor-General greater discretion to share reports; and

- clarifies the Auditor-General's 'follow the dollar' powers, which enable the Auditor-General to audit the use of public funds given to an associated entity or other non-government entity by a public body.

Human rights issues

The proposed bill engages the following human rights provided for in the charter.

Right to privacy and reputation

Section 13 of the charter states that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with and the right not to have their reputation unlawfully attacked.

The right to privacy protects a person from government interference or excessive unsolicited intervention by other individuals. However, this right can be subject to reasonable limitation under section 7(2) of the charter. In particular, interference with privacy will not be arbitrary if it is reasonable in the circumstances and in accordance with the charter.

The bill engages the right to privacy to the extent that:

- information subject to an audit or assurance review may contain personal information; and

- premises connected to an audit or assurance review may also be residential.

The bill engages the right to freedom from unlawful attack on reputation in relation to the Auditor-General's reporting and information-sharing powers and obligations, to the extent that the information reported or shared contains personal information.

As will be explained below, any limitations of this right arising from the bill are necessary to achieve the aims of the bill, and are reasonable and demonstrably justifiable.

Power to require information, documents and attendances

The bill modernises and strengthens the Auditor-General's power to call for information, documents and attendances for purposes relevant to the performance of their functions under the Audit Act.

The power to compel information may only be used for the purposes of carrying out the functions of the Auditor-General. This includes performance audits and assurance reviews of public bodies, which may involve associated entities and other non-government entities, financial audits of public bodies and the examination of bodies that receive public funds.

The right to privacy is engaged to the extent that information or documents a person is required to provide to the Auditor-General may contain personal information. However, I consider that the limitation is lawful and not arbitrary as it will have a clear and precise legislative basis, and it serves the public interest by facilitating efficient and convenient access to information necessary for the performance of the Auditor-General's functions. Furthermore, it is reasonable and justifiable on the basis that there are safeguards to protect against arbitrary interference. These include:

a person may be legally represented in relation to an attendance in accordance with an information gathering notice; and

oversight by the Victorian Inspectorate (the Auditor-General is required to provide a written report to the Victorian Inspectorate within three days of serving the information gathering notice).

This interference is also not arbitrary, in that all formal requests for information, documents and attendances need to comply with the specified requirements, including notice and service requirements, in the Audit Act.

Power to enter and inspect premises for the purposes of an audit

New section 43 of the bill empowers the Auditor-General to verify documentation through on-site inspection and observation of premises of public bodies and associated entities whose premises are used solely or predominantly to provide public services or that contain State property, for the purposes of an audit.

The ability of the Auditor-General and authorised persons to effectively perform their statutory functions depends on their ability to access and inspect premises that are subject to an audit. In particular, to comply with Australian auditing standards, the Auditor-General may need to verify documentation through on-site inspection and observation, and may not be able to rely on documentary evidence alone.

The right to privacy is engaged to the extent that the Auditor-General may need to access premises during an audit that are also used for residential purposes (e.g. non-government organisations that own or occupy premises for the provision of residential care services).

The statutory power to enter and inspect is itself limited in scope, which reduces the likelihood and extent of the interference with a person's privacy. This power is only exercisable as a last resort, where the Auditor-General is not able to access the information by consent or the relevant information cannot be obtained through the Auditor-General's power to require information or attendance. The power cannot be used for assurance reviews, VAGO's annual planning and annual reporting functions, or the Auditor-General's functions and powers under other acts.

The bill also establishes safeguards designed to ensure that any interference is not unreasonable or arbitrary.

Notice requirements attached to this power enable persons residing in the premises to be aware of and have time to object to the Auditor-General's access and inspection of the premises.

The Auditor-General and authorised officers are required to observe procedural fairness obligations when exercising their power of entry and inspection. For example, the Auditor-General or authorised person must provide proof of their identity if requested by the owner or occupier of the premises, and must only conduct inspections at reasonable times and after reasonable written notice.

The Auditor-General, an authorised person or a VAGO officer is required to take reasonable steps to protect the

privacy of any person temporarily or permanently residing at the premises.

The Auditor-General must also provide a written report to the Victorian Inspectorate within three business days after an entry notice is served, which enables oversight of the Auditor-General's exercise of this power and its interference with the right to privacy.

In my opinion, any limitation of the right to privacy arising from this amendment in the limited circumstances specified is reasonable in light of the purpose of conducting efficient and effective performance audits.

Reporting

New section 65(2), inserted by clause 9 of the bill, enables the Auditor-General to include comments or opinions about a person named in a report and who is an officer or an employee in a public body or an associated entity. This section reflects the current discretion in the Audit Act. The discretion engages the right to privacy and reputation, as it could enable the publication of sensitive and adverse information about a person, exposing them to public disparagement and potential harm to their livelihood or career.

Given the gravity of this potential interference, it is intended to only be used in the most serious of cases, where it is in the public interest to call out a particular person's conduct.

I consider that the limitation is lawful and not arbitrary as it will be prescribed by law. The Auditor-General may only include in a report adverse comments or opinions about a person if it is relevant to the subject matter of the report and it is in the public interest to do so (new section 64). This test limits what may be said about a person in a public report, and places a high onus on the Auditor-General to prove the necessity of including the information and the person's name in the report.

The bill safeguards against unreasonable interference by requiring the Auditor-General to consult with any public body, associated entity or other non-government entity on proposed reports that relate to the body or entity under new section 58. If the Auditor-General intends to include adverse comments or opinions about an individual named in the report, the public body or associated entity must give the person a reasonable opportunity to respond to the adverse material (new section 65(2)). This enables any information published to be corrected for accuracy and relevance, which may reduce the impact or interference on the person's privacy and reputation.

In limited cases where the Auditor-General includes a comment or opinion in a report that may be adverse to a named person because it is relevant and its inclusion is in the public interest, the safeguard under new section 65 promotes procedural fairness by providing the person an opportunity to defend or contribute to any statements made about them, and seek appropriate advice to manage any consequences of the publication. I consider that this balances the public interest and the right to privacy and reputation, while ensuring that any interference is limited, appropriate and reasonable.

Information sharing

New sections 68 and 69, inserted by clause 9 of the bill, enable the Auditor-General to provide or disclose information to a specified person or body, and collaborate with

Auditors-General from other Australian jurisdictions respectively. Currently, the Auditor-General can only share information with a limited range of persons or bodies and only under specific circumstances.

Enabling the Auditor-General to share information engages with the right to privacy and reputation, as it may capture personal information acquired in the course of the Auditor-General's functions or duties, and may increase the risk of reputational damage by increasing the number of persons who can access that information.

However, I consider that this limitation is:

- not arbitrary, as it will be prescribed by law; and
- justified by the purpose of the amendment, which is to facilitate information sharing with other Auditors-General if the Auditor-General considers that it is in the public interest to do so.

The bill provides a safeguard on information sharing, to reduce the risk of interference with the right to privacy and reputation. New section 69(4)(b) prohibits the Auditor-General from sharing information of a business, commercial or financial nature which, if disclosed, would be likely to unreasonably expose a person, public body or associated entity to any material disadvantage. The Auditor-General may only provide or disclose information to other Auditors-General where it is in the public interest to do so, and if the information has not already been published, it must not be disclosed or published by the recipient unless required for the performance of their functions or duties. In addition, the Auditor-General must report on sharing of information under new section 69 in the relevant audit or assurance review report, or in the next annual report. I consider that this adequately constrains the amount and type of information shared, which ensures that any limitation of the right is not arbitrary and the information published appropriately.

Audio or visual recording of attendances

The bill modernises the current requirement for attendances to be audio or video recorded. The recordings must be provided to the Victorian Inspectorate for review.

This engages the right to privacy and reputation insofar as a person's likeness and/or voice is captured in the recording. I consider this limitation to be justified to ensure that a person is afforded procedural fairness and their right to a fair trial is upheld. Further, the Auditor-General or a VAGO officer is obliged to deliver to the person, destroy or delete the recording when it ceases to be reasonably necessary for the purpose for which it was produced. This reduces the risk that the information contained in the recording could be disclosed for an unauthorised purpose.

Right to freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations.

The bill provides for a number of offences that limit to an extent a person's right to freedom of expression by imposing confidentiality obligations on persons who may be performing

certain functions in relation to an audit or review or may otherwise be handling information subject to an audit or review:

New section 71 prohibits and imposes penalties upon persons making improper use of, or providing or disclosing any information acquired by the person by reason of, or in the course of, their performance of their functions under the Audit Act.

New section 72 creates an offence for a person to make unauthorised disclosures or provide confidential information outside the permitted use under the Audit Act.

In my opinion, these limitations are necessary to safeguard the confidentiality of information collected by the Auditor-General, which may contain personal information or may cause a person reputational damage. This also promotes the right to privacy and reputation under section 14 of the charter, as well as protecting the integrity of audit and review information. I consider that these offences appropriately balance the need to protect a person's right privacy and reputation, with the limitation to a person's freedom of expression in the manner authorised by section 15(3)(a) of the charter.

Presumption of innocence

Section 25(1) provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

Reverse onus provisions

The bill provides for a number of offences that place an evidential onus the accused person to offer evidence of their innocence. The bill modernises these existing offences to align them with the revised scope of the Auditor-Generals' information gathering powers.

New section 52 provides that a person who is duly served with an information gathering notice must not, without reasonable excuse, refuse or fail to comply with the notice.

New section 53 provides that a person who is duly served with an entry notice must not, without reasonable excuse, refuse or fail to comply with the notice.

New section 54(1) provides that a person who is duly served with an information gathering notice must not, without reasonable excuse, refuse or fail to take an oath or make an affirmation when required to do so.

New section 54(2) provides a person who is duly served with an information gathering notice must not, without reasonable excuse, refuse or fail to answer a question that the person is required to answer by the Auditor-General or an authorised person.

These offences engage the right to be presumed innocent, as a person will not be guilty of an offence if they can provide a reasonable excuse. This exception does not limit the right to be presumed innocent because it is an evidential onus only. If the accused can identify or provide evidence of a reasonable excuse for contravening the section, the prosecution has the burden of proving the absence of a reasonable excuse.

Furthermore, these offences are not arbitrary, as they are necessary to ensure and encourage compliance with the Auditor-General's information gathering powers.

In my opinion, these provisions are unlikely to limit a person's presumption of innocence.

Reporting

The bill promotes the right to be presumed innocent by entrenching prohibitions on the publication of certain kinds of information in the Auditor-General's report. New section 65(1), inserted by clause 9, prohibits the Auditor-General from including in a report under the Audit Act or any other Act:

any information that the Auditor-General considers would prejudice any criminal proceedings or criminal investigation, or any IBAC or Victorian Inspectorate investigations (subsection (1)(a));

a finding or opinion that a person is guilty of or has committed, is committing or is about to commit an offence (subsection (1)(b)); or

a recommendation that a person be, or an opinion that a specified person should be, prosecuted for an offence (subsection (1)(c)).

These prohibitions also promote the right to privacy and reputation, insofar as they prevent personal information in relation to criminal proceedings or investigations, or the potential commission of an offence.

Right to freedom of movement

Section 12 of the charter establishes a right of freedom of movement according to which every person lawfully within Victoria has the right to move freely within Victoria.

New section 30 of the bill, authorises the Auditor-General or an authorised person to compel a person to attend at a specified time and place to give evidence or answer questions before the Auditor-General or authorised person. This power to compel attendance limits the right to freedom of movement, insofar as it restricts an individual's freedom of movement in Victoria. However, I consider this limitation is reasonable and justifiable as it is necessary for the Auditor-General or authorised person to have access to all relevant information to properly carry out their functions under the Audit Act.

Additionally, this limitation is relatively minor in nature, given that a person's movement will only be restricted for a limited amount of time. Furthermore, the Auditor-General is required to report to the Victorian Inspectorate on the issue of a notice requiring a person to attend, and this provision is subject to the Inspectorate's complaint and own-motion investigation jurisdiction.

Right to recognition and equality before the law, and right to protection of children

Section 8 of the charter provides that every person is equal before the law and has the right to equal and effective protection against discrimination. Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

The bill promotes sections 8 and 17(2) of the charter by providing specific protections and safeguards for vulnerable persons (including children, the elderly and persons with a cognitive impairment or a disability) and requiring the Auditor-General to develop protocols for interacting with

vulnerable persons. These safeguards recognise that the Auditor-General and VAGO officers may interact with vulnerable persons in the course of performing their functions, and certain adjustments will need to be made to ensure the fair and proper performance of their functions and powers.

Right to a fair hearing

Section 24(1) of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This right encompasses the procedural fairness of a decision (*Knight v. Wise* [2014] VSC 76).

The bill entrenches a number of procedural fairness obligations. For example, new section 34 enables persons to be legally represented in relation to an attendance or an information gathering notice. Moreover, the requirement for attendances to be audio or video recorded in new section 37(1) ensures that accurate records of attendances are kept for use in future proceedings.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) (10:40) — I
move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

The Auditor-General is a key part of the integrity and accountability system in Victoria. The Auditor-General's role is to ensure that public funds are expended efficiently, effectively and in accordance with the law. In recent times, the Auditor-General's role has expanded to include performance audits to assess results and outcomes of public sector activities.

The Auditor-General's legislation has been amended many times since it was introduced in 1994. This has resulted in an Audit Act that is outdated, difficult to navigate and operationally challenging.

The bill is a significant rewrite of the Audit Act and is part of the government's suite of integrity and accountability reforms. The bill addresses concerns about the Audit Act by:

modernising and restructuring the Audit Act to make it more accessible, effective and efficient;

clarifying and modernising the functions and powers of the Auditor-General and VAGO to ensure appropriate oversight of the public sector and publicly funded services;

improving the consistency of the Auditor-General's jurisdiction with other integrity bodies; and

making it clear when disclosing confidential information is and is not authorised.

This bill gives effect to the seven principles guiding the government's integrity and accountability reforms, as follows:

Accountability: the bill promotes and improves public sector accountability for the use of public funds to achieve government policy objectives.

Independence: the bill preserves the independence of the Auditor-General as an officer of Parliament, which facilitates robust and thorough audits and reviews that are free from government influence.

Effectiveness: the bill ensures that the Auditor-General has effective and clear powers that are proportionate to the Audit Act's objectives within the integrity and accountability system.

Transparency: the bill provides clear and accessible guidance on how the Auditor-General and VAGO are to perform their powers and functions to audit the use of public funds.

Collaboration: the bill will facilitate more effective information sharing between the Auditor-General and the other integrity bodies, Auditors-General from other jurisdictions, and other relevant stakeholders.

Cohesion: the bill complements the broader reforms to Victoria's integrity and accountability system, ensuring that the Auditor-General can collaborate with other integrity bodies in the performance of his or her functions.

Fairness: the bill includes a number of safeguards to protect the rights of persons who may be compelled to give information or an attendance under the Audit Act, or who may reside at audited premises, to ensure that people are treated fairly and equally.

In addition, the bill acquits the government's commitment to the former Auditor-General to rewrite the Audit Act, and will make a significant contribution to enhancing public confidence and understanding of how public bodies are audited.

I now turn to the bill.

Clarifying the Auditor-General's jurisdiction

An effective Auditor-General requires a comprehensive and clear mandate to examine all public sector bodies, including private sector bodies performing public functions. The bill includes a new definition of 'public body' which makes the Auditor-General's mandate clearer, but without changing its scope.

Modernising and strengthening the Auditor-General's functions

New power to conduct assurance reviews of public bodies

Australian auditing standards provide for two types of assurance engagements:

'reasonable assurance engagements', commonly known as 'audits', for which the Audit Act currently provides in relation to public bodies; and

'limited assurance engagements', commonly known as 'reviews'.

Audit conclusions represent a high (but not absolute) level of assurance, whereas review conclusions reflect a greater level of acceptable risk. Because of this, reviews are more limited in scope than audits, and therefore provide a more targeted, flexible, speedy and economical basis for review.

The bill provides the Auditor-General discretion to conduct assurance reviews of a public body's financial statements or performance. This discretion does not replace or detract from the Auditor-General's existing audit functions.

It is intended that assurance reviews are to be used for more targeted, smaller scale, time-sensitive or lower risk engagements. This discretion would enable the Auditor-General to, for example, efficiently review specific operational matters, or follow up on compliance with previous audit recommendations or referrals from other integrity bodies.

Given that assurance reviews are more streamlined, public bodies will not be consulted prior to an assurance review. However, the bill provides a number of safeguards, including:

requiring the Auditor-General to perform assurance reviews in accordance with Australian auditing standards and report to the Public Accounts and Estimates Committee quarterly on any assurance reviews; and

prohibiting the Auditor-General from exercising the proposed power to enter and inspect premises for an assurance review.

Clarifying the Auditor-General's follow the dollar powers

In 2016, the government provided the Auditor-General with the power to 'follow the dollar'. This power enables the Auditor-General to effectively audit the use of public funds to deliver public services.

The bill simplifies and restates the 'follow the dollar' powers more transparently within the Audit Act's revised structure, while ensuring that existing safeguards continue to apply. For example, the Auditor-General is prevented from publishing information in an audit report that could unfairly damage the commercial interests of a provider.

To further enhance transparency, the bill requires the Auditor-General to include the reasons for conducting an audit or assurance review involving an associated entity in the relevant audit or assurance review report.

Information gathering powers and duties

Strengthening and clarifying the Auditor-General's power to require information or attendance

The Auditor-General's current powers to require a person to produce documents or to give evidence are not accompanied by clear procedural fairness requirements. The bill clarifies that the Auditor-General may only gather evidence that is relevant to the function he or she is performing. The bill requires certain requirements to be met before the

Auditor-General, a Deputy Auditor-General or senior VAGO officer authorised by the Auditor-General may use coercive evidence-gathering powers. For example, the Auditor-General or authorised person must issue a written notice to a person or body, and serve the notice at least five business days before using these powers. The Auditor-General will also be required to report to the Victorian Inspectorate when issuing an information gathering notice. The bill does not affect the ability of the Auditor-General or a VAGO officer to informally request information or documents by consent.

The bill also requires VAGO to destroy or return any audit documents that are no longer required for audit purposes. This will afford greater protection to confidential information and better align with similar provisions in other integrity legislation.

A clear statutory power to enter and inspect premises for the purposes of an audit

VAGO currently relies on consent to access premises. However, it has occasionally been refused access, undermining the Auditor-General's capacity to conduct efficient and effective financial and performance audits. To meet high evidentiary thresholds for audits under auditing standards, the Auditor-General sometimes needs to be able to directly observe, inspect and verify an entity's operations and processes.

The bill gives the Auditor-General the power to enter and inspect premises of public bodies for any audit. It also allows the Auditor-General to access the premises of associated entities whose premises are used wholly or predominantly to provide public services or that contain state property, during the performance audit of a public body.

The power is intended to be used as a last resort, where access is denied or the relevant information cannot be obtained through the Auditor-General's power to require information or attendance. The bill also provides safeguards to minimise any risks that may arise from the use of this power, including:

- safeguards to protect the privacy of occupiers and to minimise disruption to the operations of the public body or associated entity and occupiers on the premises;

- requiring the Auditor-General to develop and follow appropriate protocols for interacting with vulnerable persons on site; and

- requiring the Auditor-General to report to the Victorian Inspectorate on the exercise of the power.

Clarifying that the Auditor-General may override confidentiality obligations under contract

The bill extends the Auditor-General's existing power to override confidentiality obligations to include obligations under contract, subject to appropriate safeguards. This reform aims to address situations where the public interest in enabling the Auditor-General to effectively perform his or her functions may take precedence over the public interest protected by confidentiality obligations.

To protect people from legal action, the bill provides that a person is not subject to any civil or disciplinary proceedings because the person provides the information to the Auditor-General in accordance with the Audit Act.

Information sharing and reporting

Currently, the Audit Act lacks a coherent and transparent information-sharing regime, which is essential for the Auditor-General to effectively and efficiently interact with other integrity bodies.

The bill responds to this concern by expanding the range of bodies and persons with whom the Auditor-General can share information to include ministers, public bodies, statutory office-holders, integrity bodies, law enforcement agencies, prosecutorial bodies and associated entities. Recipients will be restricted from disclosing information, except in appropriate circumstances, e.g. where a public servant needs to brief their minister on an audit report.

The Auditor-General will not be permitted to share information that is subject to cabinet confidentiality or where disclosure is prohibited by legislation.

The bill also facilitates better information sharing and collaboration with other Auditors-General, subject to appropriate limitations on this discretion. The bill strengthens the Auditor-General's ability to share proposed reports with a person or body with a special interest in the report, and to allow them to make submissions, and modernises other reporting requirements and discretions.

Audits of the Auditor-General and VAGO

The bill clarifies the financial and performance audit arrangements for VAGO. It will require annual financial audits of VAGO as is the current practice, and performance audits of VAGO at least once every four years, instead of once every three years as is currently the case. Less frequent performance audits will reduce the administrative burden on VAGO. PAEC will continue to appoint independent auditors to conduct these audits.

The bill will provide PAEC with greater flexibility to appoint VAGO's auditors, but will ensure that persons with potential conflicts of interest cannot be appointed.

Conclusion

The Auditor-General and VAGO play a key role in the Victorian integrity and accountability system. This bill makes it easier for public sector bodies and associated entities to comply with their obligations under the Audit Act and gives the Auditor-General and VAGO the tools they need to carry out their functions into the future. This will ensure that Victorians can continue to have confidence in the accountability of public administration in this state.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 27 December.

JUSTICE LEGISLATION AMENDMENT (VICTIMS) BILL 2017

Statement of compatibility

Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Justice Legislation Amendment (Victims) Bill 2017.

In my opinion, the Justice Legislation Amendment (Victims) Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will:

- a. introduce an intermediaries scheme pilot program and ground rules hearings;
- b. finalise reforms to Victoria's laws relating to sexual offences to make them simpler, clearer and more effective;
- c. amend the Sentencing Act 1991 ('the Sentencing Act') to prevent a court from taking into account an offender's prior good character or lack of previous convictions in sentencing for a child sex offence, if that fact assisted the offender to commit the offence;
- d. amend the Sentencing Act to include an historical offence of indecent assault upon a male in the serious offender sentencing regime in Part 2A of that act;
- e. amend the Victims of Crime Assistance Act 1996 ('the VOCA act') to remove the time limit of two years for applications in relation to child abuse;
- f. make minor amendments to the Family Violence Protection Act 2008 ('the FVP act') to correct previous drafting errors, to enable that act to operate as intended; and
- g. amend the Children, Youth and Families Act 2005 ('the CYF act') to remove the restriction on publication of a report or picture that would identify a victim or alleged victim.

Human rights issues

Right to recognition and equality before the law under section 8

Section 8(3) of the charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. 'Discrimination' means different treatment on the basis of one or more of the attributes set out in section 6 of the Equal Opportunity Act 2010 ('EOA'), which includes age and physical features.

The bill promotes the right to recognition and equality before the law under section 8 of the charter by providing procedures such as ground rules hearings and the use of intermediaries to protect children and persons with a cognitive impairment during cross-examination (clause 25). These improvements recognise the particular vulnerability of children and persons with a cognitive impairment and seek to provide a mechanism by which their evidence will be as valuable as the evidence of those who are not as vulnerable.

The bill also promotes this right by expressly providing that references to a body part in a sexual offence include surgically constructed or surgically altered body parts (clause 3). This builds on other sexual offences and related definitions that adopt terminology that recognise transgender and intersex status, and promote anti-discrimination.

The right under section 8 of the charter is engaged by maintaining that the retention and destruction requirements that apply to forensic information and fingerprints obtained from children differ from those that apply to adults (clauses 8 and 9).

Although this requires differential treatment between groups of persons based on the EOA attributes, it provides additional protections for children, rather than removing protections which apply to adults. Section 8(4) of the charter recognises that achieving substantive equality may require differences in treatment. Children are a vulnerable group and the retention of their forensic information and fingerprints is likely to have a particularly great impact upon them.

The bill amends section 327 of the Crimes Act (clause 6), which contains an offence which differentiates between the ages of children. The offence applies to failure to disclose information about a sexual offence committed against a child aged under 16 years of age and does not apply to information about a sexual offence committed against a child aged 16 or 17 years of age.

Distinguishing between the different ages of children is justified because it reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences. The law considers that at 16 years a person has sufficient maturity to make decisions about their sexual conduct. This also includes sufficient maturity to make decisions about the reporting of sexual offending against oneself or about dealing with attempts by others to foster a (lawful) sexual relationship.

The right to privacy under section 13

The right to privacy and reputation under section 13 of the charter provides that a person has the right not to have his or her privacy, family, home, or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.

This right is engaged by the bill's amendment to section 4 of the Judicial Proceedings Reports Act 1958 (clause 18). Section 4 of that act prohibits the publishing of any matter that contains any particulars likely to lead to the identification of a person against whom a sexual offence has been committed, whether or not a proceeding in respect of the alleged offence is pending in a court. The bill expands the prohibition to particulars likely to lead to the identification of a person against whom a child abuse material offence has been committed.

The bill's reforms to child abuse material related offending (clause 6) also promote the right to privacy and reputation by protecting the privacy and reputation of victims of child abuse material offending.

The right to privacy is also engaged by amending the destruction requirements that apply to forensic information and fingerprints obtained from children (clauses 8 and 9) and the amendment to section 534 of the CYF act to enable the publication of a victim account of child offending (part 3). These reforms are discussed further below.

The right to freedom of expression under section 15

The right to freedom of expression under section 15 of the charter provides a right to freedom of expression, which includes the right to impart information and ideas of all kinds, although this right may be subject to 'lawful restrictions reasonably necessary to respect the rights and reputation of other persons' as provided by section 15(3)(a).

The bill engages this right by introducing intermediaries (clause 25). Intermediaries have the purpose of assisting vulnerable persons to express themselves. They will allow persons who otherwise have difficulties in understanding or imparting information to engage more fully in the court process.

The bill also promotes the right to freedom of expression by amending the operation of section 534 of the CYF act (part 3). This amendment will remove the restrictions on the ability of an adult victim of child offending to share their experience.

While the bill expands the existing prohibition on reporting of child sexual offences (clause 18), it does not limit the right to freedom of expression. Consistent with the specified lawful restrictions on the right to freedom of expression in section 15(3)(a) of the charter, the amendment restricts the publication of information which is reasonably necessary to respect the rights and reputation of victims of child abuse material offending, being the right to privacy and reputation (section 13 of the charter), and the rights of children to protection in their best interests (in section 17(2) of the charter). The publication of information that may lead to the identification of a victim of child abuse material offending can be harmful to the victim and the victim's reputation, and may harm the rehabilitation of the victim.

The right to a fair hearing under section 24

The right to a fair hearing under section 24(1) provides that a person charged with a criminal offence has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Section 24(2) of the charter provides that all judgements or decisions made by a court or tribunal must be made public unless doing so would not be in the best interests of a child, or a law other than the charter allows it to be kept secret.

The bill promotes the right to a fair hearing by introducing an intermediaries scheme (clause 25) which will ensure that the most reliable evidence is adduced from vulnerable witnesses, which in turn will result in a fairer hearing.

The expansions on the existing prohibition on reporting of child sexual offences (clause 18) does not limit this right. The bill prevents the publication of information that would not be

in the best interests of a child victim of a child abuse material offence. In the case of adult victims of child abuse material offending, the bill is a law allowing this information to be kept secret, and so is not a limitation.

The right to a fair hearing may also be engaged by the amendment to the definition of 'sexual offence' (clause 12), to be inserted in new section 4 of the Criminal Procedure Act 2009 ('the Criminal Procedure Act'), and by the amendment to section 389 of the Criminal Procedure Act (clause 15). These amendments alter the way in which evidence may be presented to a court.

The definition of 'sexual offence' is used throughout the Criminal Procedure Act and determines where different procedural timelines may apply, and where alternative arrangements to giving evidence may be used, such as permitting the evidence to be given from a place other than the courtroom using closed-circuit television or other facilities where the witness is the complainant of a sexual offence.

The amendment to section 389 of the Criminal Procedure Act updates an offence reference to enable evidence to be given from outside Australia by audiovisual link in cases for an offence of 'facilitating sexual offences against children'.

A fair trial does not require a hearing with the most favourable procedures for the accused; it must take into account other interests, including the interests of the victim and of society generally in having a person brought to justice. Any limitation on the right to a fair hearing by altering the way that evidence may be presented in court is balanced with these broader considerations.

The right to a fair hearing is also engaged by the amendment to the CYF act (part 3) that will allow the publication of a victim's or alleged victim's account. A victim or alleged victim will be permitted to publish their account of an offence, whereas an accused person or witness will not, potentially influencing the outcome of a trial.

The amendment is compatible with the right to a fair trial because the identity of the accused cannot be disclosed by the victim or alleged victim, and existing protections are adequate to manage any threat to a fair trial posed by pre-trial publicity. The existing fair trial protections include the common-law offence of contempt, suppression orders, and the powers of the court to adjourn or permanently stay proceedings.

The removal of limitation periods under the VOCA act (clause 37) promotes the right to a fair hearing because it recognises the difficulties victims often face when recovering compensation for child abuse and therefore lifts a barrier for victims when pursuing financial compensation. This does not affect the right to a fair proceeding for other parties, such as a perpetrator of child abuse, because these applications are not determined by proceedings which involve other parties.

I do not consider that the amendments to the Sentencing Act 1991 (part 5) limit the right to a fair hearing. While these may result in longer sentences for certain offenders, they do not affect existing laws on criminal procedure and natural justice. Further, these amendments will not affect offenders who are appealing a sentence which has already been imposed prior to these amendments taking effect. For similar reasons, I also consider that these amendments do not limit the rights under section 21 of the charter (right to liberty and security of person).

Rights of children to protection and rights of children in the criminal process under sections 10(b), 17(2), 23(3) and 25(3)

Section 10 of the charter provides that a person must not be treated in an inhuman or degrading way.

Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Section 23(3) of the charter provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

Section 25(3) of the charter provides that a child charged with a criminal offence has the right to a procedure that takes account of his or her age and the desirability of promoting the child's rehabilitation.

The bill promotes a child's right to protection under section 17(2) of the charter by providing child witnesses with the opportunity of being assisted by an intermediary in court (clause 25). The reforms will result in more effective communication of evidence of these witnesses, and reduce trauma faced by these witnesses during intimidating cross-examination and other negative kinds of questioning. This will also promote the right not to be treated in an inhuman and degrading way.

The bill also engages these rights by amending the destruction requirements that apply to forensic information and fingerprints obtained from children (clauses 8 and 9).

The bill maintains the position that, in recognition of the particular vulnerability of children and the impact upon children of retaining their forensic information and fingerprints, such information must be destroyed when the child reaches 26 years of age unless certain exceptions apply (e.g. where the child reoffends). These destruction requirements promote rights under sections 13, 17, 23(3) and 25(3) of the charter.

The bill, however, also maintains the current position that exceptions apply to the requirement that forensic information and fingerprints of child offenders must be destroyed if the child does not reoffend before he or she reaches the age of 26 years old, by including children who are found guilty of serious offences in these exceptions. The forensic information and fingerprints of children falling under these exceptions can be retained indefinitely.

Although these exceptions engage and limit the rights in sections 13, 17, 23 and 25 of the charter, I consider that this limitation is reasonable and demonstrably justified under section 7(2) of the charter. The purpose of this limitation is to assist in the investigation of future offending and to protect the community. By linking the exceptions to the seriousness of the child's offending, and maintaining the requirement for a court order that the forensic information be retained, in my view the limitation is closely related to this purpose.

The bill's expansion of the offence under section 327 of the Crimes Act to include a failure to disclose a child abuse material offence committed against a child (clause 6) promotes the rights of children to such protection as is in their best interests and is needed by them by reason of being a child. Ensuring that victims of these offences may be eligible for victims of crime assistance under the VOCA act (clause 22)

recognises the harm that may be caused to such victims, which represents a serious breach of their rights to bodily privacy.

The bill's amendment to section 534 of the CYF act (part 3) will enable the publication of a victim account of child offending. This amendment positively engages the right to privacy and the right of a child to protection in their best interests under sections 13 and 17(2) of the charter because the amendment continues the protection of the child's identity. This ongoing protection will promote the child's rehabilitation.

The reforms to the time limits for making applications under the VOCA act (clause 37) also promote the right of a child to protection by removing a barrier currently faced by victims of child abuse in applications for financial assistance. They provide victims with the opportunity to seek a remedy, without a time limitation, for harm both physical and sexual abuse, regardless of the setting in which the abuse occurred.

Rights in criminal proceedings under section 25

Section 25(2)(g) of the charter provides the right for a person charged to examine, or have examined, witnesses against them, unless otherwise provided for by law.

The use of intermediaries (clause 25) engages with this right by impacting on the examination of witnesses. However, it does not do so in a way that would limit the right of an accused person; all relevant witnesses could still be examined fairly and without limitation.

Section 25(2)(h) of the charter provides the right for a person charged to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses for the prosecution.

This right is limited because the intermediaries scheme does not apply to the accused. That is, intermediaries will be available to prosecution witnesses, but not to the accused. I consider that this limitation is justified in the circumstances. Section 25(2)(h) is modelled on article 14(3)(e) of the International Covenant on Civil and Political Rights, which is an application of the principle of 'equality of arms'. This is the principle that the same procedural rights are to be provided to each party unless distinctions are based on law and can be justified on objective and reasonable grounds that do not entail actual disadvantage or other unfairness to the defendant.

While intermediaries will assist vulnerable witnesses to communicate, they will not limit the rights of the accused. Further, the accused and the prosecution will have the same rights of examination and cross-examination with respect to each witness. It should be noted that the intermediaries scheme is a pilot scheme and may be expanded in time.

Section 25(2)(j) of the charter provides the right for a person charged to have the free assistance of assistants and specialised communication tools and technology if he or she has communication or speech difficulties that require such assistance.

This right is enlivened through the intermediaries scheme as intermediaries will not be available to the accused. However, as noted above, the introduction of intermediaries will not limit any existing rights of the accused.

Right against retrospective criminal laws under section 27

Section 27(2) of the charter provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed. Section 27(3) provides that if a penalty for an offence is reduced after a person committed the offence but before the person is sentenced for that offence, that person is eligible for the reduced penalty.

In my view, the amendments to sections 464P and 464ZGA of the Crimes Act (clause 8 and 9) of the bill do not limit these rights.

Although the results of the amendments will be that the destruction requirements for children's forensic information and fingerprints may differ from those at the time the child committed the offence, the retention of forensic information and fingerprints is not a penalty. The primary purpose of such retention is to prevent reoffending by offenders, and facilitate the investigation of further offences.

I further note that the amendments to the retention of forensic information will only apply to forensic information that has been retained following an order under section 464ZFB(1) or that was taken in accordance with an order under section 464ZF(2) after the commencement of the bill.

The bill also engages the right under section 27(2) of the charter through the proposed amendments to the Sentencing Act.

Part 5 of the bill introduces a requirement for a court to not have regard to an offender's previous good character or lack of previous findings of guilt or convictions in sentencing the offender for a sexual offence committed against a child, where those attributes were of assistance to the offender in the commission of the offence. Under the current law, this is allowed (see *Ryan v. The Queen* [2001] 206 CLR 267 and *Wakim v. The Queen* [2016] VSCA 301), although the mitigatory effect of such attributes is usually fairly low.

The policy intention behind part 5 of the bill is to prevent offenders from benefiting from their previous good character or lack of previous findings of guilt or convictions where those factors assisted the offender to commit a child sexual offence. By prohibiting these factors from being considered in mitigation of sentence, it is anticipated that part 5 of the bill may lead to a minor increase in sentence lengths for certain offenders. The extent to which this will happen remains to be seen, due in part to that fact that at common law, that an offence involved a breach of trust is treated as an aggravating factor. (In some cases, but not all, the circumstances will be such that both 'good character' and 'breach of trust' will be relevant to the sentencing of an offender.)

Part 5 is intended to apply to adult offenders regardless of when the offence was committed, and may therefore affect future sentences for past crimes. However, it is anticipated that any increase in sentence will be modest and within the range of the existing penalty for the offence at the time it was committed. Part 5 will also only apply in very specific circumstances of child sexual offending, and will not apply in relation to future hearings for appeals of sentences already imposed prior to part 5 coming into effect.

Further, it is argued that Part 5 promotes the human dignity of victims of child sex offenders, by preventing an offender from being treated as a person of 'good character' where that person has exploited that character to offend.

For these reasons, it is believed that the impact of part 5 on the right under section 27(2) of the charter is reasonably justifiable under section 7(2) of the charter.

Part 5 of the bill also inserts an historical offence of indecent assault upon a male person into schedule 1 to the Sentencing Act. This insertion means that that offence will be a 'sexual offence' for the purposes of part 2A (Serious offenders) of the Sentencing Act. Subjecting this offence to the part 2A provisions may lead to longer sentences for offenders who have committed this historical offence.

There are two mechanisms by which the insertion of this historical offence within the part 2A scheme can affect those who have committed this offence. The first mechanism is if the offender is in future sentenced for this offence, and the offender also satisfies the 'serious sexual offender' definition within part 2A of the Sentencing Act. The second mechanism is if the offender is in future sentenced for another sexual offence, and has in the past been convicted of and sentenced to imprisonment or youth detention for this offence and other offences which bring them into the definition of a 'serious sexual offender'.

The historical offence proposed for inclusion is closely analogous to another historical offence currently listed in clause 1(d)(xx) (Indecent assault on male person) of schedule 1 to the Sentencing Act. The offences listed in clause 1(d)(xx) succeeded the historical offence proposed for inclusion via part 5. The amendment will therefore enable similar offenders, who have committed similar offences involving indecent assaults upon male persons, to be treated alike in sentencing.

It is anticipated that this amendment will have a limited effect, as it will only affect persons who have committed an indecent assault upon a male between 1 April 1959 and 8 November 1967, and who are captured under the scheme in part 2A of the Sentencing Act by virtue of being a serious offender. Further, the amendment will not apply in relation to future hearings for appeals of sentences already imposed prior to part 5 coming into effect.

The consequential amendment to the Serious Sex Offender (Detention and Supervision) Act 2009, to include this offence as a 'relevant offence', may result in ongoing detention and supervision of certain persons given a custodial sentence for this offence. However, the purpose of the ongoing detention and supervision of certain persons under this act is intended for the protection of the community, and not as a further punishment for the offender (see *WBM v. Chief Commissioner of Police* [2010] 27 VR 249). Therefore, I do not consider that this amendment limits the right in section 27(2) of the charter, as the purpose of any detention and supervision is not to increase the punishment for an offender.

Further, other offences involving indecent assaults upon male persons are already included in the list of relevant offences in the Serious Sex Offender (Detention and Supervision) Act 2009, meaning that the inclusion of this offence will enable similar offenders, who have committed similar offences involving indecent assaults upon male persons, to be treated alike when being considered for a detention or supervision order.

For these reasons, it is believed that the impact of part 5 on the right under section 27(2) of the charter is justifiably reasonable under section 7(2) of the charter.

Conclusion

For the reasons outlined above, the amendments contained in this bill are compatible with human rights as set out in the charter.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) (10:41) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

This bill contains a number of criminal justice-related reforms, with a particular focus on improving the experiences of witnesses and victims in the criminal justice system.

Ground rules hearings and intermediaries

The bill will introduce ground rules hearings and intermediaries.

Intermediaries — or skilled communication specialists — are not advocates or support workers; their role is to facilitate communication with the witness (both at the police interview and trial stage). Intermediary schemes aim to protect and empower vulnerable witnesses to give their best evidence, ensuring that communication with the witness is as complete, coherent, and accurate as possible, helping to bring offenders to justice.

There is wide support for such a scheme, including recommendations of the Victorian Law Reform Commission's *The Role of Victims of Crime in the Criminal Trial Process* report (August 2016) and the Royal Commission into Institutional Responses to Child Sexual Abuse's *Criminal Justice Report* (14 August 2017). The Victorian Court of Appeal also endorsed such schemes in *Ward (A Pseudonym) v. The Queen* [2017] VSCA 37.

In response to these recommendations, the government included an investment of \$2.6 million as part of the Victorian budget 2017–18 to introduce intermediaries to assist in obtaining evidence from child victims and victims who have a cognitive impairment in a two-year pilot program, and to introduce ground rules hearings.

The function of an intermediary is to communicate to the witness questions put to the witness, and to any person asking such questions the answers given by the witness. The legislation will clarify that an intermediary is an officer of the court rather than an advocate for the witness, and will have a duty to act impartially. Intermediaries will be professionals with a range of skills, experience and qualifications. During the pilot phase, the intermediaries scheme will be limited to certain courts.

Ground rules hearings are a pre-trial process that involve all parties and the judge to address a number of issues, including the manner and content of cross-examination. Ground rules hearings are important in bringing to the attention of lawyers and judicial officers the comprehension capacity and

communication needs of particular vulnerable witnesses, and assisting parties to plan their questions. Ground rules hearings will be required in criminal proceedings in any matter in which an intermediary has been appointed, and will be available where divisions 5 and 6 of part 8.2 of the Criminal Procedure Act 2009 apply. These divisions relate to the use of recorded evidence-in-chief, and other procedures and rules for children and cognitively impaired people. If a ground rules hearing is held effectively, there should be less need for an intermediary to intervene during cross-examination.

These reforms will facilitate a less stressful experience for the witness and a more efficient trial.

Forensic information and fingerprints from juveniles

DNA information from a child can only be retained (or obtained) following a finding of guilt if a court considers that in all the circumstances making an order to that effect is justified. In recognition of the particular vulnerability of children, the Crimes Act 1958 provides additional destruction requirements for fingerprints and DNA information obtained from child offenders that are more stringent than those that apply to adult offenders. It provides that where a child has not been found guilty of any further offence before attaining the age of 26 years, the child's fingerprints and DNA information must be destroyed.

The Crimes Act 1958 includes a number of exceptions to these additional requirements where the child has been found guilty of specified sexual and violent offences. However, since the exceptions were created, a number of new serious sexual and violent offences have been introduced, which are not included as specified offences.

The bill will amend the exceptions to these provisions, to provide that the destruction requirements will not apply where the child has been found guilty of any relevant offence which is punishable by a maximum penalty under the Crimes Act 1958 of at least 15 years imprisonment. This is a clearer and more consistent approach, and will ensure that previously non-specified serious offences will be included in the exceptions.

Sexual offences reform

This bill contains the final stage of reforms to Victoria's sexual offence law. The bill follows the reform of rape and sexual assault offences in the Crimes Amendment (Sexual Offences and Other Matters) Act 2014 and the Crimes Amendment (Child Pornography and Other Matters) Act 2015, which amended Victoria's laws to cover a broader range of child abuse material. The bill completes the significant reforms contained in the Crimes Amendment (Sexual Offences) Act 2016. That act reformed over 50 sexual offences to make them as clear, simple, consistent, and effective as possible.

This bill continues this strong commitment to reforming sexual offence laws in order to better protect people from sexual offending.

The bill amends a number of acts to ensure that consistent treatment is given to sexual offences and victims of sexual offences.

Sexual offences are treated as a separate category of criminal offending in many acts. This is because of the seriousness of the offending, and because of its particular

impact upon victims. The impact of these heinous crimes cannot be underestimated.

The bill will ensure that where an act provides particular protections or benefits to victims of sexual offences, these protections or benefits apply to victims of all relevant sexual offences.

This bill will also amend the criminal offence of failure to disclose a sexual offence committed against a child under the age of 16 years in section 327 of the Crimes Act 1958. This offence was introduced in response to recommendations of this Parliament's Betrayal of Trust inquiry in 2013. That inquiry uncovered horrific sexual abuse of children in religious and other non-government organisations.

The offence makes it a crime to fail to disclose information leading to a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years. The offence targets those who turn a blind eye to information about the abuse of a child. It highlights the responsibility on all of us to take action by reporting to police when information comes to light about the sexual abuse of a child.

This offence, when enacted, did not include an obligation to disclose child pornography offences. However, child victims of sexual abuse may be victims of child pornography or child abuse material offences. Those who commit child abuse material offences destroy childhood innocence by causing children to be the subjects of sexualised images or videos. The children used in these images and videos need to be protected.

The bill will ensure that the offence in section 327 of the Crimes Act 1958 creates an obligation to disclose to police information that leads a person to have a reasonable belief that a child abuse material offence has been committed against a child under 16 years of age.

The bill will also amend the Victims of Crime Assistance Act 1996 to ensure that victims of child abuse material offences or sexual servitude offences are eligible for financial assistance. It will also amend the Judicial Proceedings Reports Act 1958 to prohibit the publication of information that may identify the victim of a child abuse material offence.

The bill will amend the definition of 'sexual offence' in the Criminal Procedure Act 2009. This definition is used in the act in several contexts, including providing protections for complainants of sexual offences when giving evidence and prioritising the completion of sexual offence cases. The bill will make clear that the definition applies to current sexual offences, as well as repealed and common-law sexual offences, such as common-law rape. It will also apply to certain serious indictable offences in the Sex Work Act 1994, such as involving a child in sex work.

The bill recognises that a clear, broad definition of sexual offences is necessary to ensure that all historical sexual offence cases, which may not come to light for many years, will be treated as 'sexual offences' by the courts, and that victims of these offences will have the same protections available as other victims of sexual offending. This includes giving evidence with the use of remote witness facilities, or the use of pre-recorded evidence.

The insidious nature of sexual abuse is that it can take many years, often decades, for a victim to feel comfortable to come forward and report the abuse to police. This reform ensures

that when a victim reports a historical sexual offence, they will have the same protection available in the court process as the victim of a recent sexual offence.

Removal of good character considerations in sentencing child sex offenders

The bill will amend the Sentencing Act 1991 to prohibit courts, when sentencing an offender for a child sexual offence, from having regard to the offender's good character or lack of prior convictions if that factor was of assistance to the offender in the commission of the offence. This reform will apply in relation to current and historical sexual offences committed against children.

This change will ensure that those who take advantage of their good reputation to commit sexual offences against children cannot then rely upon that reputation to argue for leniency in sentencing. This change is intended to displace the High Court's position on this matter in *Ryan v. The Queen* [2001] 206 CLR 267 and will implement recommendation 74 of the Royal Commission into Institutional Responses to Child Sexual Abuse's *Criminal Justice Report*.

Inclusion of an historical offence of indecent assault upon a male within part 2A of the Sentencing Act 1991

The bill will introduce an historical offence of indecent assault upon a male to be subject to the serious offender provisions under part 2A of the Sentencing Act 1991. This historical offence covers both penetrative and non-penetrative offending against male adults and children, and does not capture activity that would be lawful today. It is analogous to another historical offence already listed within the serious offender provisions, meaning that this amendment will enable offenders who have committed similar offences involving indecent assaults upon male persons to be treated alike in sentencing.

Excluding adult victims from the restriction on publication of proceedings contained in section 534 of the Children, Youth and Families Act 2005

The bill will amend the Children, Youth and Families Act 2005 to change the way that publication restrictions in the Children's Court apply to victims of crime and alleged victims of crime.

Currently, a person must not publish, or cause to be published, a report of a Children's Court proceeding that is likely to identify a victim of crime. This means that a victim who is a witness in a criminal matter in the Children's Court is prohibited from speaking publicly about their experience.

The amendment will enable adult victims, or alleged victims, of crimes committed by children to share their stories. The amendment will remove the current restriction on the publication of a report likely to identify an adult victim, or a picture of a victim, of an offence before the Children's Court, while maintaining restrictions for publication of pictures or identifying details of child accused or child offenders.

This will enable adult victims and alleged victims of child offending to share their stories and is likely to assist with recovery for some victims and contribute to broader community understanding of youth crime.

Amendments to the time limits under the Victims of Crime Assistance Tribunal Act 1996

The Family and Community Development Committee tabled its landmark report, *Betrayal of Trust*, on 13 November 2013. The report highlighted, among other things, the difficulties that survivors of organisational child abuse face in recovering compensation for the devastating effects of their abuse.

In particular, the committee found that survivors of child abuse often take years to recognise the harm inflicted on them and report their abuse.

As a result, *Betrayal of Trust* concluded that limitation periods that apply to different avenues for seeking justice can disadvantage victims of child abuse, as victims are unlikely to be ready to report their abuse within the required amount of time.

The Victims of Crime Assistance Tribunal administers Victoria's state-funded compensation scheme to provide financial assistance to victims of crime. Currently, a victim must make an application within two years after the occurrence of the act of violence. *Betrayal of Trust* recommended that this time limit be removed.

This bill addresses the inappropriateness of applying a limitation period on child abuse victims who are seeking financial compensation through the Victims of Crime Assistance Tribunal. The bill will amend the Victims of Crime Assistance Act 1996 and remove the two-year time limit on applications for financial assistance which relate to child sexual and physical abuse, irrespective of whether the abuse occurred in an organisational setting.

Conclusion

This bill is an important part of Victoria's reforms to improve the experiences of witnesses and victims in the criminal justice system.

I commend the bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until Wednesday, 27 December.

BAIL AMENDMENT (STAGE TWO) BILL 2017

Statement of compatibility

Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Bail Amendment (Stage Two) Bill 2017.

In my opinion, the Bail Amendment (Stage Two) Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bail Amendment (Stage One) Act 2017 was passed by Parliament on 22 June 2017, and implemented 16 recommendations of the Coghlan Bail Review (namely, recommendations 1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 21, 22, 23(a) and 24). The second-reading speech for the Bail Amendment (Stage One) Bill indicated that a second bill would be introduced this year to implement further changes to respond to the Coghlan Bail Review.

The purpose of the Bail Amendment (Stage Two) Bill 2017 (the bill) is to implement the remainder of the actions outlined in the government's public response to the first report of the Coghlan Bail Review. The bill will also implement a number of other changes outside the first report.

The proposed bill will amend the Bail Act 1977 (Bail Act) to:

- reformulate and clarify how the tests for bail should be applied (recommendations 2, 3 and 5);

- introduce a police remand system to enable police to remand an adult accused until a court is available (recommendation 29(d));

- require an accused, other than a child, Aboriginal person or vulnerable adult, who is already on two undertakings of bail for indictable offences, to be brought before a court in relation to any bail decision for particular serious offences (recommendation 15);

- provide an express power for a court (except the Children's Court) to bail or remand a person appearing on summons (recommendation 33); and

- make other minor and technical amendments to the Bail Act.

The bill will also make a small number of technical amendments to the reforms in the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (the Youth Justice Reform Act).

Human rights issues

In my opinion, the human rights under the charter that are relevant to the bill are the right to recognition and equality before the law (section 8), the right to freedom of movement (section 12), the right to liberty and security of person (section 21), the right to humane treatment when deprived of liberty (section 22), the rights of children in the criminal process (section 23), the right to a fair hearing (section 24) and the right to be presumed innocent until proven guilty (section 25).

The bill promotes the right to protection of families and children (section 17) and cultural rights (section 19) through the exclusions provided for children, Aboriginal persons and 'vulnerable adults' from a requirement to only seek bail from a court

For the reasons outlined below, I am of the view that the bill is compatible with the charter because, to the extent that some clauses might limit human rights, those limitations are reasonable and justifiable, balancing the needs for community safety and security.

Reformulation and clarification of the tests for bail (recommendations 2, 3 and 5)

The bill will clarify the tests for granting bail, by introducing amendments under clauses 5 to 7.

Clause 5 introduces section 3AAA into the Bail Act, introducing a non-exhaustive list of factors (named 'surrounding circumstances') relevant to each of the unacceptable risk, show compelling reason and show exceptional circumstances tests. Clause 6 inserts a new provision, section 3D, which provides flowcharts illustrating the key features to assist and guide decision-making process. We note that this is only intended as a guide to the reader. Clause 7 repeals the existing provision relating to the tests for bail and inserts new sections 4 to 4E setting out when each of the unacceptable risk, show compelling reason and show exceptional circumstances tests will apply. This clause also rewords the unacceptable risk test, to emphasise the importance of the consideration of an accused's potential risk to community safety.

Together, these clauses engage sections 12, 21 and 25 of the charter:

Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

Section 21 provides that every person has the right to liberty, and that a person must not be deprived of his or her liberty, except on grounds, and in accordance with procedures, established by law. Relevantly, under section 21(6), a person awaiting trial must not be automatically detained in custody, but his or her release may be subject to guarantees to attend for trial, at any other stage of the judicial proceeding and if appropriate for execution of judgement. Section 21 also provides that every person has the right to security. The right to liberty needs to be balanced with the right to security, specifically, the community's right to safety and security, which includes protection from being subject to criminal offending.

Section 25 sets out rights in criminal proceedings, including the right to be presumed innocent until proven guilty according to law (section 25(1)) and minimum guarantees in criminal proceedings (section 25(2)).

These provisions are closely related to each other and are engaged as follows.

Section 4 of the Bail Act contains a presumption in favour of bail. This reflects section 25(1) of the charter which states that a person has the right to be presumed innocent until proven guilty. However, this presumption of bail is subject to a number of exceptions in the Bail Act, directed at ensuring that an accused person charged with a serious offence is not a danger to the public, does not commit offences while on bail, and appears at subsequent criminal hearings including their trial.

There are currently three tests to be applied in determining whether a person should be released on bail. These are the 'unacceptable risk' test, which applies to all accused persons, and the 'exceptional circumstances' and 'show cause' tests (the latter of which will become the 'show compelling reason' test after the commencement of the Bail Amendment (Stage One) Act 2017). The latter two are collectively known as the

'reverse onus' tests, and apply only to persons accused of certain serious offences.

Mr Coghlan found there was a great deal of uncertainty over how these tests combined to work in practice, such as the order in which to apply the tests where two tests were applicable to an accused.

The bill will clarify the tests for granting bail, at clause 7, by:

setting out when each of the unacceptable risk, show compelling reason and show exceptional circumstances tests will apply;

rewording the unacceptable risk test, to emphasise the importance of the consideration of an accused's potential risk to community safety; and

introducing a non-exhaustive list of factors (named 'surrounding circumstances') relevant to each of the unacceptable risk, show compelling reason and show exceptional circumstances tests.

This bill specifies the order in which these tests must be considered, requiring the relevant reverse onus test to be applied first. An accused who fails a reverse onus test will be refused bail, meaning that there will be no need to apply the 'unacceptable risk' test afterwards.

The clarification of the act will ensure that bail tests are applied properly by bail decision-makers including bail justices.

This change does not represent a significant departure from existing provisions which already apply a reverse onus test for serious offences, nor does it impact on an accused's person rights in criminal proceedings or change the existing evidential burdens under the Bail Act.

However, it is possible that this clarification will in some cases mean that a bail decision-maker might apply a more rigorous approach to the question of bail which could result in more people being denied bail. However, this rigour is reasonable and justified taking into account the seriousness of the offences in this category, and the increased risk to community safety. A thorough consideration of whether a person should be released into the community is a reasonable limitation on the right to liberty (section 21), the right to freedom of movement (section 12) and rights in criminal proceedings (section 25(1)) because of the nature of the right; and the importance of the purpose of the limitation to protect the Victorian community. There are no less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

Further, this bill does not affect a person's ability to respond to the allegations made against them, including in relation to claims that they would present an unacceptable risk on bail, to advocate for why they should be released into the community, to make subsequent applications for bail or to have their matters determined consistently with criminal procedure. This is because an accused person is provided an opportunity to show 'exceptional circumstances' or 'compelling reasons' as to why their detention is not justified. This is an important safeguard for the accused person.

However, these bail test clarifications, in combination with the expanded category of offences under schedule 1 and schedule 2 introduced in the Bail Amendment (Stage One) Act 2017, may raise some concerns with the requirement

under 21(6) of the charter that 'a person waiting trial must not be automatically detained in custody'.

In 2010, the ACT Supreme Court declared that the exceptional circumstances test in the Bail Act 1992 (ACT) was incompatible with the Human Rights Act 2004 (ACT) (In the matter of an *Application for Bail by Isa Islam* [2010] ACTSC 147). Mr Islam had applied for bail after being charged with attempted murder and his bail was refused given the presumption against bail set out in 9C of the Bail Act (ACT) 1992. This provision was found to be incompatible with section 18(5) of the Human Rights Act 2004 (ACT) which provides that 'anyone who is awaiting trial must not be detained in custody as a general rule'. The reason for this declaration of incompatibility was firstly, that section 9C makes it difficult for a person charged with murder to obtain bail, noting that the underlying purpose for this is not apparent from the text of the provision or the explanatory material. Secondly, the focus of 9C is on murder, to the exclusion of serious violent offences which is not a rational response to the need for community protection, and this purpose cannot be assumed in the absence of a clear indication of such a purpose.

In my opinion, the reasoning in the ACT decision is not transferrable to the Victorian Bail Act because:

The amendments to the exceptional circumstances provisions in Victoria under the Bail Amendment (Stage One) Act 2017, by contrast to the ACT provisions, apply to a number of very serious crimes and the purpose of these provisions is made clear in legislation.

The Bail Amendment (Stage One) Act 2017 inserted a new purposes section and guiding principles to inform the community about the purposes of bail and remind decision-makers of some important considerations relevant to bail, in particular balancing the presumption of innocence and the protection of the community.

For the above reasons, the extent to which clauses 5, 6 and 7 limit sections 12, 21 and 25 of the charter, any limitation is reasonable and justified as discussed above and is distinguishable from the ACT decision.

Bail for an accused on two undertakings of bail (recommendation 15)

Recommendation 15 in Mr Coghlan's first report states that any accused who is already on two undertakings of bail with respect to indictable offences should not be able to be granted bail by a police officer of bail justice in relation to a further indictable offence, but must be brought before a court for the question of bail or remand to be determined.

Clause 20 implements recommendation 15 of Mr Coghlan's first report. Importantly it states that the provision applies only in relation to those who are not children, Aboriginal persons or vulnerable adults, as the purpose is to reduce the time such persons must spend in police remand.

To ensure that bail decisions in relation to serious offending are dealt with by the courts while allowing bail decisions for lower level offending to still be made by other bail decision-makers, the bill also provides that the third offence the accused must be charged with is a relevant schedule 2 offence, not an indictable offence. A relevant schedule 2 offence is an offence specifically named in schedule 2 other

than a Bail Act offence. This definition excludes indictable offences which are not specifically named in schedule 2.

Clause 20 also applies to summary offences in schedule 2 (being certain family violence offences and personal safety intervention order offences). It excludes some less serious indictable offences (noting that the most serious indictable offences are already included in the schedules).

This clause will engage sections 12, 21 and 25 of the charter as described above, as well as sections 22 and 24. Section 22 provides that all persons deprived of their liberty must be treated with humanity and dignity. In particular, section 22(2) states that accused people who are detained must be segregated from convicted persons, except where reasonably necessary.

Section 24 relates to the accused's right to fair hearing. We note that it is possible that this change might lead to an increase in persons accused of committing less serious indictable offences being detained in police custody until a court is available to hear their bail applications. This bill does not impact on how people are treated while they are detained awaiting a bail decision or otherwise on remand pending determination of criminal proceedings and existing safeguards, such as the requirement that an accused is brought before a bail justice or a court as soon as practicable, are retained.

The requirement will not apply to children, Aboriginal persons, or a 'vulnerable adult' — being essentially an adult who has impaired decision-making capability as defined under the Bail Act. This is an acknowledgement of the particular hardship that such persons may suffer if detained in police custody and their potential difficulty in participating in a bail hearing. It is necessary and appropriate for Aboriginal persons to be included in light of the over-representation of Aboriginal persons in custody in Victoria and the risk that the changes might disproportionately affect them. This can be taken to be an important safeguard under both the right to equality and non-discrimination (section 8) and cultural rights (section 19).

The requirement that a person accused of a relevant schedule 2 offence, while on two or more undertakings of bail, will mean that bail decisions for recidivist offenders who commit certain serious offences will require the scrutiny of a court, rather than a police officer or bail justice. In effect, these clauses increase the scrutiny role of the court and are an important safeguard of the accused's right to fair hearing (section 24).

It is appropriate and reasonable that a bail decision be made by a judicial officer in the circumstances. A person who is already on multiple bails must pose an increased risk of reoffending whilst on bail. In this circumstance, a judicial officer is best placed to determine the question of bail and can exercise broad judicial discretion which allows for a thorough consideration of an individual accused's circumstance/s. This approach may also assist an accused on more than one bail to access a Court Integrated Services Program (CISP). CISP programs provides accused persons with access to services and support to reduce rates of reoffending and promote safer communities.

For these reasons, to the extent to which clause 20 limits sections 12, 21, 22, 24 and 25 of the charter, the limitation is reasonable.

Police remand system (recommendation 29(d))

The bill will give senior police officers the power to remand an accused, without the accused being able to make further application to bail justices.

Clause 14 inserts new section 10AA to the Bail Act that provides a mechanism for police, in certain circumstances, to remand an arrested person in custody until a court is available. This provision expands upon the current power of police to remand persons in custody pending a decision on bail or remand.

Under the police remand system, an accused will still be required to be brought before a court as soon as practicable. However, rather than bringing in a bail justice where a court is unavailable, it allows bail decisions to be deferred for up to 48 hours until a court is available. At the expiration of 48 hours, the accused would be able to seek bail from a bail justice if they have not yet been brought before a court. The time limit of 48 hours ensures that an accused person is not detained for an unnecessarily long time.

A 48-hour period is reasonable and justified to provide police additional time to bring an accused person to court before Mr Coghlan's recommended bail remand court is established or operational. When the bail and remand court is established, it is unlikely that police will need to remand an accused any longer than 48 hours due to the increased availability of the court.

As set out above, this bill does not affect the circumstances in which an accused person is detained, and in my opinion does not limit the right to be treated humanely or to be segregated from convicted persons when deprived of liberty.

An important safeguard is that the police remand system will not apply to children, Aboriginal persons, or 'vulnerable adults' or a person arrested on an infringement warrant issued under the Infringements Act 2006. Accused persons in these categories would still be able to apply for bail from a bail justice upon being refused bail.

Police remand for minor offending escalated to a 'schedule 1' offence

The bill, under clause 19, will also allow police to grant bail for accused persons escalated to schedule 1 by multiple lower-level offending (pursuant to item 3 of schedule 1 in the Bail Amendment (Stage One) Act 2017).

In effect, this provision will exclude certain accused persons from the requirement that a person accused of a 'schedule 1' offence can only apply for bail to a court. This exclusion will apply only to a person accused of a schedule 2 offence committed on bail or other conditional liberty, where the underlying schedule 2 offence is either an indictable offence committed on bail or other conditional liberty or an offence against the Bail Act. The exclusion will also apply in relation to persons accused of attempting to commit these offences.

There will still be limitations on who can grant bail to an accused in this category.

These offenders will be treated in the same way as how offenders will be treated under the system of 'police remand' introduced in the bill. This means these accused will not be able to seek bail from a bail justice if police oppose the grant of bail, unless they cannot be taken before a court within 48 hours.

An accused in this category will still face the 'exceptional circumstances' test for bail, in the same way as any other person accused of a schedule 1 offence.

This new police remand system engages sections 12, 21, 22, 23 and 25 of the charter.

The impact of these amendments on a person's right to liberty is appropriate when balanced against community safety and noting the 48-hour restriction on this remand. It is therefore justifiable under section 7(2) of the charter. In relation to children, section 23 of the charter specifies additional requirements for the humane treatment of children who are detained in the criminal process, including that they be brought to trial as quickly as possible and are treated in an age-appropriate manner. Section 23 of the charter also provides that accused children must be segregated from adults when detained. The criminal justice system in Victoria treats children differently, and prioritises and expedites the hearing of matters involving child accused. Further, in practice children are kept in separate facilities when remanded, and are not detained with adults. The amendments in this bill are proportionate to the level of alleged offending and the risk of harm that an accused child poses to the safety and security of Victorians.

Existing safeguards for children are retained in this bill. For example at clause 5, all bail decision-makers are required to take into account surrounding circumstances, including those that are relevant to children. The bill makes no change to existing provisions in the Bail Act under section 3A which require bail decision-makers to consider factors specific to a child. These include the desirability for the children's living arrangements, education, training and employment to not be interrupted and the need to preserve and strengthen relationships with family and carers; and a bail decision-maker must ensure that the child's parent, guardian or an independent person is present during bail proceedings.

This bill will not result in a child being unnecessarily remanded and will not have a disproportionate effect on children who have been detained. Therefore, in my opinion the limitation on the rights of children in the criminal process are reasonable and justified for the reasons outlined above.

Family violence considerations (recommendation 22)

The bill, under clause 5, inserts new section 3AAA which requires decision makers to consider family violence risks, as part of the surrounding circumstances that a bail decision-maker must consider. This was recommended under the Royal Commission into Family Violence (the Royal Commission). This promotes section 17 of the charter (families and children) and the security of family violence victims under section 21 of the charter.

Clarifying the power of the court power to grant or refuse bail to an accused appearing on summons (recommendation 33)

The bill implements recommendation 33 of Mr Coghlan's report, to clarify that courts can grant or refuse bail to an accused who appears on a summons.

Clause 18 inserts a new section 12B to the Bail Act and is intended to implement recommendation 33 of Mr Coghlan's second report. The intention of new section 12B is to provide an express power to a court to bail or remand a person appearing on summons. Section 12B differs from

recommendation 33 as it is not limited to situations where an application has been made by the prosecution, and can be exercised on a court's own motion. This is an important power as it provides an important safeguard in circumstances where the prosecution or the court develop concerns about the risk that an accused who is on summons poses to the community.

As there is a legislative presumption that children appear by way of summons, this power will not apply to the Children's Court. Sections 12 and 21 of the charter are engaged, however the rights are not limited as they are reasonably justified in the interests of protecting the Victorian community.

Technical amendments related to the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017

Clauses 26 to 29 of the bill relate to the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Youth Justice Reform Act) that received Royal Assent on 26 September 2017. The bill makes minor technical amendments to certain Youth Justice Reform Act changes which are intended to commence concurrently with the affected provisions in the Youth Justice Reform Act.

The affected provisions of the Youth Justice Reform Act engage several sections of the charter that apply to children involved in the criminal justice system. These include section 23(2) which provides that an accused must be brought to trial as quickly as possible and section 23(3) which provides that they must be treated in an age-appropriate way following conviction. The right to equality before the law in section 8(3) is also engaged.

Remove power to return a charge to a higher court

Clause 26 of the bill amends section 359(9) of the Children, Youth and Families Act 2005. Section 359(9) of the Children, Youth and Families Act will be amended on commencement of section 23 of the Youth Justice Reform Act. The affected provisions in the Youth Justice Reform Act include a presumption that category A serious youth offences will be heard in the higher courts, rather than the Children's Court, when a young person is aged 16 years or over. A higher court is then permitted to return such charges to the Children's Court in certain circumstances. The amendment in the bill will remove the power of the Children's Court to again return the charges to a higher court. This will ensure that charges that have been returned to the Children's Court are finalised in the Children's Court. This will reduce delay, as well as provide finality of jurisdiction and consistency with the requirement for adults in section 168(3) of the Criminal Procedure Act.

I consider that this amendment enhances the right of a child to be brought to trial as quickly as possible. This right is contained in 23(2) of the charter.

Power to return accused to youth justice centre

Clause 27 of the bill amends section 333(3) of the Criminal Procedure Act which will be added to the Criminal Procedure Act by section 36 of the Youth Justice Reform Act. Section 333 of the Criminal Procedure Act applies to decisions by the Magistrates Court to return a young offender to a youth justice centre when the person is alleged to have committed further offences as an adult. Section 333(3) of the Criminal Procedure Act will require the court to take into

account certain factors if the prosecution object to the person being returned to a youth justice centre. The factors include the age, maturity and behaviour of the accused. The amendment in the bill will replace the prosecution objection to a young offender being returned to a youth justice centre, with an objection by the secretary to the Department of Justice and Regulation. This will enable the Secretary to provide the best information to the court about matters relevant to the accused, particularly regarding their behaviour in custody.

Clause 28 of the bill amends section 5A(3) of the Bail Act which will be added to the Bail Act by section 38 of the Youth Justice Reform Act. Section 5A of the Bail Act applies to decisions of the County and Supreme courts to return a young offender to a youth justice centre in the same way as section 333 of the Criminal Procedure Act applies to the Magistrates Court. Clause 28 of the bill introduces an objection requirement by the Secretary to the Department of Justice and Regulation into section 5A(3) of the Bail Act to mirror the provision that applies in the Magistrates' Court.

I consider that these amendments will enhance the right of a child who has been convicted of an offence to be treated in a way that is appropriate for his or her age. This right is contained in section 23(3) of the charter.

Sentence to be concurrent unless otherwise directed

Clause 29 of the bill amends section 33(1A) of the Sentencing Act 1991 as inserted by section 51 of the Youth Justice Reform Act. Section 33(1A) applies a presumption of cumulation in relation to any period of detention imposed for escape from or property damage to a youth justice facility. The presumption of cumulation in section 33(1A) may only apply in relation to a young offender who received a period of detention imposed when that offender was a child. The bill will amend section 33(1A) to clarify that the presumption of cumulation applies to young offenders who received a period of detention either as a child or as an adult.

I consider that this amendment enhances the requirement that every person is equal before the law and is entitled to the equal protection of the law without discrimination. This right is contained in 8(3) of the charter.

Conclusion

In my opinion this bill does not unreasonably limit any charter rights. The amendments achieve balance between the protection of the community and the rights and freedoms that are recognised under the charter.

I consider that the bill is compatible with the charter.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) (10:43) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

The Bail Amendment (Stage Two) Bill 2017 implements the remainder of the actions outlined in the government's public response to the first report of the Coghlan bail review. It follows the first stage of bail reforms that were contained in the Bail Amendment (Stage One) Act 2017. The bill will also implement a number of other changes to the Bail Act 1977.

The bill will amend the Bail Act 1977 to:

- a. reformulate and clarify how the tests for bail should be applied;
- b. introduce a police remand system to enable police to remand an adult accused until a court is available;
- c. require a person accused of certain serious offences, other than a child, Aboriginal person or vulnerable adult, who is already on two undertakings of bail for indictable offences, to be brought before a court in relation to any bail decision;
- d. provide an express power for a court to bail or remand a person appearing on summons; and
- e. make other minor and technical amendments to the Bail Act.

The bill will also make a small number of technical amendments to the reforms in the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017.

The tests for granting bail

There are currently three tests to be applied in determining whether a person should be released on bail. These are the 'unacceptable risk' test, which applies to all accused persons, and the 'exceptional circumstances' and 'show cause' tests (the latter of which will become the 'show compelling reason' test after the commencement of the Bail Amendment (Stage One) Act 2017). The latter two are collectively known as the 'reverse onus' tests, and apply only to persons accused of certain serious offences.

Mr Coghlan found there was a great deal of uncertainty over how these tests combined to work in practice, such as the order in which to apply the tests where two tests were applicable to an accused.

The bill will clarify the tests for granting bail, by:

setting out when each of the unacceptable risk, show compelling reason and show exceptional circumstances tests will apply;

rewording the unacceptable risk test, to emphasise the importance of the consideration of an accused's potential risk to community safety;

introducing a non-exhaustive list of factors relevant to each of the unacceptable risk, show compelling reason and show exceptional circumstances tests.

Police remand

The bill will give senior police officers the power to remand an accused, without the accused being able to make further application to bail justice. Instead, the accused will remain on

remand until a court is available to hear his or her bail application.

Under the new police remand system, where police refuse bail, an accused will be required to be brought before a court as soon as practicable. If police considered it would be impracticable to bring the accused before a court before the expiration of 48 hours, then the accused would be able to seek bail from bail justice. The time limit of 48 hours ensures that an accused person is not detained for an unnecessarily long time without further oversight.

The Coghlan review highlighted the need to treat certain groups of people differently within the bail system. On that basis, the police remand system will not apply to children, Aboriginal persons, 'vulnerable adults' or a person arrested on an infringement warrant issued under the Infringements Act 2006. Accused persons in these categories would still be able to apply for bail from a bail justice upon being refused bail by police.

Section 1.01 It will be a matter for police to determine whether an accused person is a 'vulnerable adult'. In making this assessment police can have regard to information stored on LEAP and also information accessible through an after-hours mental health portal being rolled out state-wide.

In determining whether an accused is an Aboriginal person the police officer must have regard to the answer given when the accused is asked if he or she is Aboriginal.

The proposal for police remand is similar to that proposed by Mr Coghlan in recommendation 29(d) of his second report. Mr Coghlan recommended that police remand be available overnight. The government has determined that it is appropriate to allow police to exercise this power for up to 48 hours. When the dedicated Bail and Remand Court is in operation, it is unlikely that police will need to remand an accused any longer than 48 hours due to the increased availability of the court.

It is proposed that the scheme of police remand be applied to persons who have been escalated into schedule 1 by virtue of multiple low-level offences — offences against the Bail Act, and lower-level indictable offences (offences not specifically listed in either schedule 1 or schedule 2).

This change will be implemented by providing that persons who are in schedule 1 by virtue of being accused of an offence under item 1, 30, or 31 (in relation to items 1 or 30), of schedule 2 will be able to be granted bail by a police officer. The exceptional circumstances test will still apply to these accused.

Bail for an accused on two undertakings of bail

Under the Bail Amendment (Stage Two) Bill, a person who is already on two undertakings of bail with respect to indictable offences must be brought before a court for bail in relation to any further offending comprised of a relevant schedule 2 offence. A relevant schedule 2 offence is defined to include all offences in schedule 2, other than those relating to low-level offences — these being indictable offences of lesser seriousness (by operation of item 1 in schedule 2) and Bail Act 1977 offences (by operation of item 30 in schedule 2).

The requirement to be brought before a court for bail in relation to any further offending comprised of a relevant schedule 2 offence will not apply to children, Aboriginal persons and vulnerable adults. This cohort will be able to seek bail from police. If police refuse bail, they will have recourse to a bail justice. The rationale for this exemption is to ensure these accused persons do not spend time in police custody in circumstances where police, or a bail justice, can be satisfied that bail ought to be granted. The exceptional circumstances test will still apply to all these accused persons, regardless of age.

Clarifying court power to grant or refuse bail to an accused appearing on summons (recommendation 33)

The bill implements recommendation 33 of Mr Coghlan's report, by inserting a new section into the Bail Act to clarify that courts can grant or refuse bail to an accused who appears on summons. The new provision provides that courts may, on application by the prosecution or on their own motion, remand or grant bail to an accused who is appearing on summons.

Mr Coghlan wrote that courts are currently bailing and remanding persons who appear before them on summons, but that it was unclear whether there was a legal basis to do so. In line with his recommendation, this amendment provides this legal basis.

Youth justice amendments

The amendments relate to the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Youth Justice Reform Act) that received Royal Assent on 26 September 2017. Parts of the Youth Justice Reform Act require a small number of technical amendments before they commence to ensure the reforms work as intended. The amendments relate to the power to return serious youth offences to higher courts, the power to return an accused to a youth justice centre and sentencing for escape from or property damage to a youth justice facility.

Commencement

The bill will have a default commencement of 1 October 2018.

The bill makes significant changes to Victoria's bail system, which will have impacts for a range of stakeholders, particularly the courts, Corrections Victoria and Victoria Police. The changes in this bill will likely increase the number of people held on remand, in police custody, and court caseloads.

Due to the significant interaction between the stage one and stage two bail reforms, it is the intention of government to commence both stages together no later than 1 July 2018.

The bill introduces changes to clarify how the relevant tests apply in the bail decision-making process and are generally expected to make it more difficult for accused people to receive bail.

These reforms will be supported by longer term system-wide reforms recommended in Mr Coghlan's report, including the establishment of a new Bail and Remand Court, to ease the demand on police custody and remand beds.

This demonstrates this government's commitment to do what it takes to protect the Victorian community and ensure that Victorians have confidence in our bail system.

The government again thanks Mr Paul Coghlan, QC, and his team for its extensive work and thorough report reviewing bail in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until Wednesday, 27 December.

MARINE AND COASTAL BILL 2017

Statement of compatibility

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Marine and Coastal Bill 2017.

In my opinion, the Marine and Coastal Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will provide for the coordinated and integrated planning and management of the marine and coastal environment of Victoria by repealing and partially re-enacting the Coastal Management Act 1995 (CM act). Of relevance to the analysis of human rights are the elements of the bill which:

require the preparation of a statewide marine and coastal policy and strategy;

will repeal the CM act, which will have the effect of removing the existing regional coastal boards and the Victorian Coastal Council (to be replaced by the Marine and Coastal Council); and

will strengthen and streamline consent and regulation provisions for the use and development of marine and coastal Crown land.

Human rights issues

Human rights protected by the charter that are relevant to the bill

Section 13 — Privacy and reputation

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The touchstone for the right is a reasonable expectation of privacy.

Clause 77 of the bill enables an authorised officer to request a person's name and address if the authorised officer reasonably believes that the person has:

contravened the requirement to obtain a consent to use or develop or undertake works marine and coastal Crown land; or

contravened or is contravening, a condition of consent given to that person to use or develop or undertake works on marine and coastal Crown land.

The purpose of this clause is to enable an authorised officer to identify a person that the authorised officer reasonably believes is using or developing marine and coastal Crown land without legal authority to do so. This power will help reduce the risk of inappropriate development occurring along Victoria's coastline.

Insofar as the provision requires the disclosure of personal information about which a person might have a reasonable expectation of privacy, I consider that any interference with privacy is lawful and not arbitrary as an authorised officer is required to come to a reasonable conclusion that the activity being undertaken has either not been consented to or is being undertaken in a manner not consistent with the conditions of a consent.

The bill contains safeguards with respect to the use of the power. Only authorised officers will have the power to request a person's name and address but only after the authorised officer has produced their identity card for inspection.

These impacts upon information privacy are appropriate and proportionate taking into account the requirement to obtain consent to use or develop or undertake works on marine and coastal Crown land and the importance the community places on protecting Victoria's marine and coastal environment from inappropriate development.

Clause 20 of the bill requires members of the Marine and Coastal Council to declare in a meeting of the council established under part 3 of the bill, any pecuniary interest in relation to a matter being considered or about to be considered by the council. Insofar as the provision requires the disclosure of personal information about which a person might have a reasonable expectation of privacy, I consider that any interference with privacy is lawful to require potential conflicts of interest are declared by members and are appropriately managed and ensure that any interests do not affect the provision of impartial advice relating to the use or development or undertaking of works on Crown land.

Section 18 — Taking part in public life

Section 18 of the charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. It further provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to public office.

The bill has the effect of replacing the Victorian Coastal Council appointed under section 7 of the CM act with the Marine and Coastal Council. The bill also abolishes the regional coastal boards established under section 11 of the CM act. These changes are provided for under the bill through the repeal of the CM act under clause 81 and the establishment of the Marine and Coastal Council under part 3.

The replacement of Victorian Coastal Council with the proposed Marine and Coastal Council and the abolition of the regional coastal boards may be perceived as limiting a person's right to participate in public life. However, the provisions of the bill do not prohibit former members of the Victorian Coastal Council or the regional coastal boards from applying for appointment to the Marine and Coastal Council.

The bill therefore, does not limit the opportunity for a person to participate in public life and the changes are necessary to establish a new governance framework for the marine and coastal environment in Victoria.

Clause 19 of the bill provides for circumstances in which a member of the council can resign or be removed. The clause, insofar as it enables the minister to remove a member of the council at any time, may engage and limit the right under section 18. However, the provisions are justified to facilitate good corporate governance.

Section 19(2) — Cultural rights

Section 19(2) of the charter provides for the rights for Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The bill promotes the cultural rights of Aboriginal persons through a mandatory requirement for decision-makers to consult with specified Aboriginal parties in the preparation of instruments prepared under the bill. The bill also provides for the establishment of regulations to prescribe exemptions for traditional owners who when acting in accordance with a natural resource agreement under the Traditional Owners Settlement Act 2010 will not be required to obtain a consent to use or develop or undertake works on marine and coastal Crown land.

Hon. Lily D'Ambrosio, MP
Minister for Energy, Environment and Climate Change

Second reading

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (10:44) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

Victoria's marine and coastal environment is a special and unique place, with more than 2000 kilometres of coastline and more than 10 000 square kilometres of marine waters. It encompasses diverse ecosystems and provides significant benefits to the Victorian community and economy. It underpins industries such as tourism and the commercial and recreational fishing sectors, which provide jobs to thousands of Victorians, particularly in regional locations. The marine and coastal environment is also of value in its own right and has significant social and cultural value to Victorians.

There is no doubt that Victorians value the marine and coastal environment, with more than four out of five Victorians visiting the coast at least once a year. Traditional owners and the broader Aboriginal community have powerful and unique

spiritual and ancestral bonds to Victoria's marine and coastal environment.

Victoria is very fortunate that since the 1870s most of the state's coast has been reserved for public use. The commitment to retain one of Victoria's greatest natural assets in public ownership has been maintained to this day, with 96 per cent of our coastline currently in public ownership.

Since 1995 the Coastal Management Act 1995 (the 1995 act), Victoria's first legislation dedicated to statewide coastal management, has guided the protection, conservation and sustainable use and development of the coast and has provided a strong basis for coordinated strategic planning for, and management of, the Victorian coast.

However, over the last 20 years advances in our understanding of the marine and coastal environment have highlighted gaps and complexities in the current system that need to be addressed if we are to meet contemporary challenges, particularly those arising in the face of climate change, increasing population pressures and ageing coastal infrastructure. In addition, there has been a growing appreciation of the value and uniqueness of the marine environment lying beyond the coast, and of its importance to the state.

Labor is proud of its record in protecting and enhancing Victoria's marine and coastal environment. The Marine and Coastal Bill 2017 (the bill) will further this legacy by implementing the Andrews Labor government's 2014 election commitment in *Our Environment, Our Future* to establish a new Marine and Coastal Act to better manage and protect the marine and coastal environment.

The bill, combined with a range of complementary non-legislative reforms, will implement this commitment and ensure that our diverse and unique marine and coastal environment remains a special place and continues to provide a wide range of benefits, now and into the future.

The bill establishes a new coordinating framework that harnesses and builds on the strengths of the 1995 act but provides for improved oversight, planning and management of Victoria's marine and coastal environment. In doing so, it will strengthen Victoria's coastal planning and management framework and help integrate the planning and management of the marine environment.

The bill introduces refinements and new aspects that have been informed by extensive community consultation, and reflects the knowledge, understanding and experience gained since 1995. The new system will therefore provide an effective and integrated framework to deal with present and future challenges facing decision-makers and the community.

To guide development of the bill, an expert advisory panel, chaired by Associate Professor Geoff Wescott, was established in late 2015 and a stakeholder reference group was also convened to inform the deliberations of the expert panel. In 2016 a public consultation paper was released that proposed legislative and non-legislative reform options to deliver the government's election commitment. There was an extensive consultation process to seek feedback on the proposed reforms from a diverse range of stakeholders across the state. There was broad support for the key proposals outlined in the consultation paper and the bill has been

significantly shaped by the feedback provided by the community and stakeholders.

Establishing a stronger framework for marine and coastal planning and management

The bill provides a whole-of-government approach to planning and management of the marine and coastal environment while recognising the ongoing role of existing legislation that governs resource or land use, such as the Fisheries Act 1995 and the National Parks Act 1975.

The bill includes strong objectives and a set of guiding principles to provide direction to decision-makers. The bill also refines a range of existing tools and introduces several new tools to guide and integrate marine and coastal policy, planning and management at all levels across the state.

Eight specific clear objectives for the planning and management of the marine and coastal environment are introduced by the bill. These are:

- to protect and enhance the marine and coastal environment;

- to promote the resilience of marine and coastal ecosystems, communities and assets to climate change;

- to respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change;

- to acknowledge traditional owners' knowledge, rights and aspirations for land and sea country;

- to promote a diversity of experiences in the marine and coastal environment;

- to promote the ecologically sustainable use and development of the marine and coastal environment and its resources in appropriate areas;

- to improve community, user group and industry stewardship and understanding of the marine and coastal environment; and

- to engage with specified Aboriginal parties, the community, user groups and industry in marine and coastal planning, management and protection.

The introduction of objectives focused on climate change and acknowledging traditional owners' connections to the marine and coastal environment are significant reforms, addressing two major gaps in the 1995 act.

The guiding principles in the bill include integrated coastal zone management, ecosystem-based management and ecologically sustainable development. These principles will help guide planning, management and decision-making in relation to the marine and coastal environment.

To improve the integration and coordination of planning and management efforts across Victoria's marine estate the scope of the bill, compared to the 1995 act, extends to include marine waters and the biodiversity in those waters.

Improving governance and institutional arrangements

The new framework introduced by the bill will build on the strengths of the existing advisory structures, simplify

governance and institutional arrangements and improve alignment between responsibilities, capacity and resources.

Establishing a new statewide advisory body with an increased marine focus

The bill will replace the current Victorian Coastal Council with a Marine and Coastal Council. The membership, representation, and skills base of the new council will be strengthened compared to the old council and will provide for a greater focus on addressing marine issues. The council will advise the minister and will guide, rather than draft, statewide policy and strategy.

Addressing the gap in advice on matters relating to coastal erosion

One of the longstanding key gaps in the current system is the absence of expertise and responsibility for providing advice on matters relating to coastal erosion. With increasing risk to coastal communities from the impacts of climate change, this gap was identified as a key focus of reform to be delivered through the bill. Recognising the links between coastal flooding and coastal erosion, the authorities responsible for providing advice on coastal flooding will now also be able to advise on matters relating to coastal erosion. In regional Victoria, coastal catchment management authorities (CMAs) will perform this role, while in the Port Phillip Bay and Western Port catchments, Melbourne Water will be the responsible authority.

Simplifying regional advisory arrangements

The three regional coastal boards (RCBs) have played an important role in coastal management over the past 20 years, including leading the development of three regional coastal plans. However, given the combination of a new statewide Marine and Coastal Council, a strengthened role for coastal CMAs, and a new partnership-based approach to solving regional issues, the relevant functions of the current RCBs are incorporated into the new system. Consequently, RCBs will be discontinued; this will help simplify the number of organisations involved in marine and coastal planning.

Providing for statewide, regional and local marine and coastal planning

Statewide marine and coastal planning

The 1995 act introduced Victoria's first long-term, strategic statewide document for coastal planning and management. The *Victorian Coastal Strategy* is a key strength of the current system which has maintained bipartisan support throughout its four iterations. The bill recognises this strength and builds upon it. It distinguishes between the long-term statewide policy and the more dynamic statewide strategy and will ensure a coordinated approach to resolving marine issues that cut across sectorial boundaries.

Both the policy and strategy will be developed and co-endorsed across government. They will guide marine and coastal planning and decision-making at the statewide, regional and local scale. The policy and strategy will also complement other reforms such as those delivered through *Protecting Victoria's Environment — Biodiversity 2037* and Victoria's climate change framework and adaptation plan.

A significant new aspect of the policy will be the inclusion of a marine spatial planning framework. This is the first step to

establishing a holistic plan for Victoria's marine environment. The framework will formalise an agreed process to guide future planning and dispute resolution in Victoria's marine estate.

The strategy will outline the actions and responsible authorities to deliver policy outcomes on the ground. It will be accompanied by an implementation plan to ensure that the delivery of actions is prioritised and resourced. It will also give greater clarity on roles and responsibilities which was identified as a significant gap in the current system.

Regional marine and coastal planning

Integrated and coordinated planning and management at the regional scale will be delivered through a new and flexible regional partnership approach, by strengthening the role of coastal CMAs, and by providing for the development of environmental management plans.

Regional and strategic partnerships (RASPs) will support government departments and agencies, community organisations and industry to jointly address significant regional or issue-based planning that crosses jurisdictional boundaries. Examples of regional or issue-based planning that could be addressed through a RASP include planning for increasing coastal visitation and assessing coastal hazards to inform risk mitigation measures on the coast to protect communities, values and assets. By working in partnership with the community and traditional owners, the bill will enable us to tackle some of the most difficult challenges facing the marine and coastal environment.

Across Victoria CMAs are the key regional organisations charged with integration and coordination of natural resource management issues. The bill will improve planning and management of natural resources across catchments and adjoining coastal and marine areas by better aligning marine and coastal planning with existing natural resource management planning under the Catchment and Land Protection Act 1994 (the CALP act). In addition, to strengthen the consideration of threats to the marine and coastal environment originating in the catchments, coastal CMAs will be required to consider both the statewide marine and coastal policy and strategy when preparing a regional catchment strategy under the CALP act.

The bill further reflects the importance of a coordinated approach to addressing impacts on the marine environment by enabling the preparation of environmental management plans (EMPs). Public consultation on the proposed reforms indicated strong support for the mandatory preparation of an EMP for Port Phillip Bay, expanding on what is provided for under the current provisions of the state environment protection policy. Consultation also revealed support for the preparation of EMPs in other marine areas and embayments, where the need for an EMP is identified.

Local marine and coastal planning

To support land managers planning for areas of marine and coastal Crown land at a local scale, the bill provides for the preparation of coastal and marine management plans (CMMPs). The bill reduces overlap between these plans and other strategic planning documents covering the marine and coastal environment, such as management plans prepared under the National Parks Act and aims to reduce the total number of local plans by enabling them to cover multiple land managers.

Improving the protection of public values and streamlining use and development

The bill maintains the Crown land minister's right to have the final say regarding the use and development of marine and coastal Crown land. The default position remains that all use and development requires the consent of the minister. This position continues to be reflected in the Planning and Environment Act 1987.

To streamline the administration and process of applications, the bill will enable low-risk uses and developments to be exempt from the need for a consent and will enable the prescribing of a set of standard conditions to accompany a consent. To further reduce the regulatory burden, the bill will enable the minister to grant consent at the time of approving a CMMP.

To help protect marine and coastal Crown land, the bill includes strengthened offence and enforcement provisions relating to carrying out a use or development without a consent and for failure to comply with the conditions of a consent.

Improving our understanding of the marine and coastal environment

One of the significant gaps in Victoria's current marine and coastal management system is the absence of data on the condition of the marine and coastal environment. To overcome this gap, the bill establishes an obligation to prepare a report on the baseline condition of the marine and coastal environment. A state of the marine and coastal environment report will then periodically be produced to assess changes in the condition of the marine and coastal environment. The report will improve our knowledge of that environment, enabling its health and condition to be tracked over time, and will inform statewide, regional and local policy, planning and management.

Conclusion

The bill represents a major evolution in the legislation governing our precious marine and coastal environment. It provides for an integrated whole-of-government approach to marine and coastal planning and management at the statewide, regional and local scales. The bill will reposition Victoria once again as a leader in integrated coastal zone management.

I commend the bill to the house.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until Wednesday, 27 December.

CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017*Statement of compatibility*

Mr FOLEY (Minister for Housing, Disability and Ageing) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Children Legislation Amendment (Information Sharing) Bill 2017 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Child Wellbeing and Safety Act 2005 (the principal act) to establish an information-sharing scheme to enable prescribed entities to share confidential information in order to promote the wellbeing and safety of children. The bill also establishes a register of all children born or participating in specified services in Victoria to improve child wellbeing and safety outcomes for those children, and to monitor and support their participation in government-funded programs and services. Further, the bill makes a range of amendments to the Children, Youth and Families Act 2005, the Health Records Act 2001, the Privacy and Data Protection Act 2014, the Health Services Act 1988, the Education and Training Reform Act 2006 and the Freedom of Information Act 1982 to support the operation of the new information-sharing scheme.

In making these amendments, the bill seeks to address the issues raised in numerous recent independent reviews, which have recommended reform to Victoria's information-sharing arrangements to improve wellbeing and safety outcomes for children. These include reviews undertaken by the Victorian Auditor-General, the Coroners Court of Victoria, the Commission for Children and Young People and the Protecting Victoria's Vulnerable Children Inquiry, some of which relate to the deaths of children. A key theme of these reviews has been that, with the benefit of hindsight, the risk of harm to children could have been avoided or significantly reduced if relevant agencies and service providers had been empowered to take a proactive approach to information exchange and a more collaborative, integrated approach to service provision for children and families.

The bill addresses these issues and recommendations by establishing a scheme designed to improve the ability of relevant agencies and service providers to exchange certain information about a child or group of children, with a focus on early intervention. It does so by inserting a new part 6A into the principal act to provide for the sharing of confidential information between specified persons and bodies for the purpose of promoting the wellbeing or safety of children, in circumstances which include but extend beyond where a child is already at risk.

The bill also inserts a new part 7A into the principal act to establish a platform called Child Link, to enable systematic sharing between specified entities of limited factual information regarding a child's enrolment and participation in services and to enable government to create longitudinal datasets to inform policy development and service design.

Human rights issues

In my opinion, the human rights under the charter that are relevant to the bill are:

the protection of families and children under section 17 of the charter;

the right to privacy as protected by section 13 of the charter;

the right to freedom of expression under section 15(2) of the charter; and

the presumption of innocence in relation to criminal offences under section 25(1) of the charter.

For the reasons outlined below, I am of the view that the bill is compatible with each of these human rights.

Importantly, by establishing a scheme with the overarching purpose of promoting the wellbeing and safety of children and facilitating early intervention in relation to potential risks, the bill promotes the right of children in section 17(2) of the charter to such protection as is in their best interests.

Protection of children

Section 17(2) of the charter provides that every child has the right to such protection as is in their best interests and is needed by them by reason of being a child. This provision acknowledges that children are vulnerable because of their age and are entitled to special protection.

The bill promotes the rights of children by having as its fundamental purpose the promotion of wellbeing and safety of children and by providing that confidential information may only be disclosed for that purpose. While the right of children to consent to their information being collected and disclosed and to be updated on its use is limited by the bill, such limitations reflect and recognise the particular vulnerabilities of children and that they may not always be willing or able to disclose information critical to their safety and wellbeing.

The principles in new section 41U and the associated guidelines under new section 41ZA (as discussed below under the heading of 'Privacy') provide guidance to information-sharing entities when collecting, using and disclosing confidential information to seek and take into account the views of the child wherever appropriate, safe and reasonable to do so; to preserve positive relationships between the child and people significant to the child; and to have regard to the child's identity, vulnerability and cultural rights. The bill enables the state to take appropriate measures to protect children from harm while supporting their agency and autonomy to the greatest extent possible. As such, to the extent that any rights under section 17(2) are limited, any such limitation is reasonable and necessary to give effect to the legitimate aim of promoting children's wellbeing.

Protection of families

Section 17(1) of the charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the state. This section recognises that the relationship between a parent and child is an integral part of family life and protects the rights of parents to exercise parental authority in relation to the care and upbringing of children. When taking measures to protect a child's wellbeing, the state is obliged to take into account the rights and duties of parents.

A number of principles set out in new section 41U (as discussed below under the heading of 'Privacy') promote the protection of families by guiding information-sharing entities when collecting, using and disclosing confidential information to seek and take into account the views of relevant family members where appropriate, safe and reasonable to do so; to preserve and promote positive relationships between the child and their family; and to promote and recognise the familial connections of Aboriginal and Torres Strait Islander children. The principles also note that the information-sharing entity should take all reasonable steps to plan for the safety of any family members who are believed to be at risk from family violence. Further, the bill may protect families by assisting parents to secure the safety and wellbeing of their children.

However, the bill also limits the right in section 17(1) by enabling confidential information about a child or family member to be shared without the consent or knowledge of their parents, as outlined above. The sharing of information about a child or family member in this way may undermine parental authority and could have ongoing impacts on the family unit and their engagement with services.

In my view, any limitation of the right in section 17(1) is justified in light of the important overarching objective of the new information-sharing provisions to promote the safety and wellbeing of children and the fact that obtaining the consent of a child's parent may often be impractical or inappropriate, particularly in the face of significant harms. Both the principles and guidelines will guide information-sharing entities to consider family relationships and the views of relevant family members when sharing confidential information, whilst prioritising the safety and wellbeing of the child.

Privacy

Section 13(a) of the charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The bill permits and, in some cases, requires the disclosure of confidential information between specified entities for the purpose of promoting the wellbeing or safety of children. Several provisions of the bill therefore interfere with the right to privacy. However, for the reasons set out below, it is my view that these interferences are neither unlawful nor arbitrary and as such do not constitute a limit on the right to privacy.

Information sharing between prescribed entities

Clause 8 of the bill inserts a new part 6A into the principal act to provide for the sharing of confidential information between specified persons and bodies for the purpose of promoting the wellbeing or safety of children. The scheme will apply to a confined list of 'information-sharing entities' to be prescribed by regulation (new sections 41R and 46ZC) and may include, for example, nurses, psychologists and other medical practitioners, police officers, teachers, principals of a registered school, state-funded community service organisations, and education and care services. Some entities may be prescribed as 'restricted information-sharing entities', with more limited authorisation to share or obtain confidential information, which will be specifically set out in the regulations.

Specifically, within new part 6A of the principal act, section 41V provides that an information-sharing entity may, on its own initiative, disclose confidential information (other than excluded information) to another information-sharing entity if the disclosure is made for the purpose of promoting the wellbeing or safety of a child or group of children, and the disclosing entity reasonably believes that the disclosure may assist the receiving entity to make decisions, assessments or plans, initiate or conduct an investigation, or provide a service or manage a risk, in relation to a child or group of children. Further, new section 41W provides that an information-sharing entity may request another information-sharing entity to disclose confidential information (other than excluded information) for the same overarching purpose, and the responding entity must comply with that request if it reasonably believes that disclosure may achieve the same outcomes as those identified above with respect to new section 41V.

'Confidential information' is defined in clause 5 of the bill (amending section 3(1) of the principal act) to mean health information (within the meaning of the Health Records Act 2001), personal information (within the meaning of the Privacy and Data Protection Act 2014), sensitive information and unique identifiers (within the meaning of the Privacy and Data Protection Act 2014), and identifiers (within the meaning of the Health Records Act 2001).

'Excluded information' is defined in clause 8 of the bill (new section 41Q) to mean confidential information the collection, use or disclosure of which could be reasonably expected to endanger a person's life or result in physical injury; prejudice an investigation, inquest or fair trial; breach legal privilege; contravene a court order or provision of the principal act; or be contrary to the public interest.

New section 41U sets out the principles that information-sharing entities (and, where relevant, restricted information-sharing entities) should refer to for guidance when collecting, using or disclosing confidential information in accordance with new part 6A. These principles apply in addition to the overarching purpose of promoting the wellbeing or safety of children being met (in all cases) and the reasonable belief that the disclosure may assist other entities in their dealings with children. These principles include that entities should:

give precedence to the wellbeing and safety of a child or children over the right to privacy;

only share confidential information to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or children;

work collaboratively with other entities in a manner that respects their functions and expertise;

seek and take into account the views of the child and relevant family members wherever appropriate, safe and reasonable to do so;

seek to preserve and promote positive relationships between the child, their family and other people significant to the child;

be respectful and have regard to a child's social, individual and cultural identity, their strengths and

abilities and any vulnerability relevant to the child's wellbeing or safety;

take all reasonable steps to plan for the safety of all family members believed to be at risk of family violence;

promote the cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both; and

seek to maintain constructive and respectful engagement with children and their families.

The application of these principles, which will be supported by detailed guidelines that the minister must make and publish after extensive and compulsory consultation, will ensure that information-sharing entities and restricted information-sharing entities only share confidential information to the extent that it is appropriate to do so in all the circumstances. New section 41ZA(2)(b) provides that the guidelines must address how the principles are to be applied in practice when collecting, using or disclosing confidential information and how an information-sharing entity or a restricted information-sharing entity may demonstrate its capacity to handle confidential information responsibly and appropriately. For example, in relation to the principle of taking all reasonable steps to plan for the safety of family members believed to be at risk of family violence, the guidelines will contain detailed guidance on using family violence risk management frameworks. In relation to the principle of seeking and taking into account the views of children and relevant family members, the factors that are relevant to when and whether consent should be obtained will be discussed throughout the guidelines. Information-sharing entities and restricted information-sharing entities must comply with the guidelines (new section 41ZA(5)). Although non-compliance alone is not an offence (new section 41ZK(5) and 41ZL(4)), it will be relevant to complaints made under the Privacy and Data Protection Act 2014, Health Records Act 2001 or Privacy Act 1988 of the commonwealth (Privacy Act), and may lead to a person or body ceasing to be prescribed as an information-sharing entity.

New section 41ZG extends the operation of the Privacy and Data Protection Act 2014 to any information-sharing entity that is not already covered by that act. The Information Privacy Principles (IPPs) in schedule 1 to that act will therefore apply so as to provide an appropriate level of further regulation and accountability. For example, under IPP 1.1, an entity must only collect personal information that is necessary for one or more of its functions or activities, and under IPP 2.1, an entity must not use or disclose personal information for a purpose other than the primary purpose for which it was collected (save for in specified and limited circumstances). This means that, generally, entities that receive confidential information under new part 6A will only be able to use that information for the purposes for which it was exchanged (except, pursuant to new section 41X, if otherwise required or permitted under another act or law).

However, the bill displaces certain IPPs in order to ensure that the objectives of new part 6A are not unduly compromised. Specifically, clause 30 provides that nothing in IPPs 1.4, 1.5, or 10.1 applies to the collection of personal or sensitive information by information-sharing entities. The effect of clause 30 is that when acting in accordance with new part 6A

of the principal act, information-sharing entities need not collect personal information directly from the individual it relates to (IPP 1.4). It also means that where an information-sharing entity has collected personal information about an individual from someone else, where compliance would be contrary to the promotion of the wellbeing and safety of a relevant child, the entity need not take reasonable steps to ensure that the individual is aware of matters such as the identity of the entity that has collected the information, the fact that the individual can access the information, the purposes for which it has been collected, and to whom the entity will disclose the information (IPP 1.5). Further, the circumstances in which entities are empowered to collect sensitive information are not limited to those in which the individual has either consented; the collection is required under law; the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual; or the collection relates to the establishment, exercise or defence of legal claims (IPP 10.1). More broadly, division 4 of part 3 of the bill provides that nothing in any IPP applies to the collection, use or disclosure of personal or sensitive information under part 6A to the extent that it requires the consent of the relevant person. Additionally, division 3 of part 3 makes similar amendments as outlined above to the Health Records Act 2001, with respect to the corresponding health privacy principles contained in that act.

The consequential amendments to the Children, Youth and Families Act 2005 in division 1 of part 3 of the bill repeal a number of prohibitions on disclosure under that act. This includes provisions that prohibit protective interveners, including the Secretary to the Department of Health and Human Services, from disclosing any information or record arising from an investigation under part 4.6 of that act to anyone other than specified people or bodies, and provisions that prohibit a person who prepares, receives or otherwise has access to certain reports (such as protection reports and therapeutic treatment reports) from disclosing information contained in that report without consent. While the repeal of these provisions may permit such information to be shared more broadly than was previously authorised, any disclosure of personal information must still be made in accordance with the Privacy and Data Protection Act 2014 and the requirements under new part 6A (if sharing confidential information under that part). Further, the repeal of provisions that may impose conflicting obligations on information-sharing entities ensures greater clarity and consistency around information sharing, and persons who give information in confidence in the course of an investigation will continue to be protected by confidentiality provisions in part 4.6 of the Children, Youth and Families Act 2005.

The bill empowers information-sharing entities to share a range of confidential information about individuals in circumstances in which that information may not previously have been able to be shared, and the scheme represents a recalibration of rights to give precedence to the wellbeing and safety of children over the right to privacy of those children and other persons. However, in my view, the circumstances in which confidential information may be shared are sufficiently precise, confined, and proportionate to the legislative purpose sought to be achieved. The information-sharing provisions outlined above are therefore neither unlawful nor arbitrary and as such, do not limit the right to privacy under the charter.

The bill aims to shift an entrenched, risk-averse culture around information sharing to promote an approach to

information exchange that is proactive, collaborative and appropriately balanced. The threshold purpose of 'wellbeing or safety' enables prevention, early risk assessment and intervention before harm occurs or statutory intervention is required. The factors that contribute to 'wellbeing' form the basis of the principles that are set out in new section 41U for relevant entities to consider and, as outlined above, these principles (as well the factors relevant in determining 'wellbeing' in the context of the legislation) will be reflected and expanded in guidelines which must be made by the minister and which will bind relevant entities. Further, by carving out certain categories of 'excluded information' from the information-sharing provisions, the bill ensures that confidential information that could give rise to an unacceptable risk of harm cannot be shared.

The bill also contains a broad regulation-making power in new section 46ZC of the principal act, to provide further certainty as to the operation of the new information-sharing scheme. In addition to prescribing the confined list of entities which will be empowered to exchange confidential information under the bill, the regulations may prohibit or regulate the type of information that may be used, disclosed, handled, requested or received by an entity, further prescribe the purposes for which confidential information may be used or disclosed, and prescribe the information to be recorded by an entity for the purpose of its record-keeping requirements under new section 41ZC. Offence provisions relating to unauthorised use and disclosure of confidential information without consent (new sections 41ZK and 41ZL), and false claims to be or represent a prescribed information-sharing entity (new section 41ZM) provide further safeguards, as do the mandatory two and five-year independent review provisions in new sections 41ZN and 41ZO.

To the extent that the information-sharing provisions displace some of the otherwise applicable requirements contained in the Privacy and Data Protection Act 2014 and Health Records Act 2001, in my view, this is crucial in order to achieve the objectives of the bill. This approach is consistent with the approach taken in the Family Violence Protection Amendment (Information Sharing) Act 2017, which displaced IPPs 1.4, 1.5 and 1.10 in relation to persons of concern. A requirement that entities obtain consent from relevant individuals and make them aware of various matters relating to confidential information collected would seriously undermine the capacity of those entities to exchange information in the proactive, efficient and collaborative manner envisaged by the bill. Obtaining the consent of children raises complex issues; moreover, it may place a significant and inappropriate burden of responsibility on children for their own safety and wellbeing, which would be inconsistent with the best interests of those children. Further, requiring entities to obtain consent prior to sharing confidential information would create significant uncertainty about when confidential information can be shared and could encourage unnecessary risk aversion. However, this does not mean that children's agency and privacy is not important. It is. As such, in keeping with the principles, the guidelines will state that entities should have regard to the views of a child (and their relevant family members) where appropriate, safe and reasonable to do so. Further, the principle that an information-sharing entity should only override a person's right to privacy to the extent necessary to promote wellbeing or safety ensures a proportionate approach to information sharing.

I note that in *The Christian Institute & Ors v. The Lord Advocate* (Scotland) [2016] UKSC 51, the UK Supreme Court held an information-sharing scheme to be incompatible

with the right to respect for private and family life under the European Convention on Human Rights. In comparison, the information-sharing scheme under this bill provides for detailed principles to be considered by information-sharing entities when sharing information. This essential aspect of the bill will be reflected and expanded in the mandatory ministerial guidelines, with which information-sharing entities must comply. The extension of obligations contained in privacy legislation (save for some limited exclusions) to information-sharing entities under this bill also ensures clarity and proportionality in the approach taken to information exchange. Therefore, in my view, these features are sufficiently different to distinguish the two schemes.

Information sharing with other persons

Within division 2 of part 6A of the principal act, new section 41Y provides that an information-sharing entity may disclose confidential information (other than excluded information) to a child, a person who has parental responsibility for the child or a person with whom the child is living, for the purposes of managing a risk to the child's safety. The person to whom the information is disclosed must only use or disclose it for the purpose of managing that risk.

The circumstances in which confidential information may be disclosed by an entity to a person other than another entity under these provisions are appropriately limited. Information may only be shared where there is a risk to a child's safety and it may only be shared for the purpose of managing that risk. 'Excluded information' cannot be shared. Further, many of the safeguards that apply to the sharing of confidential information between prescribed entities will also apply in this context. For example, in determining whether an entity should share information under new section 41Y, the entity will need to consider the principles set out section 41U and comply with the ministerial guidelines issued under new section 41ZA.

In my view, section 41Y is therefore sufficiently precise and proportionate so as not to limit the right to privacy under the charter.

Division 1 of part 3 of the bill makes consequential amendments to the Children, Youth and Families Act 2005 that enable the sharing of certain information to occur between particular bodies in the context of that act. Clause 17 inserts a provision that allows the Secretary to the Department of Health and Human Services and protective interveners to request, disclose and receive information from certain bodies or individuals if they believe on reasonable grounds that it is required for the performance of the duties or functions of the secretary or protective intervener under that act. This information may include personal information. The information may be received from, or disclosed to, the Secretary to the Department of Health and Human Services, another protective intervener, an information holder, a service agency, a person in charge of, or employed in, a registered community service or another individual. Clause 18 substitutes section 193 to permit community-based child and family services, upon receiving a referral from a person who has a significant concern for the wellbeing of a child, to consult with certain services for the purpose of assessing a risk to a child or to determine which service is an appropriate body to provide assistance. In the course of such a consultation, the community-based child and family service may receive or disclose information about the child or family.

These amendments reflect a more permissive approach to information sharing to enable service agencies and community services to better perform their functions and duties. Such amendments do not unreasonably limit the right to privacy because they restrict information sharing to specific categories of people in certain, prescribed circumstances.

Establishment of the Child Link scheme

Clause 10 of the bill inserts a new part 7A into the principal act to provide for the establishment of a Child Link Register.

Under new sections 46B and 46Y, the secretary to the Department of Education and Training is required to establish and maintain the register in relation to each child who is born in Victoria; accesses, enrolls in, registers with or otherwise engages with a relevant service (for example, a Maternal and Child Health service, supported playgroup, and registered school); registers for homeschooling; or is the subject of a child protection order.

The particulars to be included on the register will be extracted and regularly updated (through an automated process) from a number of existing databases. To facilitate this, new section 46I authorises certain persons to collect confidential information and disclose it to the secretary to enable the secretary to establish and maintain the register. The secretary may amend an entry on the register to reflect the most accurate information available to the secretary, and may collect, use or disclose confidential information about a child or other person for the purposes of establishing and maintaining the register without the consent of that person.

The particulars that may be included in the register are set out in new section 46D and include the child's full name, date and place of birth, and sex; full names of each person who has or has had parental responsibility for, or day-to-day care of, the child; siblings' names; whether the child is Aboriginal, Torres Strait Islander, or both; information about any child protection orders made in relation to the child; and whether the child is a participant in the national disability insurance scheme. The register will also include specified information in relation to the relevant services that the child has accessed, enrolled in or been referred to. The specified information is set out in new section 46D(3) and includes the name and contact details of the service, the dates of the child's participation in the service, a description of the child's participation in the service, dates of registration and cancellation in relation to homeschooling and any other prescribed information that is considered necessary.

Only people designated as Child Link users may access the register and use confidential information contained in the register. A list of Child Link users is contained in new section 46K and includes specified persons employed or engaged to provide education or health and welfare services at a school or an approved education and care service; nurses employed or engaged in the provision of maternal and child health programs; persons employed or engaged by a council or the Victorian Aboriginal Health Service Co-operative Limited in relation to childhood services implementation or policy; and persons employed or engaged by the Secretary to the Department of Health and Human Services under part 3 of the Public Administration Act 2004. Also included as Child Link users are persons employed or otherwise engaged by the Secretary to the Department of Education and Training under part 3 of the Public Administration Act 2004 for one or more specified purposes (such as, to identify children who are not

participating in services for which they may be eligible, or for systems administration purposes) and persons employed by the Commission for Children and Young People or the Disability Services Commissioner. Each person (except for the relevant secretaries and commissioners) must have written authorisation from a relevant authority, usually the secretary, chief executive officer of the council or principal.

Under new section 46M, a Child Link user may only access the register and use confidential information in the register for the purposes specified in new schedule 6 in relation to that particular category of user. For example, in general terms, service providers may access and use confidential information in the register to provide care and services to children attending that service. Persons employed in relation to childhood services may use confidential information in the register to identify children who are not participating in services for which they may be eligible and to assist in the provision of education, care and services to those children.

A Child Link user may only disclose confidential information contained in the register to another person in the user's workplace for a purpose specified in new schedule 6 in relation to that Child Link user and in accordance with part 6A (if applicable). External disclosures of confidential information obtained from the register will be governed by the scheme in new part 6A, as all Child Link users (other than the secretary and systems administrators) will be information-sharing entities under new section 41R. Therefore, when sharing confidential information from the register with other information-sharing entities, Child Link users may only do so for the overarching purpose of promoting the wellbeing or safety of children and with the reasonable belief that the disclosure may assist other entities in their dealings with children. Further, the principles outlined in new section 41U and the ministerial guidelines will apply to external disclosures made by Child Link users.

Confidential information in the register may also be used or disclosed in specified, confined circumstances set out in new section 46V(3). This includes the use or disclosure of such information with the consent of the person to whom the information relates; if the information relates to a person who is incapable of giving consent, with the consent of the person's authorised representative (who, by definition, must not be a person of concern); to a court or tribunal in the course of legal proceedings; to enable the investigation or enforcement of a relevant law; or as required or authorised by or under any other act.

The bill contains a number of safeguards that limit the access to confidential information in the register. Under new section 46E, the secretary may for any reason determine that information about a child or a person with parental responsibility for, or day-to-day care of, the child is not to be recorded on the register. Under new section 46F, an entry in the register must not be accessed if the child has died; or once the child has turned 18 or is no longer attending school or if homeschooling has ceased or been cancelled by the Victorian Registration and Qualifications Authority (whichever is later), except to access de-identified data for the purposes of developing, planning and review of policies and programs under section 46O.

There are also a number of limitations on who may access the register. As noted above, persons accessing the register (apart from relevant secretaries and commissioners) must first be authorised in writing. There are also limitations in new

section 46K on the number of people in particular services who may be authorised at one time. If a person who has been authorised no longer requires access to the register, the person who gave the authorisation must revoke it. Further, a person who granted an authorisation to a person under new section 46K(1) must notify the secretary if they reasonably believe that the person authorised has ceased to be a registered teacher or to hold a current working with children assessment notice.

The secretary may place restrictions on access to the register in certain circumstances. Under new section 46N, if the secretary is satisfied that continued access would pose an unacceptable risk of harm to a person or would be otherwise inappropriate in all the circumstances, the secretary may remove access to a particular child's entry, or part of an entry, for all Child Link users, or may remove a particular Child Link user's access to the register or to an entry, or part of an entry, in the register. The secretary may also issue guidelines under new section 46S addressing matters such as the manner in which information is to be collected for the purposes of the register, the authorisation of Child Link users, the removal of access to the register or to an entry or part of an entry in the register, and systems security and integrity measures. The operation of new part 7A will be subject to a review within two years of commencement, which must include consideration of any adverse effects.

The bill also contains a number of offence provisions in new division 6 of part 7A. It will be an offence for an unauthorised person to access the register, for a person to access the register for an unauthorised purpose and for a person to use or disclose confidential information from the register other than in accordance with part 7A. However, a defence exists if the person used or disclosed the information in good faith and with reasonable care. The offences in division 5 of new part 6A will also apply to external disclosures made by Child Link users.

A further safeguard is provided by the application of privacy laws, as new section 46R provides that the Privacy and Data Protection Act 2014 applies to the handling of personal information or unique identifiers by Child Link users under part 7A. This privacy legislation imposes a range of requirements on relevant organisations in the way they collect, use and disclose personal information.

However, consistent with the approach towards information-sharing entities, the bill also displaces certain IPPs in order to ensure that the objectives of new part 7A are not unduly compromised. Clause 30, discussed above, provides that nothing in IPPs 1.4, 1.5, or 10.1 applies to the collection of personal or sensitive information by Child Link users (as well as information-sharing entities), and nothing in any IPP applies to the collection, use or disclosure of personal or sensitive information under part 7A to the extent that it requires the consent of the relevant person.

The Child Link Register engages the right to privacy by enabling specified people to access limited factual confidential information about children and their engagement with services without consent. However, this interference with the right to privacy is appropriately circumscribed by the safeguards described above. Any such interference with this right is also proportionate to the legitimate aim of improving child wellbeing and safety outcomes. The register will improve child wellbeing and safety outcomes by linking confined, factual information across specified

government-funded services to create an aggregate picture of potential and actual risk in relation to all children. Making this information more readily available to a range of service providers ensures that intervention and support by professionals is possible at an early stage.

Presumption of innocence

Section 25(1) of the charter provides that any person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right in section 25(1) of the charter is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence. A number of provisions in the bill engage the right to be presumed innocent.

New section 41ZK makes it an offence for a person to use or disclose confidential information disclosed to the person under new part 6A except in accordance with that part, unless the person used or disclosed the confidential information in good faith and with reasonable care. Similarly, new section 46V makes it an offence for an authorised person to use or disclose a Child Link identifier or confidential information contained in the register other than in accordance with part 7A, unless the person did so in good faith and with reasonable care.

By creating a defence for confidential information used or disclosed in good faith and with reasonable care, new sections 41ZK and 46V may be viewed as placing an evidential burden on the accused. However, in doing so, these provisions do not transfer the legal burden of proof. The provisions provide a defence for an accused to escape liability where he or she has taken reasonable steps to ensure compliance, once the prosecution proves the essential elements of the offence. I do not consider that an evidential onus such as that contained in these provisions limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

The bill also inserts new section 46ZB to impose accessorial criminal liability on officers of bodies corporate that commit certain offences. However, an officer of a body corporate may also rely on the defences in those provisions. As discussed above, because these defences require the accused to present or point to evidence that suggests that the unauthorised use or disclosure was done in good faith and with reasonable care, they impose an evidentiary burden on an accused.

In the case of officers of a body corporate, the offences will only apply to officers that have a specific role and possess significant authority and influence over the body corporate. Moreover, whether a person or an officer of a body corporate has acted in good faith and with reasonable care, notwithstanding the fact they have disclosed confidential information beyond what is authorised by the bill, is a matter peculiarly within the knowledge of that person. Such persons are best placed to provide evidence as to whether they acted in good faith and exercised reasonable care.

The bill also contains other protections for individuals or entities that use or disclose confidential information under the scheme. In particular, new section 41ZB provides strong protections for individuals by providing protection from liability or professional consequences for good faith uses or

disclosures of confidential information made with reasonable care.

For these reasons, in my opinion, new sections 41ZK, 46V and 46ZB do not limit the right to be presumed innocent.

Freedom of expression

Section 15(2) of the charter provides that a person has the right to freedom of expression, including the freedom to seek, receive and impart information and ideas. This right is, however, subject to internal qualifications set out in section 15, which provides for lawful restrictions reasonably necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality.

The right to receive and impart information and ideas potentially includes the right not to impart such information and ideas. It is therefore relevant to new section 41W, which obliges information-sharing entities to share confidential information in specified circumstances. In my opinion, this potential restriction on freedom of expression fits within the internal qualifications set out in section 15, in that it is reasonably necessary to respect the rights of children under section 17(2). In particular, an entity is only required to make a disclosure if it is for the purpose of promoting the wellbeing and safety of a child or group of a children, and it reasonably believes that the disclosure may assist the requesting entity to carry out specified activities.

The right under section 15(2) of the charter has also been held to create a positive obligation on government to give access to government-held documents.

This right is also relevant to provisions of the bill which limit access to information under other acts, such as the Freedom of Information Act 1982 (the FOI act). Relevantly:

new sections 41ZF and 46P of the principal act states that an information-sharing entity under part 6A, or the Secretary to the Department of Education and Training under part 7A, may refuse to provide access to confidential information under relevant privacy laws, such as HPP 6, IPP 6 or the Privacy Act, if this would increase a risk to the wellbeing or safety of a child or group of children;

new section 33(2AC) of the FOI act requires that, in deciding whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of a person, an agency or minister must take into account whether the disclosure would increase the risk to the safety of a child or group of children; and

new sections 27(2)(ac), 49P(3B) and 56(5B) of the FOI act provide that, in certain circumstances, agencies, ministers, the information commissioner or the Victorian Civil and Administrative Tribunal, in making decisions under that act, need not confirm or deny the existence of a document if doing so would increase the risk to the safety of a child or group of children.

In my opinion, these provisions appropriately circumscribe the rights of people to access information under the relevant acts, in circumstances where granting access, or confirming or denying the existence of a document, would increase the risk to the safety of a child or group of children. I am satisfied that

this is an appropriate and justified circumstance in which a person's right to access information should be circumscribed. The provisions therefore fit within the internal qualifications set out in section 15, in that they are reasonably necessary to respect of the rights of children under section 17(2).

For these reasons, I am satisfied that the amendments to the principal act and the FOI act contained in the bill are compatible with the right in section 15 of the charter.

The Honourable Martin Foley, MP
Minister for Housing, Disability and Ageing

Second reading

Mr FOLEY (Minister for Housing, Disability and Ageing) (10:46) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

A key priority for the Victorian government is that children are kept safe from harm and have every opportunity to thrive — to reach their potential and to build happy, healthy, productive lives.

In April last year, this government launched Victoria's *Roadmap for Reform: Strong Families, Safe Children*, which recognises that for most children and young people, Victoria is a great place to grow up, but that for some children and families, more needs to be done earlier.

The roadmap is a once-in-a-generation chance to reorient the child protection and family service sector from crisis response to early intervention and prevention. It builds on Victoria's proud track record for delivering high-quality health, education and family services that promote lifelong wellbeing and learning.

It builds upon the recommendations of the Royal Commission into Family Violence, and calls for improved multi-agency collaboration and information sharing to address family violence and other risks that can affect the emotional, behavioural, social and educational development of children.

As you know, we have not stopped innovating since we launched the roadmap.

Since then, the Andrews government has made many important commitments, including our considerable investments in preventing and responding to family violence and the release of record funding for the *Early Childhood Reform Plan*, in addition to other initiatives.

These are important reforms, playing a key part in improving opportunities and outcomes for Victoria's children, and particularly vulnerable children.

But there is still a critical gap in our service system that the bill I bring before you today has been carefully designed to bridge.

The Children Legislation Amendment (Information Sharing) Bill 2017 proposes measures to enable critical new connections between services who work with children. It will

enable them to share information confidently and for the right purposes, and in so doing, I believe we will take significant strides forward in two important respects:

in the earlier identification of children at risk, so that we are better able to intervene early to prevent harm from eventuating in the lives of vulnerable children and families, and

in building a culture of child and family-centred service collaboration and shared responsibility that is outcomes driven.

These are two of the key planks of the roadmap for reform.

The evidence base

The approach taken in this bill is grounded in Australian and international research, in the extensive evidence of what works and what doesn't from the front line of child service delivery in Victoria and other jurisdictions in Australia and internationally, and in the findings of numerous expert inquiries.

Firstly, we know that inequality in early childhood experiences and learning leads to inequality in ability, achievement, health and life success.

We know that students with a negative attitude to school, or who doubt their academic ability, are less likely to succeed at school and to give up more easily when they encounter setbacks. But attitudes can be improved by supporting a sense of belonging at school, self-confidence, purpose and perseverance.

Similarly, we know that when Aboriginal and Torres Strait Islander children are supported early to develop a strong cultural identity, their educational and developmental outcomes greatly improve. Interventions that build children's social and emotional skills and confidence in their abilities have significant long-term benefits for those children, and society more broadly.

There is also strong evidence supporting the effectiveness of many prevention and early intervention programs and approaches to minimising risk for, and increasing the success of intervention with vulnerable children and families.

Yet from our experience in this state, looking at the relevant data and considering the findings of many respected inquiries, we know that there is a gap in our service system that prevents us from effectively responding to these findings. We are still not putting in place strategies for prevention and early intervention, or identifying and addressing potential vulnerability early enough to prevent harm and maximise life chances for every child.

The Commission for Children and Young People's annual report for 2014-15 identified that out of 43 child death inquiries, 20 found inadequate sharing of information was a key contributor to tragic outcomes for these children and families. Because information was not shared, services were unable to communicate, coordinate and collaborate to identify risks early, and intervene appropriately.

Within the space of a decade, Victoria's 2012 Cummins inquiry, four Victorian Auditor-General's Office (VAGO) reviews, numerous Commission for Children and Young People and Coroners Court child death inquiries and the

Royal Commission into Family Violence have all, separately, recommended government action to enable services to share information about children.

So, from the research we now know the early years of a child's life have a profound impact on their health, future learning and social development. We know that investing in quality programs and services to support the development and wellbeing of young children has a positive impact on child (and eventually adult) outcomes, particularly for vulnerable and disadvantaged children.

We also know that beyond the unacceptable personal and family tragedy of harm being inflicted on children, the costs of crisis intervention are significantly higher than the cost of early intervention and prevention programs. The Cummins *Report of the Protecting Victoria's Vulnerable Children Inquiry* in 2012 noted that:

almost one in four children born in 2011 was likely to be reported to child protection at some time before reaching the age of 18;

the percentage of children who will be the subject of a child protection (order) is directly correlated with the number of child protection reports;

the total financial costs in 2009–10 of child abuse and neglect in Victoria was estimated then to be up to \$1 billion;

the largest component of these financial costs was expenditure on child protection, out-of-home care and intensive family support services;

for the same period, abuse-associated loss of wellbeing and premature mortality — estimated at between 1384 and 6866 disability adjusted life years — was valued between \$221 million and \$1.1 billion.

So, given what we know about the benefits of early intervention and prevention, and the human and economic costs of failing to intervene early, what is stopping us?

We have consulted extensively on this question with the relevant stakeholders over recent years, and they have communicated very clearly to us that Victoria's current legislative framework for information sharing is complex, confusing and creates a culture of risk aversion in relation to information sharing, which significantly hinders service collaboration and early intervention.

The agencies that work with our children and families every day have become reticent and deterred when it comes to sharing information about a child. This arises for a combination of reasons:

people are confused about when and what they can share under the law;

they may fear punitive consequences if they get it wrong; and

privacy appears to have taken on a higher cultural value than the wellbeing and safety of individual children.

As a result, one agency generally knows only a small part of the full picture of risk to a child's wellbeing or safety. Yet time and again, the Commission for Children and Young People and the

Coroners Court have told us that preventable tragedies have occurred because we do not 'join the dots' of what is known by various services about a child and their family.

We are unable to develop a complete picture of a child, and therefore cannot offer more help and support to families earlier, in order to avoid these tragedies.

Identifying patterns of risk

We know that non-participation in key services can be an indicator of vulnerability or risk for children and families. We also know that every child service records details about the children they work with. Yet it is currently impossible for a child service professional to identify children who are not engaging in the services they are entitled to. This hinders the ability of practitioners to identify a pattern of risk as the information is not 'joined up' or able to be shared under the law.

The information is in siloed systems across government, but it is not accessible.

I would like to remind those listening today of a tragic case study of the death of a young baby to illustrate why this reform is so vitally important.

Case study of Baby D

The inquest by the Coroners Court of Victoria into the death of Baby D in 2015 found that, while many professionals were involved in the case — including the Royal Children's Hospital emergency department and unsettled babies clinic, Moreland City Council's maternal and child health service, and the family's general practitioner — each of these professionals only had a small amount of information about Baby D and her family and, due to inadequate information sharing, no single practitioner had the full picture.

In particular the inquest noted that in the eight-week period leading up to the fatal event, a number of health professionals were engaged with the family with the purpose of ensuring the health and safety of Baby D and supporting maternal wellbeing. However, as noted by Justice Gray:

in approaching this task, they did not have the benefit of each other's observations and examinations, except to the extent that information was relayed via the parents. Each practitioner would almost certainly have benefited from information from the others about the bruising, mental health screens, diagnoses, treatment plans. As a result, at inquest there were many hypothetical questions about how assessments and responses may have been different with a more complete picture.

The coroner recommended that relevant government departments, including the Department of Education and Training and the Department of Health and Human Services, in collaboration with the Municipal Association of Victoria (MAV) and other stakeholders involved in delivering maternal and child health services, should examine the feasibility of creating a shared health record database. The purpose of this database would be to enable practitioners to inform themselves on changes to the health and development of a child they are monitoring or treating.

This case highlights information-sharing barriers across the service system in Victoria that hinder authorities from

effectively identifying and protecting isolated children, or providing early intervention.

The Royal Commission into Institutional Responses to Child Sexual Abuse (McClellan royal commission) has also considered the need to improve information-sharing practices in the context of protecting children, and its recommendations are expected in the coming weeks.

This bill responds directly to the findings and recommendations of the Baby D death inquiry and the evidence heard at the McClellan royal commission. The bill will establish a child wellbeing and safety information-sharing scheme to enable a select group of prescribed services to share vital information to promote the wellbeing and safety of children.

In addition, an IT platform — Child Link — will be created to register all children at birth or on their first engagement with a service in Victoria. This system will then link basic information about each child's participation in key government services, and share this information with relevant, authorised children's service professionals who work with the child or their siblings.

The child information-sharing reforms will enable information sharing and support professional collaboration around the child and family. This, in turn, will make early intervention and prevention possible, and support better and more integrated service provision.

If such a system had been in place for Baby D, the services working with the family would have been able to identify one another on Child Link and have been permitted to contact these services to share information. This would have enabled them to form a more complete picture of the baby's and family's circumstances and to collaborate in responding to their needs, hopefully preventing a tragic outcome.

Importantly, the proposed reforms will benefit all children in Victoria, because they will foster a culture of shared responsibility for children's safety and wellbeing; of services and families working together throughout a child's life to help them thrive and fulfil their potential, thereby laying the foundations for a successful life.

The proposal

I introduce to Parliament today a bill that proposes a new approach to child information sharing supported by an IT 'system solution' that will boost our capacity for early intervention and prevention. It will elevate Victoria's already strong commitment to promoting child and family centred service collaboration and shared responsibility for the wellbeing and safety of our children to new levels.

The Children Legislation Amendment (Information Sharing) Bill 2017 proposes amendments to the Child Wellbeing and Safety Act 2005 (CWS act) that will enable the establishment of a child wellbeing and safety information-sharing scheme in Victoria.

It seeks to streamline the information-sharing process for the promotion of children's wellbeing and safety by amending the CWS act to create:

- a) a new part 6A to establish a child wellbeing and safety information-sharing scheme that will enable specified entities to share information in a timely

and effective manner to promote the wellbeing and safety of children; and

- b) a new part 7A to establish a register of children born or residing in Victoria to improve the wellbeing and safety outcomes for those children, and support their participation in government-funded programs and services.

Aspects of the proposed reforms are modelled on chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 introduced in New South Wales in 2009. Evaluation of these reforms undertaken in 2015 by the social policy research centre of the University of New South Wales, and feedback from government and non-government organisations in New South Wales, confirm that the NSW reforms have improved child information-sharing culture and practice across sectors and agencies.

The McClellan royal commission has been closely examining chapter 16A to inform their recommendations, which are expected in coming weeks.

However, we have listened closely to sector stakeholders who have asked us to tailor the model for the Victorian context. Key differences between the NSW legislation and the scheme proposed for Victoria include:

the NSW scheme is more permissive. In this bill, information can only be shared to 'promote' a child or children's wellbeing or safety, whereas in NSW, information can be shared if it 'relates' to the wellbeing or safety of a child;

Victoria has taken a more comprehensive approach to legislative safeguards;

NSW has no record-keeping requirements and its guidelines are administrative, not a ministerial requirement; and

NSW has no Child Link.

The child wellbeing and safety information-sharing scheme

The child wellbeing and safety information-sharing scheme will authorise a select group of prescribed services and practitioners to share information with each other for the purpose of promoting the wellbeing or safety of a child or group of children.

Who can share information?

Authorised services, including authorised front-line practitioners — to be known as 'information-sharing entities' — will be prescribed in regulation, allowing for the addition or removal of entities as necessary. The list of information-sharing entities will be limited to practitioners, services and agencies that have relevant information that will protect, promote and provide for children's wellbeing or safety. This includes universal services (such as maternal and child health, kindergarten and schools), targeted services (such as ChildFIRST and family violence specialist services), and protective services (such as child protection, Victoria Police and the courts).

The three-part test

The bill provides that a three-part test must be met before information can be shared between prescribed information-sharing entities.

First of all, an information-sharing entity is able to voluntarily disclose or request confidential information about any person for the purpose of promoting the wellbeing or safety of a child or a group of children.

Secondly, the entity providing the information must reasonably believe that disclosing the information may assist the receiving entity to undertake one of the following activities for a child or group of children:

- make a decision, assessment or plan;
- initiate or conduct an investigation;
- provide a service; or
- manage any risk.

Thirdly, the information must not be excluded information.

An information-sharing entity must comply with a request for information from another information-sharing entity if the three-part test is met.

However, if sharing information is likely to result in physical, emotional or psychological harm to a child or put them at risk of harm, the threshold of 'promoting' the wellbeing and safety of the child would not be met and the information could not be lawfully shared under the scheme. For example, if sharing information would put a child at risk in a family violence context, information could not be shared.

The threshold for sharing

The 'wellbeing or safety' threshold for information sharing is particularly important because it enables prevention, early risk assessment and intervention to occur before harm occurs and before crisis intervention is required.

What can be shared?

'Confidential information' about a child, group of children or any person may be shared without requiring their consent to the extent necessary to promote the wellbeing or safety of a child or group of children. Confidential information is broadly defined to include any health or personal information as set out in privacy laws, including sensitive information, such as religious background.

Taking account of the views of the child or family

This bill hinges on the first and overarching principle that a child's right to wellbeing and safety must take precedence over an individual's right to privacy. On this basis, consent is not required to share information to promote the wellbeing or safety of a child or group of children.

Although consent to share information is not legally required, the importance of seeking and taking into account the views of the child and relevant family members wherever appropriate, safe and reasonable to do so is enshrined as a legislative principle.

Binding ministerial guidelines will provide practice guidance on approaching this task, and on advising children and parents when their information is shared, with whom and for what purpose.

Currently, information can be shared with child protection without consent where there is a significant concern for the wellbeing of a child. Information can also be shared without consent under existing privacy legislation including where there is a serious and imminent threat to an individual's life, health, safety or welfare (noting that once the family violence information-sharing legislation commences, it will remove the requirement for a serious threat to be 'imminent').

As mentioned previously, complex legislative arrangements have significantly contributed to the current risk-averse culture around information sharing. This legislative reform seeks to provide simplicity to remove the obstacles to sharing information between a select group of professionals working to support families.

Further, the model is broadly consistent with the family violence information-sharing scheme which does not require consent when sharing information to assess and manage family violence risk to a child. Similarly, both schemes will include legislative principles and ministerial guidelines that require practitioners to seek and take into account the views of the child and relevant family members where appropriate, safe and reasonable to do so.

Legislative principles

The bill incorporates a set of legislative principles that provide context around the overarching purpose of promoting the wellbeing and safety of children, and which will guide practitioners to share information appropriately under the scheme.

The proposed principles provide that when collecting, sharing or using confidential information under the scheme, information-sharing entities should:

- a. give precedence to children's wellbeing and safety over the right to privacy;
- b. share information only to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with their best interests;
- c. work collaboratively and respect each other's functions and expertise;
- d. seek and take into account the views of the child and relevant family members wherever appropriate, safe and reasonable to do so;
- e. seek to preserve and promote positive relationships between the child, their family and other people significant to the child;
- f. be respectful and have regard to a child's social, individual and cultural identity, their strengths and abilities and any vulnerability relevant to their wellbeing or safety;
- g. take all reasonable steps to plan for the safety of family members believed to be at risk of family violence;

- h. promote the cultural safety of Aboriginal and/or Torres Strait Islander children, and recognise their cultural rights and familial and community connections; and
- i. seek to maintain constructive and respectful engagement with children and their families.

Interface with the family violence information-sharing scheme

Earlier this year, the Parliament passed the Family Violence Protection Amendment (Information Sharing) Act 2017 (FVIS act), which is yet to commence. That act provides a clear legislative basis for information to be shared between entities prescribed for the purpose of assessing and managing risks of family violence.

The child information-sharing reforms have been designed to complement the FVIS act, as both schemes recognise that the safety of children, including their right to be safe from family violence, must take precedence. Together, the two schemes will facilitate the early identification and management of risks to child wellbeing or safety in a wide range of contexts, enabling services to respond to the multiple, complex needs of children, women and families.

The family violence information-sharing reforms were developed in close consultation with stakeholders as a bespoke scheme for family violence risk assessment and management, and the child information-sharing scheme will work alongside this model. Specifically, when sharing information for the purpose of assessing and/or managing a risk to an adult victim survivor of family violence (and there is no child at risk), only the family violence information-sharing scheme can be used.

Where an information-sharing entity is sharing information to assess or manage a family violence risk to a child under either scheme, the ministerial guidelines will state that practitioners use the family violence risk assessment and risk management framework to ensure that best practice is followed when working with children, women and families experiencing family violence. The content of the ministerial guidelines for both schemes will be consistent for practitioners working with children experiencing family violence.

The professionals working with children and families who will be enabled to share information under this legislation will be provided with guides and tools, and appropriately trained at or prior to their inclusion in the scheme. This training will be tailored to their particular roles and responsibilities, of which I will say more in a moment. This will include training in the family violence risk assessment and risk management framework, which as noted above will be included in the ministerial guidelines for this act.

Consistent with the FVIS act, legislative principles for the child information-sharing reforms state that information-sharing entities must take all reasonable steps to plan for the safety of family members believed to be at risk of family violence in recognition of the particular risks associated with information sharing in this context. Ministerial guidelines will provide detailed guidance on what these 'reasonable steps' should constitute, again reflecting the content of the family violence guidelines. The family violence-related guidance materials will be developed in close consultation with the family violence sector.

In summary, where a child is experiencing family violence, the same family violence best practice protocols and tools will be used under both schemes. Beyond this, the child information-sharing scheme allows information sharing for a broader purpose to promote the wellbeing of the child — for example, to support their re-engagement with a new school following relocation after a family violence incident.

Ministerial guidelines

The application of these principles will be supported by detailed, binding ministerial guidelines published after a minimum 28-day period of public consultation. These guidelines will be designed to guide the practice of information-sharing entities in requesting and disclosing information.

Compliance with the guidelines will be mandatory, and although non-compliance alone would not constitute an offence, complaints can be made in accordance with the Privacy and Data Protection Act 2014, Health Records Act 2001 or commonwealth Privacy Act 1988, and may lead to a person or body ceasing to be prescribed as an information-sharing entity.

In addition to the legislative principles and ministerial guidelines, which will guide practice, the bill contains a range of safeguards and protections intended to strike the right balance between encouraging a culture of information sharing to promote children's wellbeing or safety, and protecting the privacy and information of individuals.

Roles and responsibilities

This reform is designed to enable key professionals to share information so that they can perform their particular role and meet their duty of care to children and families more effectively, including through working better as a team with other key professionals. In this way we can support families early, to avoid the escalation of issues with wellbeing and safety.

An important part of the sustained implementation approach will be ensuring that key professionals across universal, secondary and tertiary services, and within organisations are clear about their roles.

These services will continue to play their respective roles in identifying early wellbeing and safety issues, assessing risks to children and their families and intervening to address and reduce the effect of those issues — to get children back on the path of safety, health and learning.

Professionals within a prescribed organisation may also have different roles, depending on their position and expertise. For example, through the provision of guidelines, tools and training, school teachers would be given clear guidance and base training on their role and obligations under the child information-sharing reforms. This will include their roles and responsibilities in identifying and responding to family violence risk. In addition, staff such as the principal, welfare officer, school nurse and leads in regional offices would have a deeper role and deeper level of training to allow them to act as the key points for assessment and information sharing between organisations. This will provide assurance that decisions to share information will promote wellbeing and safety.

In this way we can secure the benefits of mobilising the knowledge and efforts of the professionals who spend

significant time working directly with children and families, while ensuring that there are more deeply trained and skilled people within those organisations to support rigorous and safe implementation of these important reforms.

Implementation will be carefully phased. It is intended to align the inclusion of particular workforces under the scheme to the schedule of the family violence information-sharing reforms, as much as possible. This will minimise the burden of change on organisations and maximise organisational readiness. It will also ensure that practitioners are clear about their roles and responsibilities under each of the new schemes.

Safeguards

The FVIS act and the child information-sharing bill share very similar safeguards to ensure appropriate and accountable information sharing.

As under the FVIS act, the bill includes a three-part test that explicitly states that an information-sharing entity cannot share information if it could reasonably be expected to amount to 'excluded information'.

Excluded information includes the collection, use or disclosure of information which could be reasonably expected to endanger a person's life or result in physical injury, contravene a court order, prejudice the investigation of a breach of the law or be contrary to the public interest. The bill will also allow further categories of excluded information to be prescribed by regulation.

Offence provisions and penalties will apply for unauthorised use or disclosure of confidential information, including intentional or reckless disclosure or unauthorised use, or impersonating an information-sharing entity.

Complaints about the disclosure of information by an information-sharing entity other than in accordance with the scheme may be made to the Victorian information commissioner and/or the health complaints commissioner, as appropriate.

A 'good faith' defence will apply in relation to these offences, except for the offence of intentional or reckless unauthorised use or disclosure of confidential information. Further, the offences will not apply to a use or disclosure made in accordance with other existing laws (such as privacy laws) or if the use or disclosure of personal information was made with the relevant individual's consent.

The scheme will also be subject to an independent review after two and five years from commencement, which is consistent with the two and five-year review timetable of the family violence information-sharing scheme.

Child Link

The proposal to develop an IT platform, Child Link, responds directly to the recommendations of numerous inquiries and reviews. For example:

the 2012 Cummins inquiry *Report of the Protecting Victoria's Vulnerable Children Inquiry* found that existing data systems and practices mean agencies may not identify all vulnerable children who could benefit from early intervention or statutory services. It recommended the development of new information

systems, better data collection and greater sharing of relevant child information.

the 2014 Commission for Children and Young People's ministerial inquiry regarding 'Child N' recommended that the Victorian government develop a system to ensure that all children are registered at birth or immigration to Victoria, and by identifying them across the service system, with a system alert being activated when services are not engaged at key stages. The subsequent coroners' inquiry effectively 'endorsed' this report.

the 2015 VAGO review of *Education Transitions* recommended that reporting requirements be developed that would allow the linking of child-level data and facilitate an examination of how to improve information sharing to better support student transitions.

the 2011 VAGO review of *Early Childhood Development Services: Access and Quality* observed significant limitations in the capacity to share information and track children at risk across early childhood services and school. Key recommendations included the development of a better understanding of service demand, particularly amongst vulnerable and disadvantaged children; and invest resources into information management systems spanning vulnerable children and families.

Yet despite these and other inquiries' recommendations, at the present time, no single practitioner or organisation holds an overview of a child's interactions with key childhood services.

The proposed Child Link register is an IT enabler that will draw key fields of information from pre-existing government information management systems and display the information in a web-based platform only accessible by a restricted group of authorised professionals.

Child Link will assist authorised children's service professionals to 'join the dots' to form an aggregate picture of the circumstances of children in their care by displaying:

basic identifying information about a child, including a child's name, birth date and sex;

key familial relationships, including carer and sibling information;

enrolment and participation in key universal childhood services and programs, including maternal and child health services, supported playgroups, funded kindergarten programs and schools;

any current or previous child protection orders made in relation to the child or a sibling, including 'out of home care'; and

contact details for services with which the child has been or is engaged.

Child Link will register each child in Victoria at birth, or when the child comes into contact with a universal or targeted child service in Victoria.

Authorised Child Link users will only be able to view Child Link information for children engaged in their service (and

their siblings) and only after the child has been registered or enrolled.

Child Link will not collect or contain any case notes, professional opinions or health records.

Child Link is not a case management system, nor a vehicle to transfer information from one professional to another. It displays in one place key fields of information recorded in existing childhood systems.

Who can access Child Link

The proposed new part 7A authorises a smaller subset of authorised information-sharing entities to access Child Link. Additional Child Link users will be able to be prescribed and removed by regulation.

Child Link user access will be restricted by role and purpose, with a cap on the number of delegates for some organisations (e.g. schools), ensuring that only senior and appropriately skilled and trained people with particular responsibilities within the service are authorised to access Child Link.

The purposes for accessing Child Link will be defined (in legislation) in relation to the role and responsibilities of the individual user and their service's functions.

Protections and oversight

Consistent with the safeguards for the child information-sharing scheme more broadly, the bill includes offences for unauthorised access to Child Link, accessing Child Link for unauthorised purposes, and unauthorised use or disclosure of information on Child Link. Further, complaints may be made to the Victorian information commissioner and health complaints commissioner for handling information not in accordance with new part 7A.

A comprehensive range of additional protections are provided for in legislation. For example, the Secretary to the Department of Education and Training will be able to remove access to entries on Child Link (either for particular Child Link users or for all users) where satisfied access would pose an unacceptable risk of harm to a person, and the requirement that the secretary be notified where a Child Link user has ceased to be a registered teacher or to hold a current working with children check assessment notice.

Implementation

As with the family violence information-sharing reforms, stakeholders have strongly emphasised the importance of effective implementation to the success of the child information-sharing reforms. They have also expressed the view that implementation must incorporate cultural change strategies to overcome risk aversion, build workforce capacity around risk assessment and early intervention, promote and support integrated collaborative service provision, and mitigate any risks of inappropriate information sharing.

Importantly, stakeholders have been united on the need for a coordinated approach to implementation across related areas of reform, particularly in relation to the rollout of the family violence information-sharing reforms and the redeveloped Family Violence Risk Assessment and Risk Management Framework. They argue it is critical to minimising

uncertainty, reform fatigue and ensuring practitioners are clear about their legislative obligations under both schemes.

An implementation strategy has been developed that sets out an overview approach to implementation. This strategy is aligned with the implementation plan for family violence information-sharing reforms and the framework, including learnings to date.

Intended outcomes of the bill

In summary, the Children Legislation Amendment (Information Sharing) Bill 2017 will play a key part in achieving four very important outcomes that will significantly improve the wellbeing and safety of children in Victoria:

it will work to prevent tragedies by enabling warning signs to be seen earlier, and services to share key information to form an aggregate picture of risk to a child;

it will change the current entrenched culture and practice of professionals who work with children and families every day to enable them to focus on proactive and preventative support for children and families. It addresses current unacceptable limitations that make professionals feel powerless until a crisis occurs, leaving tertiary services like child protection to 'pick up the pieces';

it will build an 'information bridge' between the trusted services that work with our children and families. This will significantly reduce the danger of children 'slipping through the gaps' between services, and mean that more children have the best possible support to build a strong foundation for their lives;

it will allow the universal services in our children's lives — maternal child health, kindergartens, schools, medical services and hospitals — to be better equipped to identify and respond to early signs of risk and need, and to connect into those services that can provide more specialist help to families earlier, when they can do the most good.

These reforms will save lives and reduce vulnerability. They will give health, education and other frontline workers the clarity and tools they need to share vital information in order to intervene early to prevent harm and tragic outcomes for children.

These reforms are an important step towards ensuring the wellbeing and safety of all Victorian children.

I commend the bill to the house.

Debate adjourned on motion of Mr HODGETT (Croydon).

Debate adjourned until Wednesday, 27 December.

**VICTORIAN INDEPENDENT
REMUNERATION TRIBUNAL AND
IMPROVING PARLIAMENTARY
STANDARDS BILL 2017**

Statement of compatibility

**Ms ALLAN (Minister for Public Transport) tabled
following statement in accordance with Charter of
Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017 (bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill provides for the establishment of the Victorian Independent Remuneration Tribunal, and the comprehensive reform of the parliamentary allowances and standards regime. The purpose of the bill is to ensure the updated regime is consistent with community expectations and current professional practices. This will be accomplished by:

establishing an independent remuneration tribunal to set salaries and allowances for various people, such as members of Parliament (members) and salary bands for some public sector executives;

introducing a range of reforms relating to parliamentary allowances, including reporting, compliance and enforcement measures regarding the use of parliamentary allowances; and

modernising the Members of Parliament (Register of Interests) Act 1978, including updating the code of conduct and register of interests for members.

To do so, the bill makes various amendments to the:

Parliamentary Salaries and Superannuation Act 1968;

Members of Parliament (Register of Interests) Act 1978;
and

Public Administration Act 2004.

Human rights issues

In my opinion, the human rights under the charter that are relevant to the bill are:

the right to privacy and reputation as protected by section 13 of the charter;

the right to freedom of expression, as protected by section 15 of the charter;

the right to property as protected by section 20 of the charter; and

the right to a fair hearing, as protected by section 24 of the charter.

For the reasons outlined below, I am of the view that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justifiable in a free and democratic society.

Right to privacy and reputation

Section 13 of the charter establishes the right of a person to not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have his or her reputation unlawfully attacked.

Clause 70 will substitute an updated register of interests into the Members of Parliament (Register of Interests) Act 1978, which will strengthen the disclosure requirements for members. The proposed reforms to the act requires:

the disclosure of members' personal interests, including:

sources of income above the set threshold, including salary;

any bodies in which the member holds a beneficial interest; and

any personal debt held by the member.

that the Clerk table a return before the house of Parliament of which the member submitting the return is a member.

Clause 70 will insert a new sections 19–20 into the Members of Parliament (Register of Interests) Act 1978. These sections modernise the disclosure requirements that members must adhere to, and submit information regarding under the register of interests. Sections 19 and 20 differentiate between a primary return (an initial document completed once by the member) and an ordinary return (completed by the member biannually). Information required under the updated sections includes, but is not limited to, income, investments, land, gifts, travel, trusts and debt.

While requiring members to publically disclose sensitive information regarding their personal interests engages their right to privacy, there are safeguards to protect members from any unfair or unwarranted attacks on their reputation in relation to the register of interests. These provisions contain restrictions on publication, including:

a person must not publish, in or outside of Parliament, any information derived from information entered into the register unless that information is a fair and accurate summary of the information entered in the register; and

a person must not publish, in or outside of Parliament, any comment on the information entered into the register unless that comment is fair and published in the public interest without malice.

It is considered that requiring members to publically record and disclose personal interests is reasonable and

demonstrably justifiable in a free and democratic society. These reforms aim to ensure that members of Parliament reasonably manage their personal interests when undertaking their public duties, and purposefully attempt to circumvent potential conflicts of interest. It is considered that the limitations are proportionate to the necessity of assuring sufficient transparency in a member's capacity as an elected representative.

Clause 54 will insert new sections 9F and 9I into the Parliamentary Salaries and Superannuation Act 1968. These sections respectively provide:

that in relation to their role in administering the compliance and enforcement mechanisms of the allowances scheme, the clerks of Parliament or the secretary of Parliamentary Services ('the relevant officers') may require a member to provide further information to support a claim made in relation to a work-related parliamentary allowance; and

the relevant officers will be required to publish prescribed details in respect to all work-related parliamentary allowances claims on a quarterly basis to the Parliament's website.

If utilised, the power to require documents granted under section 9F may engage the right to privacy. However, without the provision of this power, the relevant officers would be unable to fulfil their role in certifying that members are meeting their legal obligations in relation to the use of work-related parliamentary allowances. The power to require members to provide documents is limited and applies only to documents related to claims relating to work-related parliamentary allowances. Further, the publication of details is considered appropriate as members are granted the use of these resources due only to their role as elected representatives. It is therefore reasonable that records of their use of these resources is available in the public domain.

Clause 54 will insert new section 9H (4) into the Parliamentary Salaries and Superannuation Act 1968. This section provides that the compliance officer (a position established to hear appeals regarding determinations of misuse of work-related parliamentary allowances) will have similar powers to require that a member or relevant officer provide further information relating to the appeal of a claim. This power will enable the compliance officer to fulfil their role in determining whether the legal obligations relating to the use of a work-related parliamentary allowance have been met. Additionally, compliance officer determinations will be published on the remuneration tribunal's website, which will provide accountability and ensure the ability to require documents is not misused.

Clause 28 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017 will provide that the functions and powers of the compliance officer include that the compliance officer will hear and determine appeals related to the recovery of payment of the separation payment. The compliance officer will have the power to require a former member to provide further information relating to this specific type of appeal. This power will enable the compliance officer to determine whether recovery of the separation payment is appropriate. Compliance officer determinations related to this type of appeal will also be published.

It is considered that while these reforms limit the right to privacy and reputation, the requirements are neither unlawful or arbitrary. As determined in the 2009 Law Reform Committee Report on the Members of Parliament (Register of Interests) Act 1978; 'there is a strong and important public interest in having open accountability in elected officials, to ensure a robust and responsible political system'.

Right to freedom of expression

Section 15 of the charter establishes that every person has the right to hold an opinion without interference, and that every person has the right to freedom of expression (including seeking, receiving, and imparting information) in any medium. It is allowed that special duties and responsibilities are attached to the freedom of expression, and the right may be subject to lawful restrictions to:

- respect the rights and reputation of other persons; or
- for the protection of national security, public order, public health or public morality.

Clause 14 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017 provides that if, a member of the remuneration tribunal has a direct or indirect interest in a matter to be considered by the tribunal (and that interest could conflict with the performance of the member in considering the matter), a member must disclose the nature of that interest at a meeting of the tribunal. The tribunal member must not take part in any consideration or decision about the matter without the consent of the other tribunal members. While this provision limits an affected tribunal member from participating in, and influencing, a matter within the scope of their position, it is necessary and reasonable to ensure that the personal interests of tribunal members play no role in the decision-making process of relevant matters.

Clauses 37–39 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017 ensure that information gained as a tribunal member, tribunal officer or a compliance officer remains confidential, and that a person in this role must not knowingly disclose any information acquired in that role (excluding for certain conditions). Further, a tribunal member, tribunal officer or a compliance officer must not take advantage of information given to them in their capacity as a member, or during the course of the performance of the tribunal's functions.

These clauses limit the right to freedom of expression of tribunal members, tribunal officers and compliance officers. However, these limits are considered reasonable and justifiable. The bill provides conditions under which disclosure or provision of information is permitted, and the intent of these provisions is to ensure that information gained in these positions should largely remain confidential and not be used inappropriately.

Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with the law.

Clause 54 will insert new sections 9C–9G into the Parliamentary Salaries and Superannuation Act 1968 which outline new powers provided to relevant officers to recover

work-related parliamentary allowances that were used inappropriately, to enforce penalties, and recover amounts when it has been determined a member has misused or inappropriately claimed an allowance.

These reforms limit the right to property, as it provides for the imposition of penalties or the ability to recover outstanding amounts from future salaries or allowances payable to the member. If a relevant officer determines that a member has misused or inappropriately claimed an allowance, the relevant officer will have the power to recover the amount claimed, as well as impose a 25 per cent penalty, or to recover the amount owed from any salaries or allowances that may be payable to the member in the future.

Additionally, clause 54 will insert new section 9H into the Parliamentary Salaries and Superannuation Act 1968 which provides that the compliance officer will, in instances where an appeal is made against the determination of a relevant officer, decide whether to uphold or reject a member's claim. If the appeal is rejected, the member must repay the amount and the 25 per cent penalty within 28 days.

Lastly, clause 50 will substitute section 7E of the Parliamentary Salaries and Superannuation Act 1968 and provides that, if a member is convicted for a corrupt-conduct related offence, or has committed a significant and wilful breach of the code of conduct (as determined by the clerk of the house of Parliament in which the member sits), that member is ineligible to receive the separation payment, or may have to repay the amount if it has already been paid to that member. A member may appeal the decision to the compliance officer. If the compliance officer upholds the member's appeal, the former member retains the payment. If the compliance officer upholds the relevant clerk's determination, the payment is a debt due to the state, and the clerk of the relevant house of Parliament may recover the amount in a court of competent jurisdiction.

As these reforms aim to implement strong incentives for complying with the allowances and standards system, these limitations on property rights, are reasonable and demonstrably justified. It is fair to assume that members should responsibly and diligently utilise the work-related parliamentary allowances made available to them to execute their public duties. Subsequently, the imposition of a punitive or recovery measure where it has been determined that a member has knowingly misused or claimed an allowance, or has committed a corrupt-conduct related offence or a significant and wilful breach of the code of conduct, is a strong incentive to comply with the regime.

Fair hearing

Section 24 of the charter states that:

a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a public and fair hearing; and

despite this, a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by a law other than the charter.

Clause 54 will insert new sections 9G and 9H into the Parliamentary Salaries and Superannuation Act 1968 which will provide a procedure to allow members to appeal a determination by the clerk or the secretary of DPS that the member has breached their obligations under the PSS act or the PSS regulations. This appeal will be made to a compliance officer. The compliance officer will investigate and make determinations on appeals of determinations of the misuse of work-related parliamentary allowances. If the officer rejects a member's appeal, the member must repay the amount and the 25 per cent penalty within 28 days.

Clause 28 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017 provides that, in hearing and making an appeal determination, the compliance officer:

may seek and receive written or oral statements;

is not bound by the rules of evidence or any practices or procedures applicable to courts of record, except to the extent that it adopts those rules, practices or procedures;

subject to the act, may inform itself as it sees fit; and

must conduct a proceeding as expeditiously and with as little formality and technicality as the requirements of the act and a proper consideration of the matters before it permit.

These provisions are generally consistent with other administrative decision-making bodies, such as the Victorian Civil and Administrative Tribunal.

While the compliance officer is a non-judicial body, the member retains the right to a fair hearing under these provisions. The bill articulates a clear procedure for the initial determination by a relevant officer, and for a member to appeal a decision. This includes that a relevant officer must notify the member of a determination, and provide reasonable opportunity for the member to make a submission. Ultimately, members will also be able to appeal determinations made by the compliance officer, as they will be subject to the Supreme Court's jurisdiction of judicial review, which is consistent with other administrative bodies.

Clause 71 will insert a new section 31 into the Members of Parliament (Register of Interests) Act 1978. This section outlines that any wilful contravention of the code of conduct for members or the updated register of interest is a contempt of Parliament. It provides that, in addition to existing powers to punish for contempt, the following sanctions can be imposed on a member:

a requirement to apologise to the house;

a requirement to rectify the returns in the register of interests;

a maximum fine of 100 penalty units;

suspension from the house for a period determined by the members' house; and

declaration of the member's seat vacant.

While these measures engage the members' right to a fair hearing, it is considered that they are reasonable and

demonstrably justifiable. Punishment for contempt of Parliament is consistent with current parliamentary procedures. Additionally, it is considered that the sanctions outlined above are proportionate and reasonable to impose on a member who has wilfully contravened the code of conduct or register of interests.

Clause 24 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017 will insert a new section requiring that before the remuneration tribunal makes particular determinations, the tribunal must give any affected person or class of affected persons a reasonable opportunity to make a submission in relation to the proposed determination. It is considered that this provision will strengthen the right to a fair hearing.

These reforms will significantly enhance the integrity of the parliamentary allowances and standards regime, and restore public confidence that members utilise public resources only for legitimate, work-related expenses.

Hon. Jacinta Allan, MP
Minister for Public Transport
Minister for Major Projects

Second reading

Ms ALLAN (Minister for Public Transport)
(10:48) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

The bill will implement the government's commitment to reform Victoria's parliamentary salaries and allowances system, and will make a number of other reforms to improve and strengthen the system. The bill will also modernise and update the Members of Parliament (Register of Interests) 1978 Act to complement the comprehensive overhaul of the salaries and allowances system.

Victorians entrust members of Parliament with significant powers and responsibilities. It is crucial that Victorians have confidence in the Parliament and its members, and that members discharge their public duties and use public funds according to the highest standards of integrity and probity.

The current system for parliamentary salaries, allowances and standards is outdated, fragmented, confusing and inadequate. These reforms aim to restore public confidence in the Parliament and to ensure that parliamentary standards are consistent with community expectations and current professional practices.

These reforms complement the government's improvements to the integrity and accountability system, including reforms to strengthen IBAC's ability to investigate corrupt conduct.

I now turn to the bill.

Establishment of the Victorian Independent Remuneration Tribunal

Currently, Victoria is the only Australian jurisdiction that does not use a remuneration tribunal or equivalent to set the value of salaries and allowances for members.

The bill will establish the Victorian Independent Remuneration Tribunal to ensure that members will have no role in setting the value of their own salaries and allowances. The tribunal will also set remuneration for most executives in the Victorian public sector.

This will:

support transparent, accountable and evidence-based decision-making on the remuneration of members and executives;

bring Victoria in to line with other Australian jurisdictions;

ensure that the allowances paid to members appropriately support members in the performance of their public duties and are balanced with community expectations; and

position the tribunal as a 'one-stop shop' for remuneration in relation to members, executives in the Victorian public sector and other office-holders.

The legislative framework for the tribunal is informed by the principles of independent and impartial decision-making, transparency regarding its activities, and ensuring that the framework support fairness.

The tribunal will have the power to inquire into, and determine, the base salary for members, as well as the additional salary provided to members who hold additional offices. The tribunal will also have the power to set the value of various allowances provided to members, including the newly consolidated travel allowance.

In addition, the tribunal will also determine the value of the electorate office and communications budget. While the budget is not strictly an 'allowance' payable to members, the budget represents a significant expenditure to enable members to serve their constituents.

In addition to its role in setting salaries and allowances for members, the tribunal will determine remuneration bands for executives in the Victorian public sector and Victorian public entities. This will address a recommendation of the Victorian Public Sector Commission's Review of Victoria's Executive Officer Employment and Remuneration Framework. It will also promote efficiency and consistency in executive remuneration arrangements, and is a sound foundation for the tribunal to become a 'one-stop shop' regarding remuneration for senior officials across the public sector in the future.

The tribunal will be required to undertake comprehensive remuneration reviews every four years, such as the salaries, allowances and funding provided to MPs. The tribunal will also consider annual adjustments to remuneration bands.

The bill contains various measures to promote transparency and accountability for the tribunal and the compliance officer, who will hear and determine appeals about the alleged misuse

of allowances and the electorate office and communications budget by members. These transparency measures include requiring that determinations about remuneration for MPs be tabled; requiring the tribunal to publish particular determinations; requiring the compliance officer to publish findings, and requiring the tribunal to submit an annual report that includes information about the activities of the tribunal and compliance officer.

Given the compliance officer's role, the bill includes strong protections for the compliance officer's independence, such as providing that a compliance officer is not subject to the direction or control of any person, and the remuneration provided to a compliance officer cannot be reduced during their term of office unless they consent to the reduction.

In addition to its determination functions, the tribunal will have other functions relating to remuneration trends for senior public officials, such as providing advice, making recommendations and publishing reports.

Improving Victoria's parliamentary salaries and allowances regime

The bill will also make various reforms to the Parliamentary Salaries and Superannuation Act 1968, including:

- a. renaming the act as the 'Parliamentary Salaries, Allowances and Superannuation Act' to reflect that the act also provides for members to be paid allowances to support them in the exercise of their public duties;
- b. inserting purposes into the act to promote transparency;
- c. creating a statement of principles to guide the use of public resources by members;
- d. establishing a monitoring, compliance and enforcement regime; and
- e. allowing for the recovery of payments claimed in breach of the rules, and imposing a 25 per cent penalty on allowances that are misused or claimed inappropriately.

Statement of principles

The PSS Act does not currently set out principles that provide guidance about the use of public resources by members. Including a Statement of Principles will assist the decision-making of members when claiming allowances and using public resources, and provide assurance and transparency to the community. This reflects recent reforms introduced by the commonwealth Parliament.

Monitoring, compliance and enforcement regime

The bill will confer a broad monitoring, compliance and enforcement role on the Secretary of the Department of Parliamentary Services in relation to the budget, and the respective Clerks of each house of Parliament in relation to allowances.

This regime will be underpinned by legal principles that apply to the use of and conduct in relation to allowances and the budget, including that allowances and the budget must be used

for the dominant purpose of performing their public duties; a member must obtain value for money; and a member must not make claims or incur expenses in breach of terms or conditions.

If a member has misused an allowance or the budget, the member will be required to repay the amount that was misused and a 25 per cent penalty on the amount that was misused.

The Clerks and the Secretary will have sufficient powers to monitor the use of allowances and the budget, and will have powers to determine whether a claim complies with the act and any other relevant requirements. If a claim does not comply, members will be given a reasonable opportunity to make submissions about the proposed adverse determination. These measures, together with the avenue of appeal to the compliance officer, will provide sufficient protections for members.

To ensure an appropriate appeals mechanism exists for members who dispute a finding that they have misused allowances, the position of compliance officer will also be attached to the tribunal. The bill includes strong protections for the compliance officer's independence, such as providing that a compliance officer is not subject to the direction or control of any person.

Updated regulation-making powers

These reforms will also be supported by updated and consolidated regulation-making powers, which will allow the Governor in Council to make regulations that impose conditions on the use of allowances and the budget.

Improving transparency

The amendments will also provide greater transparency about the use of allowances. First, relevant officers will be required to publish quarterly reports about the use of allowances and the budget. Secondly, they will also be required to table annual reports about the use of allowances and the budget. These mechanisms will ensure that the community is informed, and members are accountable for, the uses of allowances and the budget and can bring greater scrutiny on the use of allowances and the budget.

Other reforms

In addition to these reforms, the bill proposes several other amendments to the act. Firstly, the bill will rename the resettlement allowance provided to members who are not part of the defined benefits superannuation scheme the 'separation payment' to reflect the purpose of the allowance. The bill will also expand its eligibility criteria so that it will be provided to beneficiaries of deceased members and all members who leave Parliament.

Recent changes to commonwealth superannuation arrangements have had adverse consequences on the concessional caps for members under the concessional superannuation arrangements. The bill ensures that eligible members are provided the option of receiving their full employer superannuation contributions of 15.5 per cent of salary. These changes are required because of commonwealth legislative amendments.

Updating the Members of Parliament (Register of Interests) Act 1978

To complement the government's commitment to comprehensively allowing the salaries and allowances system for members, the bill proposes to update the Members of Parliament (Register of Interests) Act 1978.

Whilst the act has served Victoria well, it is now outdated and in need of reform. The role and responsibilities of members have changed substantially since 1978, as has the public's expectations of members.

In 2009, the Law Reform Committee of Parliament tabled the Review of the Members of Parliament (Register of Interests) Act 1978 Report. The committee's recommendations were intended to build capacity and skills amongst members of Parliament to deal with ethical challenges, and to ensure that Parliament upholds its standards when issues arise.

In 2010, the government introduced a bill based on the committee's review of standards arrangements and its recommendations, but the bill lapsed at the end of the 56th Parliament. Changes to the act largely reflect the changes that were proposed in 2010.

The amendments to the act in this bill generally reflect the 2010 bill, and are:

- a. renaming the act to reflect that the act imposes standards on members generally, rather than merely in regard to the register of interests;
- b. including a statement of values for members;
- c. revising out a code of conduct for members;
- d. revising and clarifying the details required under the register of interests.

Statement of values for members

Including a statement of values in the bill will clearly signal the intent of the code and the register.

The values include:

- a. serving the public interest;
- b. integrity;
- c. accountability; and
- d. respect for diversity of views and backgrounds within the Victorian community.

Code of conduct

The new code in the bill provides greater clarity on what constitutes a conflict of interest, as well as addressing broader issues such as the use of public resources and handling personal information.

Obligations under the code of conduct have been updated, and new obligations include that former members must not take improper advantage of any office held as a member.

It is entirely fair and reasonable that the community expects us to demonstrate and adhere to such standards of behaviour. It is a privilege to serve as a member of the Victorian Parliament, and this code will aid current and future members in upholding the dignity and integrity of the office.

Register of interests for members

Like the code of conduct, the register of interests in the current act has generally worked well. However, improvements can be made, and the requirements under the register will be clarified and updated.

The 2009 Law Reform Committee report found that the information required for the register of interests is insufficient to enable citizens and other MPs to ascertain whether an MP has a potential conflict of interest, and does not offer appropriate guidance about what matters should be disclosed, thereby leaving too much discretion for individual MPs. As recommended by the LRC report, it is proposed that MPs will be required to disclose additional information about interests above specific thresholds.

In essence, the bill provides that members will need to declare particular details in relation to interests including outside income, investments, estates; offices held, trusts (including family trusts), land, and any other interests where a conflict of interest could arise or could reasonably be seen to arise.

Members will be required to declare interests above specific thresholds (such as outside income, investments and land if they are valued at more than \$2000).

Members will not be required to register official hospitality, which is hospitality received as part of the regular and expected duties of a member of Parliament.

Members will be required to submit returns to the clerks of the Parliament every six months. The clerks of the Parliament will be empowered to report a member to the relevant Presiding Officer if a member has failed to submit a return in accordance with the act. The clerks will, however, only exercise this power once they are satisfied the member has been given reasonable opportunity to comply.

An important consideration in developing such disclosure regimes is the need to balance adequate disclosure with privacy for members and their families. The government believes this bill strikes the right balance between public interests and privacy for members and their families.

These new provisions will ensure the high standards of transparency and accountability that the public rightfully expect of their elected representatives are recognised in legislation.

Potential sanctions

Finally, I turn to the potential sanctions included in the bill if members do not fulfil their obligations regarding the code of conduct or the register of interests.

Any wilful contravention of the requirements regarding the code of conduct or register of interests will continue to be considered a contempt of Parliament and will be dealt with accordingly. To assist members, the new bill also sets out penalties that the houses may also impose, including that a member apologise to the house, rectify information provided in

the register of interests, pay a fine of up to 100 penalty units, is suspended, or that the member's seat is declared vacant.

Other amendments

The bill also proposes other amendments to support the reforms and to promote parliamentary integrity, and that the amendments be reviewed after 10 years. This review mechanism is consistent with the Charter of Rights and Responsibilities Act 2006, and will ensure that the effectiveness of the reforms are assessed.

In summary, the bill will promote public trust and confidence in Victoria's Parliament and members by comprehensively reforming the parliamentary salaries, allowances and standards framework. The reforms will improve legislative standards, and create a more transparent and accountable framework that aligns with community expectations and modern professional standards. Together with the government's previous reforms and the proposed reforms to Victoria's electoral and political donations regime, this bill will significantly improve Victoria's integrity, accountability and transparency framework.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 27 December.

GAMBLING LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed from 18 October; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Mr McCURDY (Ovens Valley) (10:49) — I am delighted to rise to make a contribution on the Gambling Legislation Amendment Bill 2017. This bill will amend the Gambling Regulation Act 2003 to prohibit certain sports betting advertising. It will amend the Gambling Regulation Act 2003 and also the Victorian Commission for Gambling and Liquor Regulation Act 2011 to give the minister the power to ban particular types of betting. Some of these provisions include amending sports betting advertising within 150 metres of a school and 150 metres from public transport infrastructure — for example, bus shelters, railway stations and billboards on roads. The bill will also amend the minister's powers to ban certain types of betting or place conditions on wagering companies.

Furthermore, the bill makes other miscellaneous amendments to have unpaid gaming machine jackpots paid to the Responsible Gambling Fund — and I will go into that a little bit more in a moment — and make

changes to the process for making fixed-term ban orders to no longer require referral to the commission.

The other main area of the bill is that it makes changes for approving premises — for example, premises where the gambling area can be seen from a playground et cetera, in terms of protecting our young people from seeing gaming venues and feeling like it is part of our general community when it is not. We need to make sure that we still try to protect our young people from being exposed to gaming on a regular basis, hence the restriction on advertising 150 metres from a school and on public transport signage as well.

Let me begin by acknowledging that gambling is a legitimate activity in Victoria. There are strict venue controls around all types of gambling, including at casino and pokie venues and, of course, online gambling. It is quite simple to put conditions in place for gambling businesses and venues, but we can do much more than that, and this bill takes a few significant steps in that area.

As a member of the Victorian Responsible Gambling Foundation Board for six years, I certainly understand the pros and cons of gambling — the risks involved and the upsides and downsides. I understand that gambling can cause considerable harm to some people. It provides a significant amount of entertainment to many people as well. In fact the figures suggest that 0.7 per cent of Victorians are deemed to have a gambling problem and that Victoria's responsible gambling foundation continues to provide support for those people. Some would argue that this means 99.3 per cent of Victorians do not have a gambling problem. Now whether that number is correct or not remains to be seen, but certainly the strict definition of those with a gambling problem is around that 0.7 per cent, as far as I understand.

That number is quite similar throughout other states in Australia as well. It varies from 0.7 to 0.8 per cent — in and around that figure — which is quite interesting when we look at poker machines. Victoria has 30 000 poker machines. Queensland has in the vicinity of 48 000 or 50 000 poker machines and New South Wales has a whopping 98 000 poker machines. When you consider that the percentage of those with a gambling problem still sits around 0.7 of our population it certainly demonstrates that it is not necessarily the number of machines or outlets; it is to do with people in the community who have a concern or a legitimate problem with gambling. So again it is not necessarily all about more venues or more poker machines contributing to more gambling problems.

But we also cannot forget that people in Victoria have a significant problem with prescription drugs, alcohol and so on, so I do not mean to say that we need to ban everything that a portion of our community has a problem with. As a community we have an obligation to support those who cannot manage themselves, whether it is in health, employment or other situations that Victorians encounter. This legislation is another area where Victoria needs to take a step back and judge on the balance of probabilities: is this practice generally good for the community, for the few who cannot manage, or is this practice generally not healthy for Victorians and should not be used, practised or supported in this state?

Gambling in Victoria is a choice entertainment for many people throughout our state. Gambling is a pastime that Australians on the whole have loved to partake in over the history of our country, and it continues to be a fun form of entertainment. However, many might agree that the advertising of gambling in recent years has certainly gone a little bit over the top. Certainly TV and radio advertising, which primarily falls under the federal government's jurisdiction, falls into this bucket. There is no doubt that a reduction in TV promotion of gambling would be a good thing. I know federally there are now restrictions on certain times in the evening when TV cannot show gambling ads, and also after a game has started, for example.

Promotion of gambling in Victoria continues to saturate our communities and steps are required to reduce this advertising to prevent particularly young people in our community from seeing gambling as pretty much a normal part of life. The more we see gambling around our communities, the more we accept it. Even if you are not a gambler yourself, you still associate that as part of normal life. As you grow older, you might see it as a part of life that everybody does, so I think we have to be a little careful and protect our young people, as well as our vulnerable, from being exposed to the saturation.

This bill will prevent advertising or sports betting advertising within 150 metres from a school. That is a positive step forward, particularly for our young students, as I say, from falling into that mode of acceptance and feeling comfortable that everyone bets on sport because it is all around us at any given time of the day. The more advertising that is around our community, the easier it is to feel that it is part of our daily culture. Schools and school surrounds are places that we need to be mindful of. In the past I think there have been unwritten rules or laws that activities in and around these areas need to be mindful of schools and the young people who frequent those areas. Now I think those unwritten rules seem to have disappeared and

everywhere is fair game. So we need to legislate to ensure that activities in and around schools comply.

There is a chance we could be back here doing the same thing again with injecting rooms. I do not think it has occurred to this government yet that injecting rooms for drug addicts is an activity that also should not be associated within 150 metres of schools, but we will look at that a little bit further down the track.

Certainly ensuring that our young people who are enthusiastic about adopting new technology and trying out new adventures are not continually bombarded with gambling offers to tempt them is a good thing. Even if children do not take up inducements to gamble it becomes part of their formative years and habits, and as they grow into teenagers and young adults they have accepted that gambling must be a part of their daily routine because it has been around them for years.

The irony is also that a gambler does not need to have signage posted on every corner because they know exactly where to go if they want to have a punt, whether it is a gaming venue or, as it is for most, a device in their pocket. That is the vehicle they need for online gambling. Those not into sports betting might prefer a run on the pokies. Again, they do not need gambling advertising at train stations, on trains or in and around schools to tell them where their closest venue is. So again this is a step forward.

Betting, as we know, was traditionally on a Saturday many years ago — 20 or 30 years ago. I know when I was growing up it was basically on a Saturday. Those that wanted a punt would go to the TAB or go to the racetrack, and it was primarily on a Saturday. There was ample opportunity still on those days to overcommit and lose the family weekly earnings or punt away the weekly rent, but it was more confined to a Saturday afternoon and no-one would need to sit at the local racetrack or TAB to partake all afternoon.

Nowadays horseracing is on every day of the week. Greyhounds and harness racing are on most days of the week, and of course poker machines are 24/7 at the casino and they are certainly at local clubs and pubs. I think this reflects the 24-hour cycle of our community. Shiftworkers, night workers and hospitality workers all work odd hours and will still seek entertainment at other non-traditional times of the day of the week for a social outlet. Tourists are another major market for Victoria, and we want to encourage that. When tourists come to Victoria to spend their hard-earned money as they are enjoying the pleasures that Melbourne and Victoria have to offer, we are happy for them to have a punt. Not everyone has the weekend off to follow their

favourite racehorse, and so a Wednesday race meeting can be ideal for some in that space.

However, some in our community are unable to control the urge to gamble or drink excessively midweek — they are not able to control themselves — and hence legislation can help. Although it is not a silver bullet, it can certainly help to reduce personal harm and harm to the individuals. This bill will support small business lottery agents. There are over 400 of those in Victoria, and I am pleased to say on this side we like to support small business and those lotteries. Those 400 small businesses will be beneficiaries of these steps forward, whether they are businesses in the suburbs or in the country towns for those who enjoy a flutter on Tattsлото or the odd scratchie, which is a personal choice. On the whole it is a harmless way for some members of our community to invest in hope or a dream, without winning the big one, although evidence suggests that those who win the big one do not always tend to invest wisely and spend the cash poorly.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Member for Melton

Mr GUY (Leader of the Opposition) (11:01) — My question is to the Premier. Premier, in April this year you said:

If he —

the member for Melton —

does not pay that money back before ...

integrity bills come into the Parliament ...

the Parliament will take that matter out of Mr Nardella's hands and we will recover that money...

Given this legislation has now come into the Parliament, do you stand by your word to recover all of the money rorted by the member for Melton forthwith, or was this promise just another lie?

Ms Allan — On a point of order, Deputy Speaker, as you can see, the Premier is absolutely prepared to answer the question.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Leader of the House.

Ms Allan — On the point of order, Deputy Speaker, the Premier indicated he is very willing to answer the question. However, the standing orders do need to be complied with, which is why I am seeking some guidance from you. In his question the Leader of the Opposition actually referenced legislation that is listed on the notice paper, so I simply ask you to provide some guidance to the house about whether the Leader of the Opposition's question is within the requirements of the standing order.

The DEPUTY SPEAKER — Order! The Premier may respond to the question but not go into detail on the bill.

Mr ANDREWS (Premier) (11:03) — I thank the Leader of the Opposition for his question. As I indicated some time ago, my expectations are very clear that the member for Melton will return those moneys. I understand, as I think the Leader of the Opposition would, because it is a matter of public record I think, that the member for Melton has entered into arrangements with the Department of Parliamentary Services, and it would be my expectation that he would deliver in full on the commitments that he has made, just as I will. What is more, despite the shouting of those opposite, this is principally a matter between the member for Melton and the Department of Parliamentary Services. He has entered into arrangements, and I understand they will be honoured.

Questions and statements interrupted.

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (11:04) — Before I call the Leader of the Opposition on a supplementary question, can I acknowledge the Honourable Ken Smith, a former Speaker, in the gallery.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

Member for Melton

Supplementary question

Mr GUY (Leader of the Opposition) (11:04) — In April, Premier, you also stated about the member for Melton that:

All fair-minded members of Parliament will vote together to get the refund that Mr Nardella should repay himself.

With the member for Melton steadfastly refusing to pay back the entire amount of \$170 000 that he rorted from the taxpayer, will you now support a reference to the Privileges Committee to, in your words, get back the money that the member for Melton owes Victorian taxpayers?

Mr ANDREWS (Premier) (11:04) — As I said in my previous answer, the member for Melton has entered into arrangements with the Parliament and it would be my expectation that he delivers on the commitments that he has made.

Ministers statements: employment

Mr ANDREWS (Premier) (11:05) — I am very pleased to update the house on the government's effort to create jobs right across Victoria and to ensure that our labour market is fairer and gives to those with the least power the support they need for a fair go at work and a fair go in providing for their families and loved ones. The introduction of labour hire industry reform — a key election commitment and in full delivery of the commitments that we made — will assist those who are subject to labour hire arrangements and who, without a safety net and without proper protection, never get the fair go that they are entitled to. That is not acceptable to any member of this government, and that is why we have put in place a process and legislation —

Mr Clark — On a point of order, Deputy Speaker, I take up the point of order made by the Leader of the House in relation to the previous question. This bill has now had its first reading before the house. I submit on the basis of the point raised by the Leader of the House that it is not in order for the Premier to canvass the content of legislation now before the Parliament.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The bill has had its first reading. However, people do not know what is in the bill. I ask the Premier not to discuss the details.

Mr ANDREWS — On the point of order, Deputy Speaker, firstly, it is not a bill on the notice paper, and secondly, the record will reflect that this lot over here are busting themselves laughing at workers being exploited right across the state. Well, not this government. We will deliver in full on the commitments that we have made. What a rabble!

Honourable members interjecting.

The DEPUTY SPEAKER — This is a bit outrageous. I would ask members to calm down little

bit so I can hear the Premier's ministers statement. I would also like members to reflect on their behaviour. The Premier to continue.

Mr ANDREWS — So not only are we moving to make the reforms to make sure workplaces are fairer, we are through the government's infrastructure agenda delivering thousands of jobs right across our state — some 284 000 jobs in three years. That compares pretty well to a much smaller number in four years from this slothful bunch over here. There are 8000 jobs in the Metro Tunnel, 10 000 in the north-east link, 6000 in the West Gate tunnel and 4500 in level crossing removals — that is 28 000 jobs, all created in projects opposed by the opposition. They will not be creating jobs; they will be sacking more people than any government ever has if they slip into office next year.

Mr Pesutto interjected.

The DEPUTY SPEAKER — The member for Hawthorn is warned.

West Gate tunnel project

Mr M. O'BRIEN (Malvern) (11:08) — My question is to the Treasurer. Treasurer, in nominal terms how much toll revenue is Transurban forecast to receive from the 10-year extension of CityLink tolls to fund the West Gate tunnel project?

Mr PALLAS (Treasurer) (11:09) — I thank the member for his question. We live in the present today, and quite frankly this idea of comparing nominal dollars as opposed to today's dollars is absolutely ridiculous. Let me answer the question in a way where we are comparing apples with apples, not idiots with imbeciles. Effectively the value of toll revenue in today's dollars would be about \$4 billion, which is about the amount that Transurban is investing in the project. What an outrageous disparity in investment and return. So let us not try and mess up the waters about what is going on here —

Mr M. O'Brien — On a point of order, Deputy Speaker, the question to the Treasurer was clearly in nominal terms. If the Treasurer does not know the answer, he should say so and sit down. If he does know the answer but he is too embarrassed to tell the public, he should also say so.

The DEPUTY SPEAKER — The Treasurer has concluded his answer. The member for Malvern on a supplementary question.

Mr M. O'Brien — On a point of order, Deputy Speaker, first of all, under sessional orders —

The DEPUTY SPEAKER — I have not called you yet. Point of order, member for Malvern.

Mr M. O'Brien — You did call me actually, Deputy Speaker. On a point of order, Deputy Speaker, under sessional orders —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Malvern, on a point of order.

Mr M. O'Brien — Under sessional orders the Treasurer refused to answer the question. I would ask you to at least review *Hansard* and require the Treasurer to provide a written answer to the question to this house.

The DEPUTY SPEAKER — I will review *Hansard* and reply to the member for Malvern tomorrow.

Supplementary question

Mr M. O'BRIEN (Malvern) (11:11) — Treasurer, has the government updated the business case for the West Gate tunnel to reflect the final project design and structure as specified in the contract? If not, why not, and if so, why hasn't it been released?

Mr PALLAS (Treasurer) (11:11) — Being the member for Malvern is to know never to have to look introspectively at their own behaviour. These are the people who hid from the people of Victoria a 45-cents-in-the-dollar return on their investment.

Mr M. O'Brien — On a point of order, Deputy Speaker, it was a straightforward question. The public, the media and the community have a right to an answer. I would ask you to bring the Treasurer back to answering that straightforward, important question.

The DEPUTY SPEAKER — The Treasurer, to answer the question.

Mr PALLAS — Heaven forbid we might remind people what oafs these people were in government. The government of course has already released a business case in 2015 around this project, and it has shown a very substantial benefit-cost ratio (BCR) — a positive BCR. Of course you would recognise that there have been scope alterations —

Mr M. O'Brien — On a point of order, Deputy Speaker, the question was not about the 2015 business case, it was about whether that business case has been updated to reflect the final project design as contracted for. Has that work been done? If so, why has it not been

released? I ask you to bring him back to answering the question.

The DEPUTY SPEAKER — The Treasurer, to answer the question.

Mr PALLAS — To answer the question quite directly: yes, that work has been done and it will be released. Can I assure you, the advice that I have received is that the BCR on this project is, again, in positive territory.

Ministers statements: public transport infrastructure

Ms ALLAN (Minister for Public Transport) (11:13) — I am pleased to update the house today on how the Andrews Labor government is using the quieter summer holiday period to undertake a massive construction blitz because we have a massive construction program to get underway. Several parts of our train network will require buses to replace trains across several sections of the network during January. Between 2 and 9 January sections of the Frankston, Cranbourne and Pakenham lines will be shut. Why will sections of the Frankston, Cranbourne and Pakenham lines be shut?

It is because we are getting ready for the delivery of our high-capacity metro trains and undertaking the power and signalling upgrades that are needed on that line. During the second week of January buses will be replacing trains between Caulfield and Dandenong. Why are we doing this? It is so we can get on with getting rid of those nine dangerous and congested level crossings between Dandenong and the city. Finally between 18 and 23 January buses will be replacing trains on sections of the Hurstbridge line. Why are we doing this? Because we are getting rid of two dangerous, congested level crossings at Grange Road and at Lower Plenty Road along the Hurstbridge corridor.

We acknowledge that these works do cause disruptions to people wanting to travel across the network, but these are projects that also cannot wait. We know those opposite have tried to stop the Metro Tunnel, they have tried to stop the removal of level crossings on the Dandenong line and they have tried to stop us running more trains on the Frankston line, but we take a very different approach.

Mr Clark — On a point of order, Deputy Speaker, the minister is both misleading the house and debating the issue. I ask you to bring her back to making a ministers statement.

Ms Allan — On the point of order, Deputy Speaker, I am most certainly not misleading the house. That is quite a serious allegation for the member to make. It is on the record that revocation motions were attempted by those opposite in the Legislative Council on the Metro Tunnel, on the Caulfield–Dandenong level crossing removal program and on the stabling on the Frankston line — that is on the public record, and I am in no way misleading the house on those matters.

The DEPUTY SPEAKER — Order! There is no point of order.

Ms ALLAN — As I was saying, there will be a massive construction blitz for this massive set of works that we are undertaking. We are encouraging people to plan ahead; we do acknowledge there will be some disruption. But at the end of this program of works there will be less level crossings, we will be getting on with delivering the Metro Tunnel and we will be getting on with delivering our high-capacity metro trains.

West Gate tunnel project

Mr M. O'BRIEN (Malvern) (11:16) — My question is to the Treasurer. Treasurer, given that you and Transurban engaged in secret discussions before the election about the West Gate tunnel road project, you never took the West Gate tunnel project to the election, you ditched the West Gate distributor despite claiming it to be shovel ready once you were elected, the West Gate tunnel project never went to tender, and the project has got questionable traffic flow, which your own department's business case adviser has given evidence about the 'deliberate distortion of traffic forecasts', how can Victorians have any faith that this deal has complied with proper probity and financial requirements and gives good value for money instead of simply putting Transurban and a desperate government's interests first and Victorian motorists well and truly last?

Mr PALLAS (Treasurer) (11:17) — I thank the member for Malvern for his question. What a hyperventilating rant that was! Methinks he does protest too much. When it comes to transparency, there have been more documents released on this vital project than any government has ever done before. When it comes to integrity, we are not going to take lectures from those opposite, who hid their business case and hid their dodgy side letter. So far as this government is concerned, oppositions have every right to talk to whoever they want. Can I encourage you to talk to anybody who will talk to you in business because, quite frankly, they are running a mile from you. You stink to high heaven. Your contempt for business and their

capacity to get on and assist this state in the economic revitalisation that is going on —

Mr Clark — On a point of order, Deputy Speaker, the Treasurer is getting unduly excited and is debating the issue. I ask you to bring him back to answering the question.

The DEPUTY SPEAKER — The Treasurer has strayed somewhat from answering the question. I bring him back to answering the question.

Mr PALLAS — I thank the Deputy Speaker for reining in my enthusiasm for the revitalisation of the Victorian economy, but it is great news. This project is a vital one: it will ensure that some 6000 jobs are created for the state of Victoria and add \$11 billion to the economic capacity of the state. This is a vital project. None of the conspiracy theories or the effort to consign the outrageous behaviour of the opposition to the annals of history will ever be forgotten by the Victorian people. You hid your dodgy side letters and you hid your dodgy business cases. We have put it all in the public domain and we stand ready to answer and to be held to account by the people of Victoria.

Supplementary question

Mr M. O'BRIEN (Malvern) (11:19) — Treasurer, before Transurban submitted this so-called unsolicited bid on the West Gate tunnel, you admitted to holding a number of secret meetings with them. Treasurer, far from being an unsolicited bid were these secret meetings between you and Transurban, which included your former chief of staff and now senior Transurban executive Tim Salathiel, not part of a Labor-Transurban stitch up of Victorian motorists to lock this project in without ever putting it to tender?

Mr PALLAS (Treasurer) (11:19) — The answer to that question is no. No matter how much hyperventilation or conspiracy theories the member for Malvern may embrace, the fact of the matter is that the market-led proposals that came to government after we were in government are somewhat similar to the unsolicited bid policy introduced by the previous government —

Mr M. O'Brien — On a point of order, Deputy Speaker, given the Treasurer has admitted on the Neil Mitchell program to having had a secret meeting with Transurban to discuss this project before the election, I warn him about misleading the house by pretending he did not meet and discuss this with Transurban before the election.

The DEPUTY SPEAKER — There is no point of order. The Treasurer to continue.

Mr PALLAS — Meetings that you admit to publicly on radio, just by the way, do not constitute the definition of ‘secret’.

Ministers statements: West Gate tunnel project

Mr CARROLL (Minister for Industry and Employment) (11:21) — I rise to update the house on how the Andrews government’s West Gate tunnel project will boost local industry and create thousands of jobs for Victorians. I mentioned yesterday the jobs and opportunities that will be created by building this much-needed second river crossing and taking trucks off local roads, which the members for Williamstown and Footscray have been such strong advocates for. There will be 6000 new jobs, 500 apprentices employed, 400 jobs dedicated to Melbourne’s west and 150 jobs for ex-auto workers.

But that is only half the story. The other half of the story is local procurement opportunities: 93 per cent of local content will be used on the West Gate tunnel in design, construction, engineering, concrete, logistics and landscaping, and 110 000 tonnes of local steel will be used to build the two underground tunnels. Importantly, though, all members of the regions — and it is good to see the National Party doing what they do, sitting on their mobile phones. Maybe they would like to know about the briefing session held in Traralgon last night. Over 110 businesses —

Mr Clark — On a point of order, Deputy Speaker, the minister is now departing from making a ministers statement and debating the issue. I ask you to bring him back to compliance with sessional orders.

The DEPUTY SPEAKER — I ask the minister to come back to his ministers statement.

Mr CARROLL — As I was saying, at the industry briefing in Traralgon, down in the Latrobe Valley — and they are still on their mobile phones; it is unbelievable. Over 110 businesses from the Latrobe Valley were in attendance last night — fabricators, machinists and landscapers, all wanting to be part of this project. They are still on their phones; they are asleep at the wheel over there. They were asleep at the wheel under the former government and they are asleep now.

Mr Clark — On a point of order, Deputy Speaker, the minister seems to be having difficulty sticking to the script of his ministers statement. I do ask you to bring him back to making a ministers statement or alternatively to sit down.

The DEPUTY SPEAKER — The minister to make his statement and to stick with his statement.

Mr CARROLL — We are calling on businesses, big and small, in the regions and in metropolitan Melbourne to get behind this groundbreaking project. For the knockers and blockers over there, as the Premier said, 28 000 jobs have been created through our major projects, including level crossings, the Metro Tunnel, the north-east link and the West Gate tunnel. They would throw those 28 000 jobs and all the apprentices on the scrap heap. We know that is what they are all about.

Melbourne road tolls

Mr HODGETT (Croydon) (11:23) — My question is to the Minister for Roads and Road Safety. Isn’t it a fact that a tradie or a farmer driving a ute to the city from the western suburbs or western Victoria and Geelong in the government’s Transurban West Gate tunnel will pay West Gate tunnel tolls plus a new city access tax, a total cost of \$12.58, just to drive into town?

Mr DONNELLAN (Minister for Roads and Road Safety) (11:24) — I thank the Deputy Leader of the Opposition for his question. Obviously those people coming from far and wide will enjoy the travel time savings of 20 minutes if you are coming from Ballarat or if you are coming from Geelong. It is a bit like if you are coming down the Tullamarine Freeway where you will obviously be paying a tax as well as a toll to get into the city. At the end of the day the toll roads are there. We have been very clear that this project will be tolled. Obviously there are enormous benefits for both freight and the local community, and we stand by that.

Supplementary question

Mr HODGETT (Croydon) (11:25) — Minister, you lied about the shovel-ready western distributor, you lied about extending CityLink tolling before the last election and you lied about the new city access taxes. Why should Victorians believe a word you say when you claim you will not toll any part of the existing or upgraded Eastern Freeway?

Mr DONNELLAN (Minister for Roads and Road Safety) (11:25) — We very much stand by our record. We indicated we would get jobs moving in the state, and we have delivered well over 250 000 jobs. We certainly have not grown the economy at 0.8 per cent like your lot did in 2013–14 — and mugged the economy. Let us be very clear: we committed to getting the infrastructure done. We make no apology, and we will get it done.

Mr Hodgett — On a point of order, Deputy Speaker, in accordance with sessional order 9 I would say that the minister has been unresponsive, and I ask for a written answer to the supplementary question.

The DEPUTY SPEAKER — I will review *Hansard* and get back to the Deputy Leader of the Opposition tomorrow.

Ministers statements: West Gate tunnel project

Mr PALLAS (Treasurer) (11:26) — It gives me great pleasure to update the house on the West Gate tunnel project. Yesterday we announced that contracts had been signed and construction begins next month. We need to get this done. As Terry McCrann, a well-known Labor supporter, said today:

... it is a project which has to be done and once you accept that fact — it has to be done now.

Yesterday we released details of the commercial arrangements for the project. It is timely, because the Leader of the Opposition appears not to recall what happened when he was in government. Then again, he cannot recall who he had dinner with and what he dined on. Let me remind him of the unsolicited bids guidelines introduced by the previous government, and let us not forget that Transurban itself is a creature of the Kennett Liberal government.

When he was Treasurer the member for Malvern agreed to a very similar deal to deliver the CityLink Tullamarine widening, and he agreed to a deed extension at less value to the taxpayer and a higher price escalation rate. Let us remember that: less value to the taxpayer and higher cost escalation. Back then it was working with the private sector to deliver major infrastructure, but all that has been forgotten now.

Yesterday the Leader of the Opposition was blundering around like it was the end of days. Recently they told us that they want to build \$35 billion worth of toll roads, but today they are not sure that they like tolls at all.

We have made a suite of documents public, and we are continuing to do that, including a business case and a value for money assessment. Our legacy will be a road project that will service and support Victoria's roads and our freight industry. Those opposite can do what they do best: just oppose everything.

West Gate tunnel project

Mr HODGETT (Croydon) (11:28) — My question is to the Minister for Roads and Road Safety. The West Gate tunnel project will gift Transurban billions of

dollars in profit, extend CityLink tolls and impose new city access taxes for the first time ever. Is it not a fact that your own modelling shows the West Gate tunnel will be at capacity, will be at gridlock, before the CityLink toll extension even starts?

Mr DONNELLAN (Minister for Roads and Road Safety) (11:29) — The answer is no.

Supplementary question

Mr HODGETT (Croydon) (11:29) — With motorists from the City of Casey, who already pay more than \$200 000 a day in CityLink tolls, now facing higher tolls for a decade longer for a road that will already be at capacity and on the other side of the city, Minister, what do you have to say to your own constituents about signing them up to 10 years of even higher tolls and costing them tens of millions of dollars more, or given that you live in Fitzroy, couldn't you care less?

Mr DONNELLAN (Minister for Roads and Road Safety) (11:30) — What I would say to my local community is what a marvellous job we do locally on roads, whether it be the Thompson Road upgrade or the Monash Road upgrade. I also say to my local community that about \$3 billion would have gone to the east–west —

Honourable members interjecting.

Mr Hodgett — On a point of order, Deputy Speaker, I seek clarification from the minister. When he talks about his local community is he talking about his electorate or is he talking about his home in Fitzroy?

The DEPUTY SPEAKER — There is no point of order.

Mr DONNELLAN — We are not talking about Beaumaris or about having lobsters. What I am talking about is \$3 billion which was going to the east–west, which we convinced the federal government to put into the Monash and which your lot was not capable of doing. You were going to waste it on a dud project, and we made sure it went into the regions and the Monash. We are doing what my community needs, not what your lot did, which was nothing.

Ministers statements: West Gate tunnel project

Mr DONNELLAN (Minister for Roads and Road Safety) (11:31) — I want to get up today and talk about the benefits that the West Gate tunnel project will bring to the freight industry. We know that the freight industry is very excited by this project. We know there will be a

new six-lane tunnel that will take thousands of cars off residential streets and very much deliver trucks directly into the port. It will increase capacity on the West Gate Freeway by 50 per cent, and it will also massively decrease travel times. If you are coming from the Princes Highway or the M80 and you are a truck driver, you are going to be saving at least 13 minutes in travel time. More than anything else you will be missing all the traffic lights — 17 different traffic lights.

I was most excited yesterday when I started hearing the positive messages coming out of the freight industry. I just want to read a quick one from the Victorian Transport Association. Peter Anderson said, and I think this was on 3AW:

We have talked for a long, long time about improving access to the port of Melbourne via an alternative river crossing, and with contracts now signed for the West Gate tunnel project's construction we are encouraged that this long overdue piece of infrastructure can finally be built.

Really what he is saying is that you would not want to wait for the Liberal Party to get anything done, because we know we waited for four long years for them to deliver a dud project which did absolutely nothing, and they had not even started it.

We know this will deliver enormous benefits to the Victorian economy. It has been assessed to deliver about \$11 billion of extra benefits to the Victorian economy. We know that it will get trucks off those local streets and improve the efficiency of the freight industry massively. It is a great project.

RULINGS BY THE CHAIR

Questions without notice

The DEPUTY SPEAKER (11:33) — Before moving to constituency questions I advise the house that yesterday the Deputy Leader of the Opposition raised a point of order regarding the responsiveness of the answer to a supplementary question by the Minister for Ports. I have reviewed the transcript and I rule that the answer given by the minister was responsive.

Mr Burgess — On a point of order, Deputy Speaker, I am still waiting on answers to two of my constituency questions. I asked question 13 293 to the Minister for Health on 18 October about increasing funding for the Hastings community health dentistry service. I also asked question 13 403 to the Minister for Emergency Services on 1 November about securing a new station for the Baxter fire brigade in my electorate.

The DEPUTY SPEAKER — I will write to the ministers and ask them to respond.

Mr Watt — On a point of order, Deputy Speaker, with regard to my question on notice 13 249 to the Minister for Local Government. Given the topic of the question on notice was actually about Australia Day and residents being disadvantaged by Labor/Greens-dominated councils making decisions around Australia Day and not recognising Australia Day on 26 January, it is somewhat concerning that we have one more sitting day before Australia Day for me to receive an answer to that question. It is extremely concerning because of the fact that councils are out there denigrating Australia Day. I think it is important for my residents and for residents across the state to understand how they will be affected by Labor/Greens-dominated local governments denigrating Australia Day.

The DEPUTY SPEAKER — I will write to the minister and ask for a response for the member for Burwood.

Mrs Fyffe — On a point of order, Deputy Speaker, in relation to question 13 433 on 2 November to the Minister for Education, which is unanswered. It concerns the demolition of the old police building at Lilydale Primary School. Parents are very concerned about the safety of their children with the delay in the demolition of this building. I ask the minister to please respond to the question.

The DEPUTY SPEAKER — I will write to the minister and ask for a response.

Mr Watt — On a point of order, Deputy Speaker, with regard to question 13 220, which I raised for the Minister for Roads and Road Safety, that question is overdue for an answer. I ask that you chase it up with the minister to get a written response. It was a question on notice and it has not been answered. I think it is quite disgraceful that the minister has not answered the question. Many ministers in this government have completely refused to adhere to the time lines set down by the standing orders. I think it is incumbent on ministers, when they take the oath and take the job, to do the job that they are required to do — that is, to answer questions that are asked by members on both sides of the chamber. I think it is not unreasonable that a question be answered within the time line, and I call on you to ask the minister to answer the question.

The DEPUTY SPEAKER — Thank you, member for Burwood. I will write to the Minister for Roads and Road Safety and ask for a response to your question.

CONSTITUENCY QUESTIONS

Hastings electorate

Mr BURGESS (Hastings) (11:37) — (13 804) My question is to the Minister for Roads and Road Safety. I am seeking information on behalf of my constituents on what assistance the Andrews government is able to provide to upgrade dangerous intersections in Somerville and Hastings. My Somerville constituents have for many years been required to run the gauntlet of Somerville's double roundabout, situated at the intersection of Eramosa Road and Frankston-Flinders Road, Somerville. This notorious combination of roundabouts, which is located in the heart of the town, also has the added complexities of the adjacent Stony Point railway line crossing and Grant Road. The roundabout has to contend with traffic entering from all sorts of roads. Further gridlock is created when trains cross.

The intersection of Frankston-Flinders Road and Marine Parade in Hastings is also very dangerous and congested. Motorists are required to contend with not only two intersections within a short period of time but also rail crossings before and after. Approaching Hastings on the busy Frankston-Flinders Road, motorists cross the BlueScope railway line then choose to veer left onto Marine Parade or turn right onto Frankston-Flinders Road, cross the Stony Point railway line crossing and then turn left into Hastings a short distance later. Traffic becomes very congested and dangerous when trains cross.

Yuroke electorate

Ms SPENCE (Yuroke) (11:38) — (13 805) My constituency question is to the Minister for Education. What information can the minister provide on resources available to parents in the Yuroke electorate with children who are starting school in 2018? As the minister knows, the Yuroke electorate is the community of choice for many young families, with a high proportion of young children living in the area, many of whom will start school next year. The start of school is daunting, not just for children but also for their parents. I am sure many local mums and dads would appreciate any information the minister can provide on how they can help to ensure their kids get the most out of their start of school.

Euroa electorate

Ms RYAN (Euroa) (11:39) — (13 806) My constituency question is for the Minister for Roads and Road Safety. When will the government address the issue of drainage between Murchison and Tatura,

particularly at the property of Mr Robert Wright at 115 Murchison-Tatura Road? After the recent heavy rainfall that we had, Mr Wright's front paddocks were completely underwater. They resembled a small lake, really, rather than a paddock. He contacted my office, quite distressed at the significant impact that that was having on his paddocks and right up to the front of his house.

At the moment there is nowhere for the water to go. It drains under the road and into his property. He advised me that it is still there today, 10 days after the rainfall event. I understand that years ago there was a drainage system, and I know that the Minister for Water has released a rural drainage strategy; however, work carried out by VicRoads has actually blocked the drainage system up. Something needs to be done by the minister and by VicRoads to assist Mr Wright and other owners of properties along the Murchison-Tatura Road that are affected.

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) (11:40) — (13 807) My constituency question is for the Minister for Education. What progress has been made in the Doctors in Secondary Schools program in the Broadmeadows electorate? Hume Central Secondary College and Roxburgh College are schools which have on-site GP services delivering medical advice and health care to students in need. The Doctors in Secondary Schools program will enable students to access support early, before health problems affect their studies. This Australia-first program assists young Victorians to access health care, addressing concerns about cost and advice. As with all GPs, doctors will decide whether students are mature enough to consent to treatment or whether the consent of a carer or parent is needed. The health information will be managed according to law.

Ringwood electorate

Ms RYALL (Ringwood) (11:40) — (13 808) My constituency question is for the Minister for Police. Is it true that Victoria Police will no longer be sponsoring the Maroondah police seniors register?

Eltham electorate

Ms WARD (Eltham) (11:41) — (13 809) My question is for the Minister for Sport. My community supports the recent 16-day campaign to end gendered violence in our community, which ended this week. My community supports putting an end to family violence, and my community wants all violence, including the

coward's punch, to end. Lower Plenty Football Club is one of many sporting and community groups in my electorate that is expanding its membership and players to include girls and young women in team sport. The feeder club, Research Junior Football Club, is going from strength to strength regarding female participation. Both of these clubs have also been deeply affected by the coward's punch that ended Pat Cronin's life. These clubs recognise how important it is that their clubs and facilities are safe spaces for both men and women. They are actively looking for practical ways to create a more inclusive, open and safe environment for all members. Minister, my question is: what is the Andrews government doing to support these community groups in their endeavour to provide safer and more inclusive spaces at their clubs?

Melton electorate

Mr NARDELLA (Melton) (11:42) — (13 810) My question is to the Minister for Health. When will the minister outline the timetable for the future planning for additional hospital capacity on the peri-urban fringe of the western growth corridor to promote local access over the longer term? In the *Statewide Design, Service and Infrastructure Plan for Victoria's Health System 2017–2037* policy just released, page 89 details the growth challenges and infrastructure priorities needed for the region. I ask that the minister outline a timetable and process for this to occur so I can let my local residents know and get them involved.

Essendon electorate

Mr PEARSON (Essendon) (11:42) — (13 811) I direct my constituency question to the Minister for Agriculture in the other place, and I ask: what is the latest information about the construction of a boat ramp in the lower reaches of the Maribyrnong River to help encourage recreational fishing?

Burwood electorate

Mr WATT (Burwood) (11:43) — (13 812) My constituency question is to the Minister for Local Government. Recently I wrote to the three local councils in my electorate — Boroondara, Whitehorse and Monash — seeking their support for Australia Day on 26 January. It is shameful that the Labor-Greens-dominated Monash City Council recently rejected a motion at a council meeting affirming its support for Australia Day on 26 January. It is disappointing to see rogue councils and individual councillors on a campaign to denigrate all that is good about Australia. What actions will the minister take to ensure that residents of Monash will not be

disadvantaged by the Monash council's decision to not affirm Australia Day on 26 January?

Sunbury electorate

Mr J. BULL (Sunbury) (11:43) — (13 813) My question is for the Minister for Local Government. What is the latest information on construction and design time lines for the upgrade of the John McMahon reserve, which is home to the East Sunbury sporting group? On behalf of the minister I was thrilled to be able to announce \$2 million for this wonderful upgrade, which will see a new oval, pavilion, lighting and parking. This project of course builds on our outstanding local commitments from the Growing Suburbs Fund, continuing to invest in those important projects that growing communities need and deserve. I ask the minister: what are the projected design and construction time lines for this terrific project?

GAMBLING LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed.

Mr McCURDY (Ovens Valley) (11:44) — I am delighted to continue my contribution after the intervention of question time. As I was saying, this bill reflects the 24-hour cycle of our community. Shiftworkers, night workers and hospitality workers all work odd hours and still seek entertainment and a social outlet at non-traditional times of the day and week, and this applies particularly to tourists in Melbourne and regional Victoria. We certainly want to make the opportunities available for them if they want to have a flutter on the horses or a bet on the pokies or whatever it might be. Not everyone has the weekend off to follow their favourite racehorse, so a Wednesday race meeting is ideal for such people.

However, some people in our community are unable to control the urge and to not gamble and to not drink excessively midweek. They are not able to control themselves, and hence legislation can help. It is not a silver bullet, but certainly it can help to reduce personal harm and harm to individuals. This bill, as I said earlier, supports our small lottery agencies. There are about 400 of those in Victoria, both in the suburbs and in regional Victoria, and we are very pleased on this side to support small business. Those lottery agencies will be beneficiaries of some of the changes in this bill. There are those who enjoy a flutter on Tattsлото or the odd scratchy, and that is a personal choice and on the whole a harmless way for some members of our community to

invest in hope or to dream about winning the big one. Regardless of this legislation, people will still be able to make choices.

Lottoland is a new type of wagering in our community, and there is scepticism about whether or not this type of lottery sells hope or merely preys on vulnerable people who are not investing in hope but spending disproportionate amounts of income overseas on a wing and a prayer. Lottoland primarily comes via a licensing agency through the Northern Territory. As we have seen, there will be restrictions on Lottoland betting or wagering against Australian lotteries. This is just like what happens in the UK. In the UK, through Lottoland, you are able to bet on lotteries outside of the UK but certainly not within. Those restrictions will come into place because that part of the licence has been withdrawn by the Northern Territory Attorney-General. Changes in this bill will give the minister in Victoria, if they see fit, power to make further changes to wagering such as Lottoland and others in that vein.

Some wagering companies do not pay tax to the Victorian government. Some people can call that just being the Grinch, but really at the end of the day if you are not paying tax, you are not sharing the burden of supporting those with a gambling problem or other community activities that some of our taxes go to — particularly gambling taxes. I do not believe that is fair, and this legislation will ensure that the minister has the power to stop wagering companies who are not paying their way, so to speak. I think that is a step forward. Taxes generated out of gambling are used to support those who have a gambling problem, so it is important that profits from gambling via taxes are used in this manner, yet some international wagering companies are not paying a cent to contribute to support for problem gamblers.

When referring to companies similar to Lottoland, another factor is that Victorian legislation requires that 70 per cent of funds invested in gambling by the punter are returned to the players. This is the minimum requirement to ensure that the major gambling companies do not increase profits to a ridiculous and disproportionate amount. These rules do not apply to international wagering companies and, as I said, companies that are operating via a licence out of the Northern Territory. They are not obliged to pay 70 per cent of the investment back to the punter or to the gambler, and they can take 100 per cent of the profits if nobody happens to win the big one.

I would like to turn to proposed new section 3.6.1B, which is headed 'Payment of unpaid jackpots to Responsible Gambling Fund':

- (1) This section applies if a venue operator is in possession of funds in a jackpot special prize pool that have not been paid out at the time of—
 - (a) the venue operator ceasing to hold a venue operator's licence; or
 - (b) the venue operator ceasing to hold any gaming machine entitlements —

that is, if they have sold them or moved on, or —

- (c) the venue operator not operating jackpots for 6 months.

When a venue ceases to hold a venue operator's licence it will be mandatory that it must now pass on an amount equal to any unpaid jackpots to the Treasurer, which will be paid to the Responsible Gambling Fund which was established under the Victorian Responsible Gambling Foundation Act 2011, another significant step forward by the former coalition government.

This is a fairer way to deal with jackpots than them simply being absorbed by the venue, and if these funds are not being returned to the punter, then they would be better invested to support responsible gambling initiatives. We often see machines that are linked together, and these are pooled towards a jackpot. It would be unfair if these jackpots were not used and at the very least not used to support problem gamblers. As I said earlier, at the end of the day problem gamblers are people in our community who have all sorts of issues, concerns and problems, whether it is alcohol, drugs or gambling. If the industry itself is not supporting those people, then it is quite disappointing. This is more of a practical outcome to make sure that unused jackpots or jackpots that have not been claimed will be going to the Responsible Gambling Fund.

The restrictions that I mentioned earlier around schools apply to public transport and its infrastructure — for example, when you are sitting at a bus stop or a train station or even sitting on the tram, train or bus, it is not healthy to be overburdened with gambling advertising, gambling inducements or get-rich inducements. As a legislator I believe we can do better than sell false hope to people who are bored while waiting for a train by advertising more positive messaging around family, teamwork or community productivity, rather than financial risk-taking. Not everyone has the ability to understand that the odds on gambling vary from game to game, particularly the most vulnerable in our community. They are better served by positive messages on ways to contribute to the community rather than risking disposable income — income which in some cases is not disposable and is set aside for rent

or energy bills, and income that we do not want to see being whittled away as part of a pipe dream.

As I have said from the outset, gambling in Victoria is part of our culture; however, it needs to remain proportional to our income. Banning gambling is not the answer. It will only create a black market, and over the years we have seen what happens then, with bootlegging and moonshine and illicit drugs. Responsible gambling alongside responsible advertising is a far better response to support our communities and people with gambling problems.

Referring to the bill momentarily, I just want to touch on the interim ban order and the fixed-term ban order in part 2, 'Amendments to the Gambling Regulation Act 2003'. In new section 2.5A.4, 'Procedure following interim ban order', it says:

If the Minister makes an interim ban order, the Minister must ensure that written notice of the order is given to any person who the Minister is aware is offering or providing the gambling product or adopting the gambling practice in Victoria.

The second part of that is:

On receipt of a notice under subsection (1), a person may make a submission to the Minister regarding an interim ban order or the gambling product or gambling practice to which the interim ban order relates.

And:

A person may make a submission referred to in subsection (2) within 90 days of the date of the notice, or such other longer period as specified in the order.

To clarify, 90 days is the time frame for the submission for interim bans, whereas in a fixed-term ban order the minister may make an order banning a gambling product or gambling practice that is the subject of an interim ban order for a period not exceeding 10 years if the minister is satisfied that the product or practice undermines or may undermine a responsible gambling objective. But it is important to understand that the minister may make a fixed-term ban order even if the minister has not received any submissions within the time limit referred to in that section 2.5A.4.

New section 4.7.1 inserted by clause 18 of the bill is about being clear about gambling advertising, making it an offence to display betting advertising in certain locations:

- (1) A wagering service provider must not display, or cause to be displayed, any gambling advertising that is static betting advertising—
 - (a) on public transport infrastructure; or

- (b) within 150 metres of the perimeter of a school; or
- (c) on or above a public road, road infrastructure or road reserve.

Penalty: 120 units.

Public transport infrastructure includes non-movable infrastructure like train stations, bus shelters, tram stops, ferry terminals and park-and-ride facilities. Other road infrastructure includes road reserves et cetera. Static betting advertising includes but is not limited to billboards, banners, hoardings, signs, images or rolling static displays, digital billboards and panels, including those that display moving or digital images, and movable billboards. Broadcast television, radio or digital media such as websites or social media and commercial print media such as magazines and newspapers are not included.

Again it is about getting across all those areas that we spoke about as being close to public transport, on public transport, on billboards and along roads. Let us face it: we do not want to be driving down our roads, whether it is our metropolitan roads or our fine country roads, to our destinations to find that we have got all these gambling billboards in our faces all the time, because it is a profitable market for those companies and they are prepared to heavily invest in advertising.

The other area that I will just touch on is that a wagering service provider does not commit an offence if they display the logo or the name of the wagering service provider on a building occupied by that wagering service provider. We are talking about corner stores that might be near a school. That is only visible inside the shop that stocks the wagering service. You will get people who are concerned that they might have a corner store within 150 metres of a school that sells a Tattsлото ticket or a scratchie. I think we have to be mindful that those businesses do not get run out of town, run out of business, because of the changes made by these amendments.

Finally, there are amendments to the Victorian Commission for Gambling and Liquor Regulation Act 2011 in part 3 of the bill. There are a few points there around the appointment of sessional commissioners and certainly the CEO. There is detail around the appointment of the CEO and other details. The chief executive officer is appointed by the commission, obviously in consultation with the minister, but the chief executive officer cannot be a commissioner as well.

I think that is all I need to contribute on the bill. It is a pretty straightforward bill. There are a few points in there that I have gone over a couple of times. I will not

do that again. But I think it is important to know that, as I have said all along, gambling is a legitimate service provider of entertainment in Victoria. We need to try and ensure that it is safe not just for the vulnerable in our community but also for our young people, who are around it all the time, particularly as things change with iPhones and personal devices and the amount of sports betting, gambling and gaming that goes on. We need to continue to ensure that our young people, when they are going off to school, sport or whatever they might be doing, are not overwhelmed by gambling advertising. Again, we have said that we are not opposing this bill, and I wish it a speedy passage.

Mr PEARSON (Essendon) (11:57) — I am delighted to make a contribution on the Gambling Legislation Amendment Bill 2017. As the lead speaker for the opposition indicated, it is a fairly straightforward bill. It is interesting that a bill like this comes before the house, because we as legislators have to try to respond at a time when there has been enormous change in the industry. I think if you go back to probably 15 or 20 years ago, if you wanted to have a bet you would go to your local TAB outlet or your pub TAB. You would either spend your time at the pub betting away or you would turn around, buy up all your tickets and then depart and do other things. The reality is that what has happened in the course of that time is we have seen changes both from the point of view of the industry landscape and also as a result of technology.

I think it started back in 2008 when there was a case brought before the High Court that revolved around section 92. That looked at the provisions in relation to free trade between the states. The case was brought about because the states were trying to look at protecting the revenue streams that they were receiving from what had either been at that point in time state-owned enterprises, being the local TAB, or those that had been privatised, like the TAB was by the Kennett government in about 1994, by memory. The High Court ruled that you could not try to ring-fence those industries and therefore there was that freedom of movement across borders. That led to the rise of a lot of corporate bookmakers and online bookmakers going to the Northern Territory. They went to the territory because there was a favourable taxation regime in place. Really all they needed to do as a business was to indicate that they had a call centre set up in the territory and to have their servers set up there, and that enabled them to apply the territory's taxation regime. What the Northern Territory government did, because I guess probably they were quite keen to try to attract these businesses, was to strike a very low taxation regime.

If you look at the 2013–14 financial year there was \$8.5 billion in bets placed via online bookmakers headquartered in the Northern Territory. That yielded a taxation return to the Northern Territory government of \$2.5 million, which is remarkably low as a percentage in terms of revenue. The cap, which was originally \$250 000 per bookmaker, was increased to \$550 000. This comes from an article on the ABC on 1 December 2014.

Obviously what has transpired is that a lot of this activity has gone to the Northern Territory, where there has been a more favourable taxation regime in place, and we have seen a reduction in revenue that we would normally attract in Victoria if we did not have this level of technology and we were able to try and ring-fence or corral the betting behaviour of consumers.

What this bill tries to do — and I think the lead speaker for the opposition mentioned Lottoland — is to enable the minister to ban any betting contingency offered by a wagering service provider where the minister forms the view that betting on the contingency is not in the public interest. So we have a set of circumstances where there is a more favourable taxation regime in place in the Northern Territory compared to the states, and it is a challenge when you have such a weak and anaemic budget that the Northern Territory has, compared to Victoria. It does not need to try to raise the level of taxation revenue that this state has to because of the transfer payments from the commonwealth government. That then leads to these sorts of outcomes, and so it becomes a real challenge and issue.

But having said that, there is now a capacity through the bill for the minister to seek to provide that level of oversight in terms of the offering that is made available here in Victoria. I think that is an important initiative. At a state level we have to confront the realities of globalisation and the ubiquity of these sorts of technology applications because they are the realities, but we cannot turn around and basically say that that absolves us from having any form of action or activity. I know this is a topic that is very near and dear to your heart, Acting Speaker Spence, in terms of trying to work out what is an appropriate response from the state in the face of the winds of globalisation that are sweeping through our community.

It is a balancing act. On the one hand you cannot be like King Canute and try to prevent the tide from coming in, but on the other hand you cannot just throw your hands in the air and say, 'It's all too hard. I'm not going to seek to intervene. I'm going to abandon the regulatory field and I will have a laissez-faire approach to the market'. You cannot do that.

The reality is that people are gambling more broadly and there are provisions in the bill to deal with these matters appropriately. It makes amendments to clarify the power of the Victorian Commission for Gambling and Liquor Regulation to grant approval of premises that are suitable for gambling. That is relevant because if you look at most of the electronic gaming machine venues across Victoria they tend to be in licensed premises. A very deliberate decision was made originally by the Kirner government to make sure that gambling products, and particularly poker machines, were kept away from children and so it was that they were put in licensed venues. An impact of that has been that gambling revenue is more likely to be drawn from areas with licensed premises and they are more likely to be regional and rural areas or working class areas in Melbourne as opposed to areas which might have to be dry, for example.

Gambling is a regressive form of consumption tax. That is just the reality. People of lesser means will be more likely to gamble and the impact upon their household budget will be greater than that of people who have more money. It is how people choose to spend their money; it is how people choose to entertain themselves. Coming from a family that likes to have a bet, likes to have a flutter, I completely understand that people have the freedom to choose how they wish to spend their money.

I do not think it is the role of the state to tell people they cannot seek to spend money on gambling if they wish to do so. But we know that there is a proportion of people who do have problems with gambling and so it is appropriate that there be a response around that. That was why the Community Support Fund was originally established in 1991 and that has now morphed into the Responsible Gambling Fund administered by the Victorian Responsible Gambling Foundation. If 2 per cent of the population are problem gamblers and we are raising a significant amount of revenue through gambling, then it is entirely appropriate for the state to basically identify who those people are and provide the wraparound services they need.

I would hazard a guess that if you are a problem gambler, gambling is probably a symptom, not necessarily the cause, of your malaise. I suspect that if you are a problem gambler you probably drink too much, you probably do not exercise, you might smoke, or you might have mental health issues or other issues. I am not dismissing problem gambling as an issue per se; I am just saying that it is probably one component of a whole series of issues that people have in their lives. It is important therefore that you look at having an organisation like the Victorian Responsible Gambling Foundation to have that preventative role to try to

encourage people to make better choices before they get into trouble, but also to provide support to people who are suffering.

Clause 18 of the bill deals with out-of-home advertising. This is a really important issue. When we are looking at a significant level of population growth around our community, online advertising companies are doing particularly well. They are doing far better than advertising companies or media buying companies. I think we will probably see more outdoor advertising occurring in our community. I do not have a problem with that, but we need to have an appropriate regulatory regime to reflect that. To turn around and make sure that you do not have outdoor advertising within 150 metres of a school is entirely appropriate.

It is a fairly straightforward bill. It is doing the right thing in terms of ensuring that an appropriate regulatory regime is in place, notwithstanding the impact that we are facing in terms of globalisation. On that note, I commend the bill to the house.

Mr THOMPSON (Sandringham) (12:07) — In contributing to the Gambling Legislation Amendment Bill 2017, I note that one of the purposes of the bill is to prohibit the display of gambling advertising on public transport, near schools and on public roads, road infrastructure and road reserves. A number of other purposes are outlined, including to amend the Victorian Commission for Gambling and Liquor Regulation Act 2011 to improve the governance arrangements of the commission.

The Sandringham electorate has had over the years numbers of gaming outlets going back to the days of yesteryear when starting price bookies may have operated through to TAB agencies and premises where poker machines were installed. Interestingly, within the Sandringham electorate at a number of sites — at the Red Bluff Hotel, which has now been demolished, the Sandringham Yacht Club and some of the RSLs in the district — the prevalence of gaming represented a significant overhead where the investment by patrons did not amount to a quantum which enabled the operations to be conducted on a future viable basis.

There is one RSL in the Sandringham electorate, Highett RSL, where there is a high volume of gaming proceeds put through that particular club. It has been a matter, with the issue of gaming licences, where clubs had bid large amounts of money to conduct the licences but there was not a strong return and there was a failure of investment.

There are a number of other provisions in relation to the bill which will amend sports betting advertising, as I noted, within 150 metres of a school, on public transport infrastructure including bus shelters and railway stations and also billboard signage on roads. There are some subcultural elements within communities as well where with the prevalence of TV advertising young people have been encouraged to engage in sports betting. With the ability to bet via mobile phone there can be circumstances where people could be placed in a certain degree of difficulty. In the Sandringham electorate there is also the former Bentleigh Bayside Community Health Centre, now known as Connect, which has a strong gambling counselling service and there is a high level of expertise on the part of their great staff who endeavour to provide support and assistance for people who are confronting gaming difficulties.

It is a salutary moment as a legislator when you get that firsthand insight into the life journeys of people who have wrestled with gaming addiction and the impact upon their lives. We, as legislators, need to be highly mindful of that impact on families. It was well illustrated in the *Australian* newspaper in 2006 with an article written by Natasha Robinson, who reported on a case in the County Court, and I would like to quote that commentary in *Hansard*:

A judge —

Roland Williams —

has fiercely criticised Crown Casino and the Victorian government for facilitating the 'mindless operation of poker machines to witless members of the public' in jailing a pokies addict for stealing \$3.5 million to feed her addiction.

Crown showered —

a Victorian resident; I will not use her name —

with free tickets and ferried her to Melbourne's biggest events by limousine as her losses on poker machines grew to \$2600 an hour.

The mother of two felt like she was 'slipping into a black hole' as she set up false accounts and fleeced existing bank customers of what Victorian County Court judge Roland Williams described as 'astounding, incredible and mind-blowing' amounts of money. With her stealing going undetected by the bank for four years —

she was a bank employee. She —

'constantly robbed Peter to pay Paul', shifting a total of \$22 million between accounts, the court heard.

Crown Casino recorded her net losses, which rose from \$19 000 in 2001 to \$857 000 in 2004, but never asked what —

the Victorian resident —

did for a living or where she was getting her money.

In a statement tendered to the court —

the Victorian resident —

said that after the casino gave her VIP status, including free meals and accommodation, and tickets to the tennis, football and grand prix, she spiralled into compulsive gambling. 'I was totally seduced by this because this was a side of life I had never seen before ...

The Victorian resident:

pleaded guilty to 13 counts of obtaining financial advantage by deception and 22 counts of theft.

In sentencing —

the Victorian resident —

to seven years in prison with a non-parole period of four years, Judge Williams said, 'I feel constrained to remark how sad a situation this is. Sad that the availability of gambling in this state is such that you found it so easy to turn to as your outlet, and once started you so readily became trapped by the gimmicky enticements and rewards which seemed to be accepted as part of the regime'.

I move on to a quote which I have had occasion to allude to before. I think it is an interesting one and an important one. Judge Williams went on to note:

How a so-called civilised society can allow and offer the mindless operation of poker machines to witless members of the public under the euphemism of gaming and entertainment is no doubt a question for the sociologists of this world.

The article continues:

He said he had grappled with the question of 'how can it be' that a woman in a loving relationship who had previously led a 'blameless existence' could achieve such an 'astounding level of wrongdoing' that was 'totally out of character'.

The observations of Judge Williams are interesting. We at this end of the city have the responsibility for regulating a range of activities that take place in the Victorian community, and in the Williams Street precinct — the County Court at the other end of the city — you have a judge of this state making remarks that questions the range of activities that people can, in recreational terms, spend their money on which can have an impact on their lives in such a crushing way. In this particular case the addict was jailed and there are a number of other similar examples in Melbourne that I am aware of. There was a brilliant mathematician from Melbourne University who worked in the gaming industry and mathematically calculated the odds, but unfortunately despite his academic brilliance, his prowess and the opportunities he had in life he

ultimately took his life when the debt that he had incurred reached an unsustainable level. The bill before the house endeavours to regulate an aspect of gaming in this state, and to that extent the legislation is not opposed by the opposition.

Ms WILLIAMS (Dandenong) (12:16) — Betting advertising is an issue that is often raised with me in my community and for many of us in this place it is a great concern. We all know many Victorians understandably worry about the message that it sends to vulnerable cohorts in our community and the lifelong habits and hardships it may well instigate. This fear is not entirely unfounded. We know there have been many studies that have evaluated the impact of betting advertising and they have found that it can shape gambling attitudes, intentions and behaviours. They have also found that this advertising is most likely to impact on vulnerable cohorts, including children. To address this, the bill before the house today will amend the Gambling Regulation Act 2003 to ban the display of static betting advertising by wagering service providers within 150 metres of the perimeter of a school, as well as in or near public transport infrastructure and on roads and road infrastructure.

This is an important part of combatting the normalisation of gambling, particularly among children, especially as it relates to sport. Sadly, research shows that three-quarters of children aged between eight and 16 think that gambling is a normal part of sport, and two-thirds of those can recall a least one sports betting brand. This is obviously not helped by the fact that all too often we see betting advertising on roads, on public transport and, most disturbingly, sometimes near schools, which the cynic in me would believe is deliberately designed to target young people and expose those vulnerable groups to this advertising. This is why this legislation seeks to put an end to this type of predatory advertising.

The ban on public transport infrastructure includes trains, train stations, buses, bus shelters, trams, tram stops, taxis and ferries. The prohibition on road advertising will apply to arterial roads, freeways and tollways as well as traffic control signs, embankments and noise walls. The ban, however, will not apply to advertising on cars and trucks travelling on these public roads, and I would surmise that that may prove a significantly greater challenge.

The inclusion of roads in these bans is very significant, particularly when you take into account that 35 per cent of all static betting advertising occurs on our road networks. It is no surprise to me that when the government consulted on these changes, it received

widespread community support. Although I think it is fair to say that there will be some in the betting industry itself who are not too fond of these changes, I understand that transitional arrangements have been put in place that ease the impact in the short term for these businesses — for example, any contract signed prior to the announcement of the ban, which I believe was on 17 September this year, will mean that those ads will be permitted to run up to a maximum of two years following the announcement.

It is also important to note that there are some fairly obvious exemptions. These include racecourses, sporting stadiums and grounds and buildings occupied by a wagering service provider or a building where their products or services are sold.

In discussions with my community about these changes I have found that while many people are pleased with these changes they also raised with me possible restrictions around broadcast advertising. This is obviously rife and also very concerning to many in our community, who fear its normalising impact. Unfortunately broadcast advertising falls outside the state's jurisdiction. However, we have been advocating for the commonwealth government to crack down on it. While there have been some positive steps forward on this front — namely, moves to restrict betting advertising during live sports broadcasts — there is still much more that could be done. This is why we are continuing to call for the proposed 8.30 p.m. limit to extend to entire matches, particularly given that the broadcasting of many of the highest rating televised sporting events lasts well beyond 8.30 at night.

The bill enables the minister to ban any betting contingency offered by a wagering service where the minister forms the view that betting on the contingency is not in the public interest. The bill also enables the minister to set conditions that may apply to such betting. This will ensure that products that do not meet Victoria's consumer protection and harm minimisation standards are not available in Victoria. This effectively aims to try to keep pace with the constantly evolving methods of gambling, some of which can be quite misleading to consumers.

In making a decision to ban or place conditions on betting the minister can consider such factors as responsible gambling outcomes and any consumer protection concerns. As a government we have been particularly concerned by the emergence of products that involve betting on lotteries. Admittedly this was something I was not too familiar with before doing my reading for this bill, but upon reading about it I was suitably and understandably concerned. Consumers may

not realise in these arrangements that they are not in fact purchasing a lottery ticket but rather are placing bets with an online bookmaker on the outcome of a lottery. This essentially means that these consumers do not receive the same player protections that apply to lotteries that are allowed under the Gambling Regulation Act 2013. This is an area that the government will be playing close attention to in the time ahead and that may well result in further action in the future.

The bill also makes a number of other amendments to the Gambling Regulation Act. For example, the bill will require venue operators in certain circumstances to pay any unpaid jackpots for gaming machines that cannot be transferred to another suitable jackpot to the Treasurer, which will then be directed into the Responsible Gambling Fund. This is essentially designed to stop venues from keeping player funds where that venue may cease to conduct gaming activities.

Another change included within this bill are measures to streamline and improve the processes used by the minister to ban a gambling product or practice if the minister considers it undermines a responsible gambling objective of the act.

The amendments provide for consultation with affected industry participants but also enable the minister to seek advice from a range of bodies in addition to the Victorian Commission for Gambling and Liquor Regulation. This is particularly relevant where certain bodies may hold specific expertise and insight. These bodies may include the Victorian Responsible Gambling Foundation and the Responsible Gambling Ministerial Advisory Council, among others.

Finally, the bill makes amendments that essentially clarify the power of the Victorian Commission for Gambling and Liquor Regulation to grant approval of premises as suitable for gaming or for an increase in gaming machine numbers. These changes will ensure that venue operators are held accountable for meeting any conditions imposed by the commission, which is another important step in ensuring that harm minimisation is maximised in the regulation of these activities.

I have for a long time held grave concerns about the impact of gambling on our community, in particular on vulnerable cohorts within our community, as I know many others in this place do as well. It is also a space that is moving incredibly fast due to technological developments, and most of these developments have made it so much easier for consumers to lose money. I have observed that online forums are also incredibly effective at masking real and tangible financial loss.

They look and feel like games, and I know people who have been devastated by this. They have a nasty way of sneaking up on people, and families, to devastating effect. Many of us in this place will know families that have been impacted by this.

I am pleased to see the government taking meaningful steps forward, but I will probably always be a person who thinks there is more to do, particularly as the landscape keeps changing and shifting. Of course that brings the challenge of needing to keep pace with those changes as well as the challenge of needing to make sure that as best we can we continue to protect consumers along the way while also ensuring, as the member for Essendon said, that we allow people the freedom to spend their money as they wish.

This bill is an important step forward. It is hopefully one of many steps we will see over time in order for this place to continue to try to adapt. I commend the bill to the house. I commend the Minister for Consumer Affairs, Gaming and Liquor Regulation for her work in this area. Long may we continue to protect consumers in this space and to ensure that families, as best we can, are not devastated by the impact of problem gambling, which we know extend far beyond individuals and into the next generation as well.

Mr WATT (Burwood) (12:26) — I rise to speak on the Gambling Legislation Amendment Bill 2017, noting that the shadow minister for gaming and liquor regulation has foreshadowed that the opposition is not opposing this bill. I want to start by acknowledging the contribution of the member for Essendon. I do not normally acknowledge the member for Essendon's contributions, but I particularly want to acknowledge his contribution today, in which he acknowledged that it was actually the Kirner government that introduced pokies in Victoria. Many people forget who actually introduced pokies in Victoria. It was a Labor government; it was the Kirner government. It is refreshing that the member for Essendon was happy to acknowledge the fact that it was a Labor government that brought pokies into Victoria. I think sometimes history can be glossed over. I think sometimes those opposite like to cast aspersions on the Liberals, and particularly on the Kennett government, for the introduction of pokies. But I do firstly want to acknowledge the member for Essendon for acknowledging that it was the Kirner government that introduced pokies in Victoria.

I also want to reflect on the Minister for Consumer Affairs, Gaming and Liquor Regulation's second-reading speech. I was particularly interested in the second-reading speech because I am a board member of

the Victorian Responsible Gambling Foundation, and I noticed that the minister in her second-reading speech on this particular bill mentioned the Victorian Responsible Gambling Foundation twice. From memory, she mentioned the Victorian Responsible Gambling Foundation when gloating about how much money the government had allocated to the foundation.

The reason I raise that is I find it interesting that in 2015 this house introduced legislation to change some of the roles and responsibilities of the Victorian Responsible Gambling Foundation, and one of those was around advocacy and policy. I have listened to contributions from members today, and I have had a personal conversation with the shadow minister, who also was a board member of the Victorian Responsible Gambling Foundation. In none of the contributions have I heard, other than in the minister's contribution where she talked about funding for the Victorian Responsible Gambling Foundation, of any policy or advocacy work that the Victorian Responsible Gambling Foundation did around this particular piece of legislation.

I would have thought that if you introduced legislation, as the government did some two years ago, which gives the foundation policy and advocacy work, you would then allow them to do that policy and advocacy work. I am not saying that they did not do that work. What I am saying is we do not know because the minister has not told us about it. To my knowledge there has been nothing released publicly, and certainly no member opposite has mentioned the views of the Victorian Responsible Gambling Foundation and any policy and advocacy work they did around this particular piece of legislation. I thought I would put that on the record as well.

The bill amends the act by prohibiting sports betting advertising within 150 metres of the perimeter of a school and on public transport infrastructure, including bus shelters and railway stations. It also bans billboard signage on roads. The reason I raise that is it was only a month or so ago that we had a complete about-face by the government on a different policy topic — that was around safe injecting rooms. I have been down to the facility where the safe injecting room will be, and I just want to raise the contrast between government policy around safe injecting rooms and drug use vis a vis gambling, inasmuch as I note that there is a school right next to where this facility will be. Kids will be able to sit in class and look out the window and see this facility. There is the line of sight to the facility, but the government is introducing legislation to cover the line of sight when it comes to things like gambling advertising and children's playgrounds. I note how close the children's playgrounds on the public housing estate are;

they are next door to the facility. I am somewhat concerned about the duplicitous nature of some of these policy decisions that the government has taken, and I wonder why it makes these decisions. I do have some serious concerns about the judgement that the government makes on some of these policy decisions.

When we are talking about judgement, I note that it is two months since this bill was actually introduced into this house. It has been two months since the first reading. I also note that if the bill were to pass this house — and I presume it will because the opposition is not opposing it and it is the government's bill — we know that it will be almost two months before it gets to the Legislative Council. As of today, having had a look at the orders of the day on the Legislative Council notice paper, the Legislative Council has 21 bills on its notice paper — 21 bills as orders of the day. Presumably this bill will be put onto the notice paper and presumably it will be listed as order of the day 22. Noting how difficult it has been for the government to get legislation through the upper house and noting there are 21 bills currently on the notice paper, I look at this bill and see that it will be two months before it gets to the upper house and then presumably it could be months later before it actually gets through the upper house. It just shows the logjam the government has and the inability of the government to get things through.

I wonder whether the government has any real commitment to problem gamblers or any real commitment to this particular piece of legislation, given the fact that there has been no talk about consultation with the Victorian Responsible Gambling Foundation and given the fact that the time line — from when the bill was first read to when it actually could come into legislation — is somewhat peculiar. I wonder what sort of commitment the government has to this particular piece of legislation when we are talking about the potential of six months or more before this piece of legislation could actually pass the chamber from when it was first talked about. I am concerned about the government's lack of commitment. I am seriously concerned about the duplicity of this government when it comes to policy decisions, and I wonder why the government makes certain policy decisions.

Around the safe injecting room issue, we clearly know that was because of the by-election and a deal done for preferences with the Reason party or the Sex Party. I wonder if the government needs another by-election with another preference deal to get gambling legislation such as this through, to actually put this on the priority list. I wonder about the duplicitous nature of the line-of-sight issues around gambling advertising, yet the government does not have the same concerns

around drug use, particularly around a safe injecting room or a regulated injecting room.

I also wonder about the distance being set for sports betting advertising. We are talking about 150 metres from schools, so within 150 metres of a school you cannot advertise gambling but you can shoot up legally, or you will be able to under an Andrews Labor government. I would love members opposite to address this when they get up to speak. It would be interesting to know why the government seems to think that sports betting advertising within 150 metres of a school is completely out of bounds and is so abhorrent it is going to be legislated against. Yet in Richmond, nestled right between the public housing estate and Richmond West Primary School, we will have a safe injecting room located clearly within 150 metres of the school. It is actually right next door to the school.

I have some concerns. I know why the government did the deal around the safe injecting rooms, and I know it was not very successful for them. I just do not get how members opposite could stand in this place and with a straight face say that they are concerned about children at school and are concerned about the proximity that they have to, say, a billboard sign, but they do not have the same concern about their proximity to a heroin injecting room regulated by the government. I find this duplicity interesting.

Mr DIMOPOULOS (Oakleigh) (12:36) — What an absolute disgraceful display by the member for Burwood, and I will get to that shortly. It gives me pleasure to speak on this very important bill. I think, as colleagues have said separately, it is a bill that tries to mitigate some of the excesses around gambling and to minimise harm. I will get to it in a second, but I have just got to say that the member for Burwood somehow compared a safe injecting room — I think 34 people died in the year before the decision was made — with advertising for gaming, which is a legal product, whereas heroin obviously is not, and that somehow we are not concerned about one issue. This bill is about preventing deaths. We are not supporting a bill —

Mr Watt interjected.

The ACTING SPEAKER (Ms Ward) — If the member wishes to interject, and I would advise him not to, I ask that he at least do it in his own seat. Please desist.

Mr DIMOPOULOS — We are not normalising heroin injecting by putting advertising boards up saying, ‘Come over here — 60 metres down the road. You can inject heroin’. It is an absolutely disgraceful

comparison, and it really does trivialise what is such a serious issue — 34 families are impacted through death every year. It is a brave decision by the government and a model that has clearly worked and is supported by the Liberal conservative government of New South Wales.

Mr Watt interjected.

The ACTING SPEAKER (Ms Ward) — I again ask the member to go back to his seat.

Mr Watt interjected.

The ACTING SPEAKER (Ms Ward) — Do not address the Chair. Go to your seat if you wish to discuss anything.

Mr DIMOPOULOS — The other inaccuracies and untruths in what the member for Burwood said do relate to this bill — that is, he made a claim that the minister did not seek or take the advice of the Victorian Responsible Gambling Foundation —

Mr Watt interjected.

The ACTING SPEAKER (Ms Ward) — Order! I will call in the Deputy Speaker if you do not return to your seat and if you are going to interject.

Mr Watt — Would you tell the truth?

The ACTING SPEAKER (Ms Ward) — Are you going to keep going?

Mr Watt interjected.

Mr DIMOPOULOS — Acting Speaker, that is just plainly wrong. What the member for Burwood said in that regard is plainly wrong. I think he will not return to his seat because he wants to be on the front bench, but he will not be any time soon. Now, to get to this very important bill, as the minister said in her second-reading speech, the bill seeks to insert a prohibition into the Gambling Regulation Act 2003 (GRA) on the display of static betting advertising by wagering service providers within 150 metres of a school, on public transport infrastructure and on roads and road infrastructure. That makes eminent sense, because they are public spaces that are used by hundreds of thousands of people who do not choose to be advertised to in relation to gaming. They are almost collateral damage in a sense in terms of this advertising. So we are taking action in relation to this broader public space, civic space.

The bill also seeks to amend the GRA to give the minister the power to ban betting on a contingency offered by a wagering service — so on any wagering

product offered by a wagering service — if the minister forms a view that the betting on that product is not in the public interest. Also, this bill seeks to give the minister the power to place conditions on a wagering service provider offering a betting contingency where the minister forms a view that it is in the public interest to do so. I am advised that she will do that on criteria related to harm minimisation, consumer protection and other considerations.

The bill also makes other amendments. It provides that certain unpaid gaming machine jackpot amounts must be paid into the Responsible Gambling Fund. It clarifies the operation of legislative provisions relating to the disclosure of protected information. It makes changes to the process for making fixed-term ban orders to ban gambling products. It really does clean up the system further, and it gives the minister more power to respond to new market products, if I could call them that.

The context of this bill has been described quite well by colleagues, including the member for Dandenong previously, in relation to some of the awful, awful excesses or the consequences of excess and problem gambling. The development of this bill also follows public consultation with both industry and community stakeholders specifically in relation to static advertising, and we are responding to those concerns. I think the transition arrangements of the bill, in my understanding, give some comfort to the industry in terms of how they would deal with these changes.

The member for Burwood may say, ‘Go back to Joan Kirner’, in terms of electronic gaming machines, but this government has a proud history in the short time that we have been in government of actually introducing harm minimisation measures. We introduced Australia’s first statewide precommitment system, YourPlay, which is available at every gaming venue in Victoria and allows the consumer effectively to set their standard and parameters before they get into their play. We have provided the Victorian Responsible Gambling Foundation with \$148 million over four years to deliver on its mandate to reduce the prevalence and severity of gambling-related harm. We are also working to introduce new gaming machine arrangements, and there was a bill that was debated the other day in relation to some elements of that.

The member for Burwood talked about delays in the upper house. My God, compared to the lack of work that was run through this Parliament under the four slothful years of the Napthine-Baillieu —

An honourable member interjected.

Mr DIMOPOULOS — That is right. I think we called it the Baillieu —

An honourable member interjected.

Mr DIMOPOULOS — Shaw, thank you; the Shaw government. But this government is proud of its work in relation to harm minimisation. This work is backed by research. It is about not normalising gaming for the general public, whether it be schoolchildren around schools or the public as it relates to the public realm in terms of public transport and roads. It also an additional move to mitigate harm. I agree with the member for Dandenong. I am the first person to stand up and say, ‘We can do more’, and I think we should do more. We should look for every opportunity to do that.

I understand, as the member for Essendon talked about in his contribution, that it is becoming an increasingly difficult area for governments in terms of globalisation and online platforms and a whole range of instruments that really operate outside Victoria or have some genesis outside Victoria. We have to find ways to protect our community and ways within the statutes and the powers of the Victorian government and the state to provide harm minimisation and consumer protections but also to advance the causes in relation to behaviour change education campaigns. Because gaming is a legal product it is an appropriate product for recreational purposes, but I think any good government would be of the mind that we do not want anyone hooked. We do not want any more people added to the pile of problem gamblers, and we want less and less people spending money they do not have on gaming.

In my community if you look at the local government area statistics, Monash and Glen Eira both cover my electorate and both are in the top 20 of gaming losses in Victoria. Monash is in the top 10, from memory, and Glen Eira is about no. 17. There is an enormous amount of damage that comes with problem gaming — family disputes and obviously a lot of other issues in terms of children and family stress — and we have to try and do everything we can to avoid that and help families get off this addiction. I really appreciate this bill, and I commend the bill to the house.

Mr T. BULL (Gippsland East) (12:46) — I rise to make a contribution to the Gambling Legislation Amendment Bill 2017. As we have heard, this bill amends the Gambling Regulation Act 2003 to prohibit sports betting advertising in certain areas. It amends the Gambling Regulation Act and the Victorian Commission for Gambling and Liquor Regulation Act 2011 to give the minister power to ban certain betting and amend various governance issues.

This goes to the very heart of advertising around gambling, which has long been a point of discussion, and within our communities there is a range of viewpoints. As previous speakers have noted, the landscape in this area has changed significantly over the last three to four decades. Back in the time when I got my first job, if you wanted to have a bet you would go to the TAB. There was really no such thing as pub TAB back then. You really only had a bet on the races. There was no betting to be done on the myriad of other sports that are available to the marketplace now like football, cricket, golf and tennis, and you very rarely saw any gambling advertising at all. It was extremely rare that the electronic media or the print media or indeed public advertising on billboards would promote gambling.

It is a very different world now. It is a highly competitive market, with the corporates now having a large slice of market share, and therefore it has become an ongoing discussion about balancing the right of responsible gamblers to have access to new products and access to the latest information with providing a level of protection to those who are vulnerable and those who are susceptible to temptation, especially our younger generation. It is something that governments of all persuasions should regularly review and also adjust accordingly.

Those who know me will know that I do not mind having a social bet on the horses. I love the racing industry. I have been a racing club committee member for over a decade, I have some small shares in a few horses and I enjoy having a flutter on them when they run. But I am also aware of the dangers of gambling. I have certainly had close friends who have got themselves into trouble in this space, and I am fully aware of the difficulties that that has placed not only on them but also on their wider network of friends and probably most importantly also on their families. So it does very much get back to balance: responsible gamblers or punters should have the right to have a flutter when they want to weighed up against providing the appropriate safeguards against tempting the vulnerable. But also the other element of that — for those who find themselves in those situations — is having appropriate and strong support programs in place to assist those people who indeed need that support.

This bill will make amendments to ensure that sports betting advertising is not allowed within 150 metres of a school or on public transport infrastructure, including bus shelters and railway stations. It will also ban billboard signage on roads. When you have a look at those locations they align themselves with areas where you would expect to find younger people from our community — the younger generation. They are

certainly around schools, they are certainly around public transport infrastructure like bus shelters and railway stations and they certainly are travelling in cars with their families often looking out the window and gazing at billboards.

The bill will amend the minister's powers to ban certain betting or place conditions on an outcome offered by a wagering company. The shadow minister in his contribution spoke reasonably extensively about Lottoland. It would appear that the government's legislation is aimed very much at wagering companies like Lottoland, which has been the subject of a lot of commentary not only here in Australia but also worldwide. I certainly do note that other jurisdictions in Australia have made moves against its existence.

Currently the minister can only place a 12-month ban on wagering companies, whereas this legislation allows the minister to ban certain products. I want to talk a little bit more about that later, but I will go over some of the miscellaneous amendments in this bill, including that unpaid gambling jackpots must be repaid to the Responsible Gambling Fund. It also includes changes to the process for making fixed-term ban orders to no longer require referral to the commission are in place; it changes the process for approving premises — for example, requiring that they are not in the line of sight of playgrounds and the like, which I think is a positive move and I support that; and it clarifies that the commission is required to consider the technical standards for precommitment.

Amending sports betting advertising, as I have touched on earlier, is certainly a positive outcome. TV advertising has become excessive, and it is not just around the traditional spring carnival time when we would expect to see it. It is prominent now during football, soccer, netball and other major sports coverage. Even as recently as the last Ashes test a week or so ago, every ad break, when you were sitting watching Australia thrash the Poms, was littered with gambling advertising from various companies. I think all members of this chamber, regardless of their political persuasion, would hold a level of concern for the environment that creates. Picture a mum and a dad sitting in their lounge room watching the cricket, the footy, the netball, the basketball or whatever it may be with their children — and we absolutely promote parents spending time with their kids — only to have the screen in front of them inundated with incentives and lures to engage in betting activity. The effect of that on children is often quite significant.

The proposed advertising restrictions in this bill around public transport infrastructure and schools certainly is a

positive step, because it takes away that constant visual attraction. Although the area of TV advertising falls within the commonwealth jurisdiction, it is something I think governments need to regularly address, for the reasons I have outlined, in relation to its appropriateness. I think a lot of that comes down to the particular time of day and which events are being screened as to what level of advertising we allow.

Before I finish, I said I wanted to make a few more comments around Lottoland. The points I want to make are quite brief. First of all, the Victorian government does not receive any gambling revenue from this entity. Its very structure delivers offshore profits and benefits to the company.

Place-of-consumption tax is something that could possibly address this, but the steps the minister is taking to review these sorts of entities and make a decision on whether they are not only in the best interests of sending our revenue offshore but also in the best interests of Australian families are very important. The forward calculations estimate a significant reduction in gaming revenue due to the perceived increase in the number of Lottoland players at the expense of local companies, and that is certainly a consideration.

The other point I want to make before I finish is that we are supporters of small business. We have over 400 lottery agencies, and they are very, very concerned that online lotteries like Lottoland will have an ongoing impact — and perhaps even be in many cases a threat — on their viability, because they do not see that revenue in their local business enterprises. In the name of supporting our small businesses and their viability I think that the opportunity to have a look at Lottoland and the like is important, and it is for that reason that our position is to not oppose this bill.

Mr EDBROOKE (Frankston) (12:56) — Thank you, Acting Speaker Ward. It is lovely to see you in the chair today. It is also lovely to see young Madeleine Carroll in the chamber as well. She is a beautiful little girl.

It is my pleasure to rise to speak on the Gambling Legislation Amendment Bill 2017 today. I would like to start by stating where I stand. I think gambling is something that has been comprehensively accepted by our community, and I am not sure that it is something we should be accepting. I think it has gone a little bit too far. If you need to look at anything, you can look at the change in vernacular: what we used to call gambling is now called gaming, which makes it sound more innocent. Certainly in my community I do not see

many positives to gambling, but I do accept that it is a legal pastime and people do enjoy it.

Before we break I would like to get on the record my distaste for the argument about safe injecting rooms in comparison to a ban on gambling advertising less than 150 metres around schools. Not to make too fine a point, the school principal in question in Northcote was actually in support of a safe injecting room in Northcote, and the statistics for that safe injecting room model —

Mr Noonan — Richmond.

Mr EDBROOKE — Richmond, sorry — speak for themselves, with 50 per cent less sharps, around 80 per cent less ambulance call-outs, and 34 deaths in Victoria this year. So that model certainly would work in that area.

Mr T. Bull — On a point of order, Acting Speaker, I know that the debate has been wideranging from other speakers, particularly probably the member for Burwood, but I do not see what injecting rooms have to do with this bill, and I ask you to draw a line in the sand and bring the speaker back to focusing on the gambling bill.

Mr EDBROOKE — On the point of order, Acting Speaker, that is a ridiculous point of order when we have listened to the member for Burwood babble on about safe injecting rooms for at least 5 minutes.

The ACTING SPEAKER (Ms Ward) — I appreciate the point raised by the member for Gippsland East, particularly in relation to the member for Burwood and the lack of relevance of safe injecting rooms to this bill. I ask the member to come back to the bill.

Mr EDBROOKE — What do you know. Just to tie that up for the member, it is quite different to compare restrictions around the advertising of gambling to safe injecting rooms. I would like to finish by saying it is preposterous. The member for Burwood, as always, does have a predisposition to arguments devoid of any reason, and I think this is a great example of that.

Sitting suspended 12.59 p.m. until 2.01 p.m.

MATTERS OF PUBLIC IMPORTANCE

Government performance

The DEPUTY SPEAKER — Order! I have accepted a statement from the member for Kew

proposing the following matter of public importance for discussion:

That this house expresses concern on behalf of all Victorians at the number of formal investigations surrounding the Andrews government.

Mr T. SMITH (Kew) (14:02) — The matter of public importance submitted in my name goes to the very integrity of the Victorian government. We express grave concern on behalf of all Victorians at the number of formal investigations surrounding the Andrews Labor government. Quite frankly, is there an integrity organisation in the state of Victoria that is not investigating Labor MPs? The answer is: probably not.

We have the Ombudsman investigating the Labor red shirt rort campaigners. We have the police investigating the member for Melton. We have IBAC investigating Khalil Eideh in the other place. The government lost the Minister for Corrections almost a year ago because he was caught transporting his dogs from one side of Victoria to the other in his ministerial vehicle — he chauffeured dogs in his limousine.

This goes to the very heart of what is wrong with this rotten, sleazy, crooked Labor government that is, quite frankly, losing the trust and respect of the Victorian people. The enormous swing against this government evidenced in the Northcote by-election goes to the very heart of the public's questioning of the integrity of this government. They are sick of seeing Labor rort the taxpayer in a way that we have never seen before in the state.

There is the outrageous conduct of the members for Melton and Tarnet. These crooks stole money from the Victorian taxpayer —

Mr Riordan — Pilfered!

Mr T. SMITH — Pilfered money, for their own ends. These people decided to live 70 kilometres from their electorate and pocket the second residence allowance to line their own pockets. This sort of behaviour is not what we would expect here in Victoria; it is the sort of behaviour we would expect in a banana republic overseas.

The police are investigating the member for Melton and we await with great interest as to what their investigation will find. The member for Melton is not here. The member for Melton has actually been very quiet. He is probably in his caravan, which is where he was living when he was claiming the second residence allowance to the tune of \$170 000. The Premier said that when integrity legislation was introduced into this

place, if the member for Melton had not repaid his monies, he would use his numbers on the floor of the Parliament to compel him to do so, but that has not occurred. That legislation was introduced this week, and the member for Melton has not repaid that money. I am very concerned that the member for Melton will fly the coop and evade this place and its authority over him when he leaves this Parliament at the end of this year, hopefully never to be seen again.

The member for Tarnet also rorted \$40 000 of monies that he was not entitled to. He went to Queenscliff and lived down there whilst claiming that he lived in his electorate. This again was another shocking rort, perpetrated by the former Speaker of the Legislative Assembly, a disgraceful rort by a person who was meant to set the standard for this place.

But that is not the only Presiding Officer from the Labor Party who is currently in a spot of bother. Khalil Eideh in the other place has been referred to IBAC for allegedly using his printing allowance to pay for Labor Party branch memberships. Could you imagine that type of conduct going on? We understand that there could be further illegality connected to Khalil Eideh with regard to the importation of illegal tobacco through his brother's business just down the road from his electorate office. The simple fact is that Khalil Eideh is still the Deputy President of the upper house. He has not been sacked by the Premier and he still maintains the confidence of the Labor Party room. It is simply outrageous that this man still collects 25 per cent above the basic wage of an MP. He is a rorting crook and he ought to be sacked by the Premier, and the Labor Party ought to review their confidence in him.

There was a certain irony when I was putting together my notes for this afternoon's matter of public importance, about just how long it took to document all the extraordinary rorts that have gone on under the Andrews Labor government. There is the prolonged case in the Supreme Court, the Court of Appeal and indeed the High Court, in which the Andrews Labor government is desperately trying to prevent the Ombudsman from investigating the misuse of electorate officers in the lead-up to the 2014 election. You would have thought that if you had nothing to fear, you would have nothing to hide, but it was obvious from the Attorney-General's rather desperate attempt in the High Court to stop the Ombudsman investigating that they are very, very concerned about what the Ombudsman will find with regard to the misuse of electorate officers in the lead-up to the 2014 election. We await the Ombudsman's investigation with great interest. I understand that the Premier himself was interviewed by the Ombudsman in recent weeks, and

indeed all political leaders from 2014 have been interviewed by the Ombudsman. This would suggest that this is a very serious investigation that goes to the heart of this Labor government, a government that has had, frankly since May 2015, incident after incident, rort after rort, scandal after scandal.

The Steve Herbert dogs issue that I referred to earlier received international coverage about how a minister could possibly use his limousine to transport his own pets from one side of the state to the other. That was quite extraordinary. We mere mortals who do not have chauffeur-driven limousines could not believe that he had sent his driver down to his place to transport his dogs up to Trentham. Why? Because clearly the man had visions of grandeur. Lord Herbert of Trentham, I dubbed him, and quite rightly so; he was acting like some sort of middle European royalty, and it was just disgraceful conduct.

Where do you stop? There is also the relationship with John Setka, the relationship with Peter Marshall, the relationship with every dodgy dealer in town. This goes to public confidence in all politicians — indeed, in our entire Parliament. The printing rort issue was quite extraordinary. There is the inquiry into the \$200 000 cash-for-stacks scandal. Using that sort of money to pay for Labor Party branch memberships is quite extraordinary. The level of branch stacking that has been going on in the western suburbs of Melbourne with people like Kim Carr and Khalil Eideh is a scandal that I suspect next year will prove devastating to the Labor government's re-election chances.

To return to Steve Herbert and the extraordinary lengths he went to to rort his limousine entitlement, or to the member for Tarneit and the extraordinary lengths he went to to get around the requirements of the second residence allowance and what he did in moving down to Queenscliff, or to the member for Melton, who is being investigated by the police, you would have thought that the carry-on by the Labor Party over the previous four years about the misbehaviour of the former member for Frankston, Mr Shaw, would have given them some idea that you do not breach the rules of the Parliament; indeed, you do not steal from the taxpayer. Mr Shaw found himself before the Magistrates Court, and I suspect that is where the member for Melton will find himself next year.

The Premier loves to buy friends on Facebook. He loves to buy votes, although it did not work so well for him in Northcote. He certainly loves to spend taxpayers money to boost Labor Party Facebook pages. It is this sort of disgraceful contempt that he has for taxpayers money that again is leading the public to the view that

the rorting, sleazy Andrews Labor government will not be re-elected next year.

We believe that the member for Melton in particular ought to be referred to the Privileges Committee. We made this point today and we will make it for the next year — that is, that these people, who have systematically rorted the taxpayer and the Parliament, ought to be judged by the Parliament. I think the fact that the Labor Party still maintains confidence in these people — at the very least the member for Tarneit still sits in the Labor party room — shows that they really have escaped any formal punishment by the Labor Party.

Why? Because the Premier for one needs the member for Tarneit's support — indeed he needs Stephen Conroy's support — on the floor of the Parliament. He also refused to bring the member for Melton before the Privileges Committee or indeed to use his numbers to boot this man from Parliament as we have called on him to do many, many times. He is a complete hypocrite when it comes to people on his own side who have clearly done the wrong thing. This was not the case four years ago, when he tried to boot the member for Frankston out of Parliament or indeed when he tried on a number of occasions to refer him, and he did successfully refer him, to the Privileges Committee.

The public are sick of the double standards from the Andrews Labor government. They want a government that treats their money with respect — no more tearing up of contracts, no more hiding Labor MPs who have done the wrong thing. There is such a stench about this Labor government, and they do not seem to care that they have preselected for the seat of Ripon a staff member to the member for Melton. Ms Sarah De Santis is an electorate officer to the member for Melton. The *Pyrenees Advocate* says:

Labor sources have confirmed that the Liberal Party's claims about Ms De Santis working for Mr Nardella are probably correct, and that by not selecting a local candidate, Labor effectively has shut itself out of the contest in Ripon.

The carry-on by Labor about the current member for Ripon and the fact that she was not born in the local area has been simply outrageous. They have made the case on a number of occasions that they wanted to preselect a local. They have not preselected a local at all; they have preselected someone who lives in Geelong. They have preselected someone who works part-time for the rorting member for Melton. Why would you be so short-sighted?

The local Labor Party members in Ripon were not that short-sighted. They wanted to preselect a local member of the Labor Party and a local health worker,

but they did not succeed because the all-powerful central panel of the Labor Party overruled them. The Socialist Left faction, the Premier's own faction, overruled them, and I believe Ms De Santis won by one vote. So we have got an unpopular local candidate there in Ripon, in what the Labor Party has been talking up as a key campaign.

Honourable members interjecting.

Mr T. SMITH — Now they are chirping. The simple fact is they have preselected a hack who works for a very, very unpopular man who may well be before a court of law next year because of the way he stole \$170 000 from the Victorian taxpayer by rorting his second residence allowance. Labor has regurgitated one of his staffers to stand in a key marginal seat. I must say I find that sort of hubris and arrogance simply breathtaking. It is simply breathtaking the way that the Labor Party has rolled this lady out with no care in the world as to who she works for. That stench of the member for Melton will be taken with Ms De Santis to the ballot box next year, and the people of Ripon will quite rightly reject her, as they will reject the Andrews Labor government, their rorts, their sleaze, their murkiness and indeed their general dodginess in the lead-up to the next election.

The DEPUTY SPEAKER — Before I call the member for Essendon, I remind members in the house to refer to members by their correct titles during the matter of public importance debate.

Mr PEARSON (Essendon) (14:17) — I am delighted to make a contribution to the matter of public importance (MPI) debate. I congratulate the member for Kew. That is the longest contribution he has made in this house in 85 days. The last time the member for Kew spoke on a second-reading bill was on 19 September 2017, when I think he spoke for around 10 minutes, so I do congratulate him; he has actually managed to speak for longer than 10 minutes. He has made a contribution that has made it into double digits, and it has taken him only 85 days to do so.

It is interesting listening to the member for Kew. I have a fair amount to do with the member for Kew in my role as chair of the Public Accounts and Estimates Committee. It is interesting to note this in my role as the member for Essendon. Essendon is quite an interesting seat in the sense that it is a middle-of-the-road sort of seat that has been held by the Labor Party on and off for the best part of 40 years, but it is not in the league of Kew. In the context of the major political parties, the seat of Kew has been held by people like Sir Arthur Rylah, Sir Rupert Hamer and

even Jan Wade. Yet here it is held by the current member who could scarcely speak for his allotted time of 15 minutes.

When you think about the member for Kew's laziness and his inability to apply himself and to be disciplined and focused, it is extraordinary. I appreciate the fact that this is the member's first chance to speak on a matter of public importance since his promotion to shadow cabinet.

Ms Thomas — Did he talk about education?

Mr PEARSON — The point is that he did not choose to speak about his portfolio. He did not speak about policy. He did not speak about education.

Mr Katos interjected.

Mr PEARSON — Is the member saying that when you are in opposition you do not have to worry about policy? Is that his serious contention? That is an interesting observation from the member for South Barwon. I would have thought that if you come to this place and have an interest in public policy, you would make a contribution in relation to policy. Clearly the member did not want to do so. I think this is not just an aberration; I think the member for Kew has form on this matter. I know for a fact that six weeks before the estimate hearings last year the member for Kew was promoted by his leader to be the shadow parliamentary secretary for population. I thought that would have been a pretty good role for the member for Kew. There is no doubt that we are growing quite rapidly from a population perspective. That brings with it some great opportunities, but also it comes with some challenges.

On 6 May 2016 the Premier appeared before the committee as part of the estimates process — and this was 36 days after the member for Kew had been appointed — and not once did the member for Kew ask the Premier any questions about population. The word 'population' did not pass his lips. He talked about advertising guidelines. He talked about legal advice.

Ms Staley — On a point of order, Deputy Speaker, the member for Essendon has now been on his feet for over 3 minutes and has yet in any way to refer to the matter before the house. I understand that these debates are often wideranging, but they do have to be on the matter of public importance that has been raised. It is not a grievance debate. I would ask you to ask him to refer to the matter of public importance and to speak to it.

The DEPUTY SPEAKER — Thank you, member for Ripon. The debate has indeed been quite wideranging, and as the member for Ripon mentioned,

the member has only been on his feet for 3 minutes. I will give him the benefit of the doubt, and I am sure he will come back to talking on the MPI.

Mr Watt — On a point of order, Deputy Speaker, the only way in which the debate has been wideranging has been because of the wide range of rorts by the Andrews Labor government. The matter is very specific, and it is about the Andrews Labor government and the investigations. You cannot talk for 3.5 minutes about the merits of the member for Kew with nothing to do with —

The DEPUTY SPEAKER — Thank you, member for Burwood, there is no point of order. The member for Burwood will resume his seat.

Mr Watt — On relevance — he is not being relevant to the motion.

The DEPUTY SPEAKER — There is no point of order.

Mr PEARSON — Thank you, Deputy Speaker, and I do appreciate your guidance.

The reality is that the member for Kew has form when it comes to discharging his duties as a member of this place, and the matter before the house goes to that. I would have thought that the member for Kew would have used this opportunity to talk about policy or about his portfolio responsibilities, but clearly he is not interested in those matters.

Mr T. Smith — When was the last time you had a piece in the newspaper, you goose?

Mr PEARSON — If we are measuring our contribution to the Parliament and the electorate based on column inches, member for Kew, then I think that is a very sad day for the institution of the Parliament and for members.

I do find it though quite interesting that the member seeks to talk about standards, and he talked about a banana republic. He seemed to indicate that the behaviour of this government was that of a banana republic. I would have thought that a banana republic would be where you have got dodgy rezonings, for example, like those we saw in some of the furore surrounding the former administration in relation to both the decision to rezone Ventnor and the decision around Fishermans Bend.

Mr R. Smith — On a point of order, Deputy Speaker, the matter is very narrow. It has no preamble at all. It contains just one sentence, and the MPI is

about the investigations surrounding the Andrews government. If the member for Essendon wants to come into this place at a later date and present an MPI to the Speaker or yourself, Deputy Speaker, on other issues concerning rezonings, then he is quite entitled to do that, but the matter before the house that has been accepted by you is very narrow and specifically has parameters around the formal investigations surrounding the Andrews government. As I say, Deputy Speaker, if the member wants to move a motion at another point or come into this place with a matter of public importance that refers to the matters that he is canvassing now, then he is quite entitled to do that as a member of this place, but that is not what the matter is about here. It is a matter, as I have said, that you have accepted, and I would ask you to direct the member for Essendon to stay within the parameters of the very, very narrow matter of public importance that is before the house now.

Mr Pakula — On the point of order, Deputy Speaker, when a matter is presented it is quite proper and quite common for those on the other side to make comments comparing the record that is being questioned with the record of the previous government and to rebut elements of the matter. Otherwise all the government members would be able to do would be to simply agree with or speak about exactly the same issues that the member for Kew spoke about. It is absolutely in order for members on this side, in dealing with the mud throwing and the accusations being made by the presenter of the MPI, to compare and contrast the record of this government with the record of the former government, and to question the veracity of the charges made by the member opposite. So I would say that for the member for Warrandyte or the member for Kew to seek to tie the hands of the member for Essendon and not in fact allow him to defend his position by reference to the actions of the previous government would be not just improper but also completely at odds with the way these debates have been conducted in the past.

Mr T. Smith — On the point of order, Deputy Speaker, I sought to do no such thing. In fact I have not engaged in the point of order until now.

Mr Pakula interjected.

Mr T. Smith — You said the member for Kew as well. The simple fact is that what I have referred to in my MPI are matters of fact. They are being investigated.

The DEPUTY SPEAKER — I think it is reasonable that this debate allow for contrast and

alternative opinions. However, I do ask the member for Essendon to come back to the subject matter of the matter of public importance.

Mr PEARSON — Thank you for your guidance, Deputy Speaker. In relation to what is before the house — the matter of public importance put forward by the member for Kew — again I think it is important that as members we consider the record of those opposite when they were in power and the way in which they chose to conduct themselves in relation to the way they discharged their duties. The member for Kew raised the issue around a banana republic. Again the point I was seeking to make was in relation to the fact that you would expect that at times somewhat questionable processes would be undertaken in relation to rezonings because of the fact —

Mr R. Smith — On a point of order, Deputy Speaker, I apologise for interrupting the member for Essendon. However, while you did give him some latitude, in your last ruling you did direct him to come back to the substance of the matter of public importance. It is not in order for the member to then justify the manner in which he was speaking and the subject matter he was speaking about for the next 2 minutes. Your last directive to the member was to come back to the substance of the MPI, and I ask you to once again direct him to do so.

Mr Wynne — On the point of order, Deputy Speaker, it was merely a passing reference by the member for Essendon. I think you have clearly provided direction in relation to this matter, and I feel that he ought to be given the opportunity, now that he has made that passing reference, to get back to the substance of the MPI, which he will do.

The DEPUTY SPEAKER — I encourage the member for Essendon to address the subject matter of the matter of public importance. However, I do allow for contrasts and differing opinions.

Mr PEARSON — Thank you, Deputy Speaker. The member for Kew, in his matter of public importance, referred to a number of formal investigations. Investigations are underway and it is entirely appropriate that those investigations run their course without there being some level of commentary or interference from those opposite. It would be an entirely appropriate way for these matters to be dealt with. I recall a number of previous debates where the manager of opposition business referred to the expenses scandal in Westminster from about 10 to 15 years ago. The way in which those matters are dealt with is via a proper police investigation — a thorough investigation.

That is what you would expect to do and what you would think would be fair and appropriate. You do a thorough investigation.

As we know, there is an investigation underway. It is fair and appropriate that that investigation be allowed to run its course without commentary from members of this place, or the other place I hasten to add, and for that investigation to reach its conclusion so that action can then be taken for that to be dealt with. I think that is an entirely fair and appropriate response for this place. Because in terms of Westminster, that is the way it was done then, and I think that is a fair example of the way in which you deal with these things rather than us trying to seek to override or run across some of those investigations. I think that would be a right and appropriate response in relation to these matters.

I note too that the member for Kew, in crafting his matter of public importance, did not mention the member for Ovens Valley being the subject of a police investigation which we know is ongoing. That obviously will run its course, as you would expect. The member for Kew also did not talk about issues around the broader standards of integrity of all members of this place, which I would have thought went to the heart of the matter that is before the house — that is, the integrity of the institution of Parliament and the integrity of members. For example, you would have to question the motivation of someone to sit down and have dinner with the alleged head of the Calabrian Mafia. I would have thought that would have gone to the point —

Mr R. Smith — On a point of order, Deputy Speaker, I ask you to bring the member back to the matter of public importance. The member may well have made comments that the member for Kew did not speak on that are outside of the parameters of the matter of public importance. The reason he did not is the matter's parameters have been accepted by you, Deputy Speaker. You have asked the member for Essendon, you have encouraged him, and once again the member is defying your two rulings. I ask you to bring him back to the substance of the matter of public importance, which refers to the formal investigations surrounding the Andrews government.

The DEPUTY SPEAKER — We are aware of the MPI. Thank you, member for Warrandyte. On the point of order, the member for Essendon was providing a contrast and referring to a contrast, which was within the boundaries of my ruling, but I do ask the member for Essendon to address the content of the MPI.

Mr PEARSON — Thank you, Deputy Speaker, for your guidance. In relation to the question that the member for Kew has submitted, as I indicated — and I appreciate the fact that it is a very narrow question that has been put forward by the member for Kew and has been accepted by you, Deputy Speaker — formal investigations are underway, and it is entirely appropriate that those formal investigations occur and conclude.

Again, as I indicated earlier, it is important that all of us as members in this place act with integrity, fairness and decency. Those on this side of the house do so. We have behaved entirely fairly and appropriately. We have not been having dinner with the head of the Calabrian Mafia; we have not been having lobster or Grange. We have behaved entirely appropriately. In terms of those of us on this side of the house, those matters, as I have indicated, are the subject of investigations, and results will be forthcoming.

Mr McCURDY (Ovens Valley) (14:32) — I am delighted to rise to speak on this matter of public importance (MPI). Having been in this place for seven years I have seen a coalition government for the first four years and then a Labor government for the next three. I cannot believe that as soon as Labor takes control of the government benches the snouts go straight in the trough — they do not pass go, they do not collect \$200; they are just straight in the trough.

The former Speaker, the member for Tarneit, the one who was deemed to be the most impartial, the fairest one, the one with the utmost integrity in this place — the Speaker — was caught with his fingers in the till. When the Speaker of this house is brought into disrepute, he brings us all into the same spot. The reflection is on all of us, on all the members in this house, and the disrespect that is shown is directed at all of us, not just the Speaker.

But let us not stop there. Let us look at the Deputy Speaker, Don the Con, the master rorter. A caravan, no less, a second residence that does not exist —

Mr Wynne — On a point of order, Deputy Speaker, in your previous rulings you have requested that members be referred to appropriately. It is quite inappropriate for the member to be referring to another member in those terms, and I ask you to counsel him in relation to that contribution.

The DEPUTY SPEAKER — I need to make a ruling on the point of order. The wording of the MPI is such that it creates a very, very substantial potential for infringement of a number of standing orders, as members would be aware, particularly standing orders relating to

imputations and personal reflections, offensive and unbecoming words and objectionable words. So I would caution all members to participate in the debate in a way that is mindful of their obligations in relation to those standing orders and to comply with them.

Mr McCURDY — Thank you, Deputy Speaker. I will refer to the member for Melton then, the master rorter. He had a caravan no less, a second residence that does not even exist. Again, that reflects on all of us. This was not an error in paperwork. This was not a grey area in parliamentary conditions. This was a straight-out lie. It is the most extraordinary scandal that I have seen in this place. But are we surprised? Absolutely not.

For a government that has rorted its way into government using the red shirts, using public money to rort the system, it is everyday practice. It is rorting for votes, a despicable use of public money, and no apology. They are not even sorry. With your own children as they are growing up you educate them to do the right thing, and if not you discipline them; you make them accountable, or else they will do it again. The Speaker and Deputy Speaker sit in this house, draw a wage, build a parliamentary pension and get fat on the public purse while Victorians, who cannot pay their power bills, cannot feel safe in their homes, cannot make it to work on time —

Mr Wynne — On a point of order, Deputy Speaker, I did not want to disrupt the contribution by the member, but the member has spoken inaccurately in his contribution about the existing Speaker and the existing Deputy Speaker, and that is in fact not the case.

Honourable members interjecting.

Mr Wynne — The current Speaker and the current Deputy Speaker.

An honourable member — I think we all know what you mean.

Mr Wynne — It is worth getting it right.

The DEPUTY SPEAKER — Thank you, Minister for Planning. The member for Ovens Valley needs to clarify who he is referring to in his contribution.

Mr McCURDY — I am referring to the former Speaker and the former Deputy Speaker. Again I say there are Victorians who cannot pay their power bills, cannot feel safe in their own homes and cannot make it to work on time through traffic congestion, and these two rorters still sit proudly in this place and still have their fingers in the till, all because the Premier does not

have the courage to kick them out. Victorians deserve better than this government. Victoria deserves an honest, accountable and transparent government, and all we have seen is lies, cover-ups and rotting.

The legacy that this government will leave will be around the CFMEU, the CFA (Country Fire Authority) and the B-U-L-L-Y. And if you are not sure what a bully is, if you have forgotten how it feels, if your memory does not go back far enough, ask the member for Brunswick — a good person serving her community, a good minister standing up for her portfolio, a good woman doing what was right. Ask her what it feels like to go from the top of the world to the bottom of the factional pile, all because she stood up for what she believed was right. And through the VAD, the voluntary assisted —

Ms Thomas — On a point of order, Deputy Speaker, in your previous rulings you have been quite clear that this is indeed quite a narrow MPI, but you have given space for there to be contrast between this government and those on the other side. But I would suggest to you that the member for Ovens Valley is raising issues that have absolutely nothing whatsoever to do with the MPI. Now, perhaps he might want to account for himself — as we understand he is under active police investigation for real estate fraud — but I put it to you, Deputy Speaker, that his comments regarding the member for Brunswick have nothing —

The DEPUTY SPEAKER — Thank you, member for Macedon. I have heard your point of order. Sorry, I call the member for Evelyn, on the point of order.

Mrs Fyffe — Thank you, Deputy Speaker; it is hard to see people. On the point of order, I believe that the member was actually reflecting on issues around the way that things operate within government circles and he was actually talking about an example of how something happened that affected an individual member on the government benches adversely — a very good person — and how the protection was not there, but it has been applied to other people. I do not think there is any point of order.

The DEPUTY SPEAKER — On the point of order, the MPI does refer to investigations and the member for Ovens Valley has strayed a little bit from that, so I ask him to come back to the MPI.

Mr McCURDY — Well, it is around investigations into bullying and harassment. I have listened to the members on the other side who pour out emotion and cry tears of pain for those who need support. When their comrade needed support, where were they? A handful of

you showed respect, and we know who you are; you had the courage to do it — well done. The rest of you will face your day of reckoning. You are too scared to stand up. You do not deserve to represent your communities. You would not even stand up for your colleague.

Mr Richardson interjected.

Mr McCURDY — Where were you, member for Mordialloc, when the member for Brunswick was being bullied? You were silent. We didn't see you for dust.

Mr Howard — On a point of order, Deputy Speaker, this MPI is becoming something of a farce. The wording is very narrow, as you noted. It talks about formal investigations, but what we are hearing is simply a range of muckraking that is being brought up. It has nothing to do with formal investigations. I do not know of any formal investigations regarding the member for Brunswick, and that is what this tirade seems to be about. I would ask you to bring the member back to speaking, if he can, on the subject of formal investigations and not just muckraking on a broad range of things that he might want to bring up. He should keep to the MPI which his side of the house has put forward.

The DEPUTY SPEAKER — I do encourage the member for Ovens Valley to return to the MPI.

Mr McCURDY — Thank you, Deputy Speaker. So an inquiry was initiated into bullying, harassment and sexual assault at the CFA by Professor Caroline Taylor — who was another woman trying to do her job — was bullied out of it. Can you not see the irony of a female professor doing an inquiry into bullying at the CFA and she herself being bullied out?

Ms Thomson — On a point of order, Deputy Speaker, if this was a matter of public importance around bullying, then the member's remarks would be relevant to that matter, but the matter before the house is actually about formal investigations, and on that basis any straying has been going on for long enough in relation to allegations that he is purporting to make around bullying. I suggest that the member should come back to talking about the matter itself, and the wording is quite limited. Although you have allowed a great deal of leeway for other speakers, the member for Ovens Valley has spent long enough talking about matters that are outside the ambit of this matter.

Mr R. Smith — On the point of order, Deputy Speaker, there is a formal investigation by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) into bullying in the CFA which fits perfectly within the parameters of the matter of public

importance. I ask you to rule the member for Footscray's point out of order.

The DEPUTY SPEAKER — I encourage the member for Ovens Valley to refer to investigations that are relevant to the MPI.

Mr McCURDY — So bullying and intimidation are not relevant to this government? Okay, then we will move on. There is no investigation, there is nothing to see here, so we will move on. You are uncomfortable about me talking about bullying, harassment and sexual harassment in the Country Fire Authority. Clearly, if that is what you are trying to cover up, that just spells out exactly what this government is all about.

Ms THOMAS (Macedon) (14:42) — I will use this opportunity of speaking on the matter of public importance (MPI) presented by the member for Kew to discuss a number of formal investigations. In doing so I will contrast the Andrews government, which is a government that is completely committed to delivering for the people of Victoria — it is the hardest working government in Australia — with those on the other side. The MPI talks about investigations, so it is fitting that I am following the member for Ovens Valley. Really, one has to wonder what on earth were they thinking when they allowed the member for Ovens Valley to stand up in this place and attempt to lecture us on investigations? We all know — it is on the public record — that the member for Ovens Valley is being investigated by police for alleged fraud.

Mr R. Smith — On a point of order, Deputy Speaker, the member for Macedon can —

Mr Richardson interjected.

Mr R. Smith — Are you finished? The member for Macedon can recast the matter of public importance all she likes, but saying that the MPI is about formal investigations full stop and then proceeding to talk about investigations far and wide is not something she is permitted to do. The full topic of the MPI is formal investigations surrounding the Andrews government and she should, under your direction, Deputy Speaker, contain herself to the parameters, once again, of the matter of public importance. It is not a free-for-all for any investigation here or in other jurisdictions far and wide. It is specifically about the formal investigations surrounding the Andrews government. Frankly there are so many you could easily fill the remaining 8 minutes that the member for Macedon has on just a couple of the many investigations that are going on into the rotting of this rotten Labor government. I ask you to direct the member to come back to the parameters.

The DEPUTY SPEAKER — Member for Warrandyte, your point of order has been made. I will rule on your point of order. I encourage the member for Macedon to consider the MPI. I have allowed and will continue to allow some contrast and differing opinions. However, the substance of the MPI needs to be contained.

Ms THOMAS — As we heard earlier from the member for Essendon, there are investigations underway and those investigations should be allowed to run their course without interference from those in this place. I think the member for Essendon made those points very strongly. Again, I look at the MPI and I do want to make those points of contrast. I have spoken about the member for Ovens Valley and I could continue to do so at some length, but I will not do that. Suffice it to say we are talking about, as I said, an alleged fraud from 2009 with a quarter of a million dollar commission at stake.

Mr Wakeling — On a point of order, Deputy Speaker, the member is either ignorant of the system or she is flagrantly breaching your ruling. You made it very clear to the member that she needs to return to the MPI. The wording of the MPI is very clear and is very specific. In your last ruling you made it very clear to the member that she had strayed from your previous instructions. You instructed her to return to the MPI and she has now flagrantly breached your ruling. Again, I would ask you to provide education to the member and to ask her to return to the MPI. If the government is going to allow her to make contributions on the MPI, she should at least understand the parliamentary process of speaking to the matter at hand.

Mr Noonan — On the point of order, Deputy Speaker, I have been listening pretty closely to the debate since it started. I think the point that the member for Macedon is making is about standards we set for each other and the notion that when someone is under investigation that they are guilty. What the member for Macedon is doing is contrasting the fact that another member of this place is under investigation and that there is enough respect to let that investigation run its course. I would put it to you, Deputy Speaker, that the member for Macedon is totally in order when she simply outlines the fact that another member in this place is under investigation by police. She is simply saying, within the context of this debate, that you should not be judge and jury whilst an investigation is underway.

Mr Watt — On the point of order, Deputy Speaker, I have been listening to the debate and I have also listened to your previous ruling and I find nothing in *Rulings from the Chair* or in the standing orders which

substantiates your ruling that you can be wideranging as long as you are contrasting. Contrast does not appear anywhere, but what does appear is standing order 109, 'Keeping to the subject':

A member must not depart from the subject matter of the question or issue under discussion.

The issue under discussion is very clear: that this house expresses concern on behalf of all Victorians at the number of formal investigations surrounding the Andrews government. Given that there are no rulings from the Chair which say you can contrast, that standing order 109 makes it very clear you must keep to the subject matter and that the subject matter is very narrow, I would ask that you ask the member for Macedon to stick to the subject matter and not to go all over the place.

The DEPUTY SPEAKER — As I ruled earlier, the debate allows for contrasts to be made. I ask the member for Macedon to consider that when she is referring to the context of the MPI.

Mr R. Smith — On a point of order, Deputy Speaker, just to reiterate what the member for Burwood said, standing order 109 is very clear. For the clarity of the house, is it your ruling that standing order 109 is not valid — that you can say whatever you want, you can stray as much as possible, you can contrast? You have been very particular on contrast. The member for Burwood, I have to say, is correct in saying standing order 109 is very clear, very short, very succinct, much like the MPI subject matter. I am not sure how you as Deputy Speaker, with respect, can deviate from standing order 109 in the rulings you have made.

The DEPUTY SPEAKER — In relation to the ruling I have made, it was a ruling that was previously made by our Speaker, and I am referring to that ruling in relation to the contrast that can be made in this particular debate.

Mr Watt — On a further point of order, Deputy Speaker, I make the point that I have looked through the *Rulings from the Chair* and found no ruling which supports your ruling of today. I am comfortable with you making a ruling; I just need to know that it is consistent with previous rulings. You said that the Speaker made a previous ruling. If you could point us to that particular ruling, that would be great, because I cannot see it. I am not saying —

The DEPUTY SPEAKER — Thank you, member for Burwood. The previous ruling was made on Wednesday, 9 August 2017.

Ms THOMAS — Back to the MPI, let me say quite clearly that I totally reject the premise of the MPI. This is time wasting from those on the other side. This is an abuse of this place. You have no interest in public policy and no interest in the concerns of ordinary Victorians. You have no interest in making a contribution in this place that is of any value in terms of addressing the concerns of the people that I represent. I reject the MPI, and I say this to you: I would use this opportunity to express —

Honourable members interjecting.

Ms THOMAS — Let me express my concern on behalf of the people I represent and Victorians more broadly when it comes to the complete unsuitability of the member for Bulleen. The member for Bulleen, let us be clear, referred himself to the Independent Broad-based Anti-corruption Commission over his dinner with an alleged Mafia boss. He has shown he has no judgement or capacity to lead. He is a disgrace to this place; he is a disgrace to the position of Leader of the Opposition. Those on the other side have shown that they are treating the people of Victoria with contempt by serving us up this rubbish in the last week of this sitting of Parliament. If you want to come in here and debate education or jobs or hospitals, well, do that.

Ms STALEY (Ripon) (14:52) —

You changed votes ... you changed the government and you're changing Victoria ...

That was what the Premier said to the Community Action Network red shirts in July 2015. When we look at the red shirts investigation, what do we see? We see an unnamed Labor MP who went to the paper and said:

We don't know who we've employed, or what they've been doing ... People did wonder but we were told it was all okay ... There was no reason to doubt the advice coming from the leader's office ... Everyone contributed — I reckon the vast majority did.

A second Labor MP — this is back in 2015 — said:

Daniel was obsessed with the field campaign. I was very nervous about it, as it didn't seem right, but we did it on Daniel's orders. I never met the staffer I employed.

Of course that is the absolute core of the red shirts investigation by the Ombudsman. I return to what the member for Essendon said. He said that it is fair for investigations to run their course without any interference from members in this chamber or the other place. Well, the member for Essendon must have been asleep for the last two years because over the last two years we have seen this government take the ability of the Ombudsman to investigate the red shirts rorts straight

to the Supreme Court. Then when they lost there they went to the Court of Appeal. Then when they lost there they went to the High Court. Let us not forget that along the way they employed all these highly paid lawyers or silks to argue their case and wasted hundreds of thousands of dollars trying to stop the Ombudsman from investigating the red shirts rorts — the red shirts that the Premier himself said were instrumental in them coming to government. The reason they are in government is because of these people.

Let us not forget that we also had the motion to assert exclusive cognisance of this house. They threw everything at this. For the member for Essendon to come into this place and say, 'It's fair for investigations to run their course' — really, has he been asleep? Because let us not forget what the specific allegation is around the red shirts — that is, that members of Parliament employed electorate officers who they did not meet and who they signed time sheets for, and those electorate officers worked on the Labor campaign as field officers to organise the Community Action Network. A number of MPs have come into various places and said that they were part of what they called a 'pooling arrangement'. There was no pooling arrangement left in the Parliament by the time this was going on. We have seen the Minister for Sport, the Treasurer and Jenny Mikakos in the other place all admitting to using this illegal arrangement.

But that is not the only thing we have got to discuss today. Of course we cannot go past the rorting of the second residence allowance by the members for Tarneit and Melton. This has gone on for some time in the case of the member for Melton. I am particularly interested that he was very active as a member of the Privileges Committee, and he had a lot to say about the previous member for Frankston's misuse of his government car —

Mr Katos — He was just rorting himself.

Ms STALEY — He was just rorting himself. He just constantly went on about this. Let us compare and contrast. It was \$1200 — and I by no means am saying that that was a reasonable thing to do; it was completely unacceptable, what the previous member for Frankston did — versus \$170 000. So we have a significant change here. The current member for Melton was very, very open in saying:

It was wrong to do it then and it is wrong now.

...

It is not right to rort the system and misuse public funds, regardless of who is in government. That is one of the guiding principles, whether you are in opposition or in government.

That was at exactly the same time that he was rorting his allowance. Let us not forget that when caught out on this the argument that the member for Melton gave as to why he was saying that he lived in a caravan park in Ocean Grove was because his St Kilda property was 'not spacious enough'. Really, what planet are these people on that they think that this can be put forward as a legitimate argument for their unbelievable rorting?

In my remaining time — which is quickly running out, I might add — we get to Khalil Eideh in the other place. Where do I start? Do I start with printing, the US visa denial or the smokes? He is a one-man advertisement for everything that is wrong with the Andrews Labor government. If we start with the printing, the allegation against Mr Eideh is that his office colluded with Keilor East printing company F & M Printing to produce invoices for work that was never done which were then presented for payment. This of course has given rise to a referral to IBAC, and this is currently under investigation by IBAC.

As if that was not enough, he then, while this was all swirling around, went and had a meeting, which he thought was secret, at a kebab shop. Unfortunately there were a few too many people taking photos and noticing so it was not secret at all. Who did he meet with? He met with his staff member Robert Mammarella, who is at the heart of these allegations as well. Who is Robert Mammarella? He is of course the father of Justin Mammarella, the Labor candidate for Melton.

Let us go back to the member for Melton. I mean, this is all connected. These people are rotten to the core, and it is totally connected.

An honourable member interjected.

Ms STALEY — Absolutely. The final one concerning Mr Eideh of course is the most recent one. Just a few metres from his electorate office, in the same shopping strip, is a tobacconist. It is run by Mr Eideh's brother Yousef. Of course the argument there is that they have been selling illegal Chinese chop-chop and evading the excise payable on those cigarettes. That matter would be under investigation by the federal police. It is a third matter totally under investigation that fits totally within this matter of public importance. The Premier has said he will not investigate the Eideh family cigarette story, but the federal police are very interested in it.

These are the big three rorts on the list, and there are plenty of others. The evidence has shown that the Premier and the Labor Party illegally rorted their staff employment entitlements at electorate offices to get

elected. There were some very small margins there that some people in this chamber are on, and they were beneficiaries. Once elected, the evidence has shown a pattern of rotting and cover-up or denial, and not only with the members for Melton and Tarneit. We should not forget Steve Herbert's dogs and the rotting of the printing allowance by Mr Eideh. This is a rotten government. It is a rotten government presided over by an imperious bully. No wonder Victorians have seen through your spin.

Mr RICHARDSON (Mordialloc) (15:02) — I rise to make a contribution on the matter of public importance (MPI) moved by the member for Kew. I state from the outset that this debate has been wideranging and also narrow in its application. One point I would like to make is in the sense of it being wideranging. There is a clear difference if you look at the literal taking of this MPI in the executive arm of government and the legislative arm of government. In referring to the Andrews government, it clearly is talking about the cabinet itself and the entirety of the executive arm of government.

The notion that we can talk about the member for Melton, the member for Tarneit and Khalil Eideh in the other place is flawed and is not well-placed when we think about the Andrews government. When we talk about the strict application of it, if we are talking about members of Parliament and the operation of their electorate offices and how they claim expenses, this is not a government function. People have erred in their contributions in referring to that as such. If this is applied to be a narrow debate, then it should be applied as such.

The notion that there should be concern about investigations that are parallel to a government is an interesting point when thinking about the MPI that has been offered by the member for Kew. The notion that we should be concerned that formal investigations occur is an interesting point. If you contrast it with the previous government, they suppressed formal investigations; they suppressed investigations into their conduct. The notion that good governance, transparency and proper process should take its course is an important hallmark of a transparent, open and accountable government.

In each of those instances — despite the fact that they interact with the legislative arm of our Parliament, not the executive arm of the Andrews government — the Premier nonetheless has been quite strong in his statements about actions that should be taken by those members of Parliament, and when those members did not take appropriate actions, it meant one of those is

no longer in the Labor Party and now sits on the crossbench. That is an important contrast between the executive arm of government, and the legislative arm and what the member for Kew has moved, reflecting on members of Parliament and their actions and their contributions.

The notion that there is concern about investigations could have been the approach of the former government when there was suppressing of data on ambulance response times and the suppressing of the east-west link contract — things that should have been the subject of formal investigations. Good transparent and open government, making them subject to investigations and allowing the Victorian public to make a decision on actions taken by the government, would have been totally appropriate. The Victorian people never had the opportunity to know the deep detail of what occurred. That offer still stands: to allow formal investigations and to allow the turnover of cabinet-in-confidence documents. That can be agreed to by the former cabinet. The member for Malvern, the former Treasurer, can submit to that and say that they would submit to investigation. That would be appropriate conduct, that would be transparent and that would be open and accountable.

If we look more broadly at Australia and our states in terms of good and transparent government, across the board as an institution we do have quite a bit of work to do in that sense. Of course we have got a state-based IBAC, an Independent Broad-based Anti-corruption Commission, and I am privileged to sit on a cross-party committee that looks at its oversight, its roles and the functions of its power. That is key: it is a hallmark and an important thing.

Mr Watt — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr RICHARDSON — If you go to some of those important institutions, the World Justice Project is an independent worldwide oversight body of national as well as state involvement in the protection of our institutions and transparency. It shows that Australia is ranked in the top 10, but down towards the lesser end. It has work to do. An IBAC is a very important example of that. It would be great if the federal Parliament considered that. That would be an important step to strengthen that. That is one of the hallmarks of good and proper government. Strengthening that position was the recent announcement that the thresholds for IBAC's investigations would be lowered — it was another important step taken by the Andrews Labor

government to respect formal investigations, proper process, transparency and good government.

Throughout a term of Parliament various things happen. We could be here for days, weeks, months on end, talking about and prosecuting the alleged crimes of each and every previous government, all the way back to the dawning of parliaments. What carries on and what transcends is the importance we give those institutions that are respected, and where there are mistakes made, whether it is by members of Parliament or governments, the Victorian people have the certainty that processes will be respected and investigations will be allowed to take their course and those outcomes will be learnt from. Because what are we here for other than to serve the Victorian people and to protect our institutions? One of the greatest discoveries of the human race in democracy is in supporting our communities to have that transparency.

We as 88 members of Parliament represent on average 45 000 people each. We come here to respect those institutions and those formal processes and not to cast aspersions on those investigations — not be judge, jury and executioner — before they have even run their course. That is the approach that was taken by the member for Kew in his contribution. I acknowledge he has got the scrutiny of government shadow ministry. I acknowledge he is seen as an up-and-comer and a rising star. He has jumped on the front bench, and good luck to him. He is trying to make a good go of it. But the notion that there would be concern around formal investigations might be something that raises the concerns of someone in the coalition parties when formal investigations were absent in their term. The use of taxpayer funds, the signing of contracts and ambulance response times should have been the source of formal investigations.

This contrasts with our actions, where we have respected proper process. There are investigations underway and, I note, investigations into statutory authorities. That comes under the executive arm of government. But those statutory authorities — those long-running investigations — have not just been during the 58th Parliament. They, particularly into the Country Fire Authority (CFA), have been long running. These are generational issues. Having been on the Fiskville inquiry, I know those challenges are systemic. They are not political 58th Parliament Andrews Labor government things. These are systemic issues that need to be confronted, and our institutions need to be strengthened. I would say that having those processes in place actually should not be a source of concern, as the member for Kew alleges, but it should be the source of appreciation

that we have those formal institutions and processes in place, and investigations should take their course.

In contrast to the previous government, where we had, right on the eve of the election, claims of inappropriate conduct in the Victorian Liberal Premier's private office relating to very salacious and inappropriate material that has never been turned over for investigation. It has not been probed; it has not been looked at. On the east-west link contract, I mean, the open offer to the member for Malvern is, 'Put your money where your mouth is'. You can talk about scrutiny in here — turn everything over, all those cabinet documents. We have to wait 30 years for that, mate. We have to wait 30 years to know exactly what so-called decisions were taken in the Victorian taxpayers interests. Have the guts to come in here, submit to that process and turn over the documents. That is proper and transparent process. Do not hide behind cabinet-in-confidence. That would be a formal investigation that needs to happen. This is nothing more than a stunt, this MPI. It would have been better for the member for Kew to have a bit more of a think about his shadow education portfolio.

Mr SOUTHWICK (Caulfield) (15:12) — It is my pleasure to rise and speak on the member for Kew's matter of public importance:

That this house expresses concern on behalf of all Victorians at the number of formal investigations surrounding the Andrews government.

As somebody who is albeit an observant, or thereabouts, Jew, I am going to have a try at correlating the Christmas events — the 12 days of Christmas — to this government. Now, I am not sure whether I will get through them all because there is a lot of rorting that has been going on with this government. It started with: on the first day of Christmas, the Premier gave to Victoria the Labor rorts scheme. That is what the Premier gave on the first day of Christmas, from which we are all suffering, using taxpayers money to fund —

The ACTING SPEAKER (Ms Thomson) — I will remind the member to use appropriate titles and that we were very clear at the beginning of the debate.

Mr SOUTHWICK — Thank you, Acting Speaker. The Premier gave to Victoria the Labor rorts scheme using taxpayers money to fund his red shirt brigade — his own Santa's little helpers. But these Santa's little helpers were paid all right — by the taxpayer. The Premier's little helpers were on the gravy train because this government does not know any better. When you become a Labor member of Parliament, when you join the Labor Party, what you do is you say, 'What's in it

for me?' — not what is in it for everyone else, but 'What's in it for me?'. That is right. We have seen it time and time again — taxpayers money used to fund volunteers. You know what? Do not take it from me. What were the volunteers told? They were told to shut their mouths about how they were being paid. If that is not a clear sign that this was dodgy, then who knows what it was? The Labor Party was telling their volunteers, 'Shut your mouth. Take the money. Here's the brown paper bag. Away you go'. That is what it was, brown paper bag stuff. That is exactly what it was. You know that is what it was.

Mr Richardson — On a point of order, Acting Speaker, just going to the MPI itself, if the substance of what the member for Caulfield is talking about is previous to the election, then he is clearly well off the member for Kew's MPI. He has strayed in his 12 days of Christmas for probably about 10.

The ACTING SPEAKER (Ms Thomson) — There is no point of order. I do not need to continue.

Mr SOUTHWICK — I have obviously offended the members of the government, who know very well they are just a pack of rorters. That is what they are. They are a pack of rorters who cannot handle the truth, can you? You sit up the back, you pack of rorters —

Honourable members interjecting.

The ACTING SPEAKER (Ms Thomson) — I warn the member for Caulfield.

Ms Ward — On a point of order, Acting Speaker, I would ask the member to withdraw. I object to the words he used about me. I ask him to withdraw and I ask him to improve his behaviour.

The ACTING SPEAKER (Ms Thomson) — The member can resume her seat. The member for Caulfield —

Mr Watt interjected.

The ACTING SPEAKER (Ms Thomson) — I do not need help from the member for Burwood. The member for Caulfield, at the beginning of this debate, members were asked to be mindful of the language being used. In this instance there is no point of order, but I do ask you to be cautious in the wording that you use.

Mr SOUTHWICK — Let us just remind ourselves that this government has form. I have only got up to the first day of Christmas and I want to continue on. But let us just remind ourselves, and I take the point which

Farrah Tomazin mentioned in her article on 26 February 2017:

Here's a little bit of trivia ... in the 43-year history of the Victorian Ombudsman's office, only two state governments have challenged its power to investigate a political scandal referred by the Parliament. Both happen to be Labor governments.

Thank you very much. We are talking about one of them now, the red shirt brigade, Red Shirt-gate, which was the first scandal of Christmas.

But let us continue with the second one, because I have only got 5 minutes left. The second one is Dog-gate. Let us talk about Dog-gate, where a minister was investigated and sacked for chauffeuring his dogs around on taxpayers money. Number two, Dog-gate, that is what we had — a minister sacked for chauffeuring his dogs around on taxpayers money, again on the gravy train. Only Labor know very much what it is all about: get in here and take your dough and use it for your own benefit.

On the third day of Christmas the Premier gave to Victoria Speaker-gate.

Mr Richardson — The Premier.

Mr SOUTHWICK — The Premier, yes, you are right. Let me say that again. On the third day of Christmas the Premier gave to Victoria Speaker-gate, where the then Speaker had claimed almost \$40 000 in second residence allowance to allow him to live in Queenscliff while representing a western suburbs electorate. The Labor MP announced he would step down as Speaker and return to the back bench. Yes, there we are, another investigation sitting there again questioning the credibility of this Labor government. A dodgy government, that is what we are dealing with: a dodgy government.

On the fourth day of Christmas the Premier gave to Victoria Caravan-gate, when a report by PricewaterhouseCoopers tabled in Parliament showed that the member for Melton had claimed nearly \$175 000 in a second residence allowance over six years despite representing a Melbourne seat. Victoria's now former Deputy Speaker, the member for Melton, says he had lived in a caravan park since 2014 because his apartment in St Kilda was 'not spacious enough'.

Mr Richardson — On a point of order, Acting Speaker, the acting speakers have given guidance about reading notes. The member has got nine days to go and he just might as well table his notes — he is out of steam.

The ACTING SPEAKER (Ms Thomson) —

There is no point of order. Let us all take a breath and we will continue. The member for Caulfield to continue.

Mr SOUTHWICK — If the member for Mordialloc's side of the house had a fourth row, he would be in that, and he will be on that back bench for a very, very long time — Mr Happy up the back will be sitting up there for a long time, that is for sure.

On fourth day of Christmas, as we said, the member for Melton said his St Kilda apartment was 'not spacious enough' so he resorted to the caravan, thank you very much. I know that my residents in the electorate of Caulfield, and some of St Kilda forms part of it, would be very interested to know that the member's St Kilda apartment was not spacious enough so he resorted to rorting and claiming hundreds of thousands of dollars of taxpayers money, on the gravy train.

But let us continue. On the fifth day of Christmas the Premier gave to Victoria the sacking of the Deputy President in the Council in the cash for stacks scandal. Mr Eideh was embroiled in the cash for stacks scandal, as revealed by the *Herald Sun*, in which whistleblowers alleged false invoices were being provided to the Parliament to claim payments for printing of work that was never done.

Ms Ward interjected.

Mr SOUTHWICK — No, because what we have got is you lot — the whole lot of you are a pack of rorters. That is what we have got. The whole lot of you — a laughing, joking pack of rorters.

The ACTING SPEAKER (Ms Thomson) — The member for Caulfield! Through the Chair.

Mr SOUTHWICK — On the sixth day of Christmas the Premier gave to Victoria a Labor candidate —

Ms Ward interjected.

Mr SOUTHWICK — There are just so many rorting scandals that the Labor Party is involved in. I need an hour to go through the lot the way this Labor Party rorts.

The ACTING SPEAKER (Ms Thomson) — The member for Caulfield!

Mr SOUTHWICK — The Labor Party candidate for Tarneit, Jasvinder Sidhu, had a Feed the Needy-gate where he was ripping off taxpayers money, getting his

own charity together and using the money for Labor Party memberships. What a disgrace!

Mr Pearson — On a point of order, Acting Speaker, these issues have been previously canvassed in question time, and the minister has previously advised the house that these matters are under active investigation. To argue that a person has committed an offence when it is actually under investigation I think is inappropriate.

The ACTING SPEAKER (Ms Thomson) — The member for Caulfield is reminded to be careful of the words that he uses.

Mr SOUTHWICK — Acting Speaker, can I remind you and the house that the Victorian consumer watchdog will investigate the fundraising activities of the would-be state MP after it was alleged that a volunteer group had found him using donations to pay for Labor memberships. This is a rorting government; this is a lying, thieving, corrupt government, and Victorian taxpayers deserve a whole lot better than what we have got from this mob.

Ms WARD (Eltham) (15:22) — I will use a moderate tone, and I am surprised the member for Caulfield does not realise that there are only 20-odd people in here and he does not need to yell as loud as he has been. I would like to paraphrase a character from a movie that is very familiar to many of us in this place, Derek Zoolander. He said, 'One of my heroes, I guess, would be Sting. I mean, I don't listen to any of his music, but I really respect that he's making it'. My point in paraphrasing that is that while one of my heroes is not the member for Kew, I do not hear any of his education policies, but I respect that he might be trying to make them. I would have thought that today was an opportunity to actually do just that — to put forward what the member for Kew actually wants to see in our schools, what he wants to deliver for the Victorian community and what he wants to deliver for our students. But instead what we have had is a hysterical rehashing of stuff that I think, frankly, the people of Victoria have had enough of.

The people of Victoria want a government to govern and they want a government to get things done. They want a government that delivers, they want a government that says what it is going to do and then systematically goes about doing it — this is the government that I represent and this is the government that my electorate voted for. I would advise those on the other side that instead of belly-gazing and stirring themselves into hysterics they might actually want to think about policy and creating things that the people of Victoria are actually interested in — actually create

new ideas, new policies and new challenges for Victoria and for this Parliament. Instead of indulging themselves in their rampant hysteria where they try and yell people down rather than arguing on the force of their convictions and their points, they should actually do some work. They should stop scratching through the *Herald Sun* trying to find headlines to throw around and shriek at and look at creating proper policy and creating something that can actually give them a platform to stand on.

Interestingly they talk about holding the government to account. That is really interesting when you realise that in the matters of public importance that they have brought up in the time that we have been in government how often have they spoken about roads? How often have they spoken about schools? How often have they spoken about health care? How often have they spoken about crime? How often have they spoken about public transport? How often have they spoken about the things that really matter to the people of Victoria? As I said earlier, I think you would be scratching around to find that. What is really sad about the opposition is that there are two parties —

Mr Watt — On a point of order, Acting Speaker, the MPI is a very narrow debate. Standing order 109 says that you should keep to the topic. The member has strayed far and wide —

The ACTING SPEAKER (Ms Thomson) — Thank you. I have got the point.

Mr Watt — We should not be debating what we are not debating. What we should be debating is the rorts by the Andrews Labor government and all the investigations.

The ACTING SPEAKER (Ms Thomson) — The member has been wideranging in her contribution to the debate. The wording of the matter of public importance is quite narrow, and I ask her to come back to it.

Ms WARD — I am glad that the member for Burwood has gotten up, because I have to say that while this is a narrow matter, as you have indicated, Acting Speaker, the member did actually stretch the parameters a little bit and go down the path of safe injecting rooms. No, that is a different bill; that is the speech after this.

The ACTING SPEAKER (Ms Thomson) — I suggest that the member for Eltham comes back to addressing the MPI.

Ms WARD — I will indeed.

Mr Southwick — On a point of order, Acting Speaker, I appreciate that it is close to Christmas and everyone wants to enjoy the festivities, but this is quite a serious MPI that we are dealing with. We are dealing with rorts, we are dealing with a government that has completely stolen from Victorians —

The ACTING SPEAKER (Ms Thomson) — Can you sit down.

Mr Southwick — Can I make my point of order?

The ACTING SPEAKER (Ms Thomson) — Can you sit down while I am on my feet. It is getting close to the end of the sitting year, but members are reminded that we do have business before the house and that we do need to get through those matters. Does the member for Caulfield wish to pursue his point of order?

Mr Southwick — Yes I do, thank you, Acting Speaker. I just ask for the member to treat the MPI with the seriousness it deserves, with the rorting that is taking place by this government —

The ACTING SPEAKER (Ms Thomson) — That is enough. A point of order is not to add to the debate.

Mr Southwick — I ask you, Acting Speaker, to bring her back to the MPI.

The ACTING SPEAKER (Ms Thomson) — Resume your seat and I will. The member for Eltham to continue in relation to the MPI before the house.

Ms WARD — Going back to the point of the matter of public importance, which is around the Andrews government, it is really important that we have governments that address the things that concern the people of Victoria, that we have governments that do things like, for example, create 247 000-odd jobs in this state, that we have more cops on the beat, that we have better roads, that we are engaging in things like building the north-east link, that we are investing in our hospitals, that we are building new hospitals, that we are getting rid of level crossings and that we are duplicating the Hurstbridge line. There are a whole range of things that this government is focused on.

It upsets me that those opposite cannot focus on the things that matter to people in this state. They continue to go around in the same circle, debating the same issues and coming up with the same childish insults to try to do I do not know what. What they are not doing is auditioning for government. What they are not doing is creating a platform that will allow the people of Victoria to seriously consider them as a potential government. All people are hearing is a lot of white

noise on the TV at 11.59 p.m. That is exactly what they are getting with this opposition. They are not seeing people who are taking this job seriously, who are doing the real work to find out how to, in their words, hold a government accountable. Because when you hold a government accountable, you look at the whole of government; you do not just look at the headlines in a paper to create your policies and arguments. What you do is have a look and analyse what a government is doing right and what a government is doing wrong. You look at the policies they are implementing. You look at whether they are adhering to what they promised they would do and whether they are actually doing it.

I can tell those opposite that that is exactly what we are doing. We are honouring every commitment that we gave in 2014. We are getting things done. We are building things and we are creating things. We are creating a state that is actually getting things done. We are creating a state that is thriving. We are creating a state that is vibrant and exciting and that people across this nation are moving to because of the great things we are creating.

There is so much going on that it is impossible to go through all of it. But let me give a snapshot of the stuff that is going on in my electorate. The Montmorency Secondary College, which we promised to rebuild in 2010 were we to be elected, is now being rebuilt. Why is it being rebuilt now in 2017? It is because those opposite would not rebuild it in 2011, 2012, 2013 or 2014.

Mr Watt — On a point of order, Acting Speaker, on relevance, while the member would like to talk about her electorate, and I appreciate that, that is not part of this MPI, and I ask you to bring her back to the MPI.

The ACTING SPEAKER (Ms Thomson) — I concur with the member for Burwood that the member for Eltham needs to return to the matter before the house.

Ms WARD — In the spirit of the matter that has been put to us I think it is important that we have a balanced conversation about what it is that those opposite are trying to argue. What I hear in their argument is their failure to say anything concrete other than shouting insults. They talk about accusations, but they do not talk about charges. They do not talk about outcomes. Do you know why they do not talk about outcomes? It is because they are not outcomes-driven. They do not understand what outcomes are. They do not understand the work that needs to be done to get to an outcome. That is why I have focused the majority of this speech on the idea of policy, because policies

create outcomes, and this is what the people of Victoria want. They want a government that delivers outcomes. They do not want a government that spends four years doing absolutely nothing — four years of inactivity. They want a government that gets down and gets things done, and that is exactly what this government is doing.

While I appreciate that the member for Burwood does not want me to discuss my electorate in this speech and does not see it as relevant, I do see the things that are going on in my electorate as very relevant and very relevant to the heart of this government.

Mrs FYFFE (Evelyn) (15:32) — It is with some disappointment that I stand here today to debate this matter of public importance (MPI):

That this house expresses concern on behalf of all Victorians at the number of formal investigations surrounding the Andrews government.

These investigations all refer to the misuse of public moneys — the alleged misuse and the known misuse of public moneys. These are moneys that have been paid in by the people of Victoria. Many people in Victoria are struggling. They are struggling to meet their daily bills. They are struggling to put food on the table. So many are so desperate. So many for the first time in their lives are turning to charities to try to bring some Christmas cheer into their homes.

And what have we had today? We have had frivolous, dismissive comments made during the debate and a lack of respect shown by those opposite. The member for Buninyong used the unparliamentary term ‘muckraking’ many, many times. The member for Essendon used his time in the debate to make a personal attack on the member for Kew. He may not like the member for Kew. That is fine; we do not all like each other. But to stand here and debate a matter of public importance about —

Ms Ward — On a point of order, Acting Speaker, as has been expressed by a number of people in points of order raised during this debate, the matter has been wideranging and has regularly had to be brought back into focus. I ask that you direct the member to the MPI.

Mr Morris — On the point of order, Acting Speaker, the member for Evelyn is simply reflecting on comments made during the debate, and that is her right as part of this debate.

The ACTING SPEAKER (Ms Thomson) — The member for Evelyn can continue, but I remind her that there have been a lot of points of order in relation to the

parameters of this debate and to take that into account as she continues speaking.

Mrs FYFFE — Certainly, Acting Speaker, and I was reflecting on the comments that were made that upset me greatly. I am so proud to be here as an MP, but it distresses me when something like this is being treated so frivolously. As I was saying, there are many people doing things wrong and I am reflecting on the comments. To have used an unparliamentary term such as ‘muckraking’ several times on a serious matter like this, the misuse of public money, is offensive to me personally. This matter refers to the misuse of moneys and the formal investigations —

Mr Richardson interjected.

Mrs FYFFE — Would you like to stand up and raise another point of order instead of wittering on?

Mr Richardson interjected.

Mrs FYFFE — You just witter on all the time. We have had formal investigations into —

The ACTING SPEAKER (Ms Thomson) — Order! I remind members that we are in the midst of the debate on an MPI that has 25 minutes to go, and that we should contain ourselves a little and show some respect for one another.

Mr Richardson — On a point of order, Acting Speaker, I am just taking up the member for Evelyn’s invitation. The member for Buninyong has not spoken on the MPI, and I am just wondering when the member for Buninyong, who is alleged to have made such statements and allegations but has not been in the chamber, made that speech or contribution? The member for Evelyn might want to correct the record.

The ACTING SPEAKER (Ms Thomson) — *Hansard* will reflect the comments.

Mrs FYFFE — I believe he spoke at some length on a point of order.

The investigation surrounding the red shirts that was challenged by this government, that was taken to the Court of Appeal and the High Court, involved hundreds of thousands of dollars. That investigation is continuing by the Ombudsman and is a very serious investigation. Not only are the allegations that they were employed without members of Parliament knowing who they actually were and that they were not doing the duties that they were prescribed, but they were also part of the chanting, harassing, bullying groups that were in action down in what we call the sand-belt seats. I went to a

function with my ailing, elderly husband, and while we were walking in to the function we were pushed and jostled by some of these people.

Mr Richardson — Who?

Mrs FYFFE — They were clearly identified.

We have the second residence allowance which is being investigated by the police at this time. That has been totally appalling. Speakers were first appointed in the 13th century and, yes, those figures often did what the king told them, because to do otherwise basically meant that they lost their heads. Over time that has evolved and a Speaker was seen as being independent. Speakers were appointed or selected because they were men — mainly men in those days; of course it is only in the last 30 years that we have had women — who were highly respected and of good character. They have a very important role.

In the whole history of Westminster — and I have searched all the parliaments that operate under the Westminster system in the world — nowhere has a Speaker been accused of rorting the system. The former Speaker said that he did the wrong thing and then repaid the money, but that does not pass the barbecue test — or some silly expression like that. We then had the Deputy Speaker do the same thing. He rorted the system in relation to the second residence allowance, and that matter is being investigated by the police. It is ridiculous that Parliament has not referred the matter on and that it has been going on all this time.

We have got the Country Fire Authority bullying investigation, which involved the Victorian Equal Opportunity and Human Rights Commission having been called in by the highly respected former Minister for Emergency Services, the member for Brunswick, to look into the evidence of bullying. Again, that matter is part of the investigations into this government. The report is being sat on, and for what reason I do not know, but eventually we will find out and a lot of very good people will have been damaged and hurt along the way.

We have got the printing allegations being investigated by IBAC in relation to a member in the other house, whose office has allegedly colluded with a printing company to provide false invoices.

We have got fundraising activities. I am not sure if they are being investigated, so I may be speaking out of turn on that one. There are allegations that someone used a charity as a front for fundraising for paying for memberships. We have got all of these things. There was an article by Matt Johnson in the *Herald Sun* of 7 September which states:

You know state politics is on the skids when an alleged rort is called the 'latest' misuse of taxpayer funds.

That is what this is all about: it is taxpayers money. It is not my money, it is not your money, it is not our money. That money comes in from the public and, as I say, the public are doing it tough. Every week I meet someone new who is having difficulty in coping with day-to-day living, and yet in this place nothing is being done about people who have rorted hundreds of thousands of taxpayers dollars. The article continues:

Last term, former Frankston MP Geoff Shaw was found by the Ombudsman to have used his taxpayer-funded car ...

We all know about that; we all know about the huffing and puffing that went on about that. The member for Melton, with very righteous anger, said on 11 June 2014, as recorded in *Hansard*:

We should not allow any member of Parliament on either side of the house, whether they are Labor, Liberal, Nationals or Independent, to rort their entitlements. That is not what we are here for.

He went on to say:

This is about decency. This is about not having one of our own let off the hook.

He further said:

It will bring shame to all of us, because we will have allowed, and will continue to allow, the honourable member ... to get off scot-free.

Well, the member for Melton is getting off scot-free, isn't he. He is going to leave here and have an ample pension.

Going back to Matt Johnson's article, he referred to the red shirts scam, where Labor MPs used taxpayer-funded electorate officers for election campaign work. He referred to former minister Steve Herbert, who had his chauffeur ferry two dogs. He also referred to the former Speaker and the former Deputy Speaker. I am ashamed that the member for Tarneit, someone who I respected, would have done what he did in the rorting of the second residence allowance. The member for Melton did the same thing. Apparently he is repaying some of the money but not the whole amount that is alleged to have been paid to him. Both will leave Parliament with their pensions, and voters will again be left thinking, 'What the hell is wrong with these people?'

But wait, there is more from the same article. There is the latest rort allegation that relates to printing:

According to multiple Labor whistleblowers, invoices were knocked up and sent to state Parliament in order to get payments for printing jobs that were never done.

That money was then allegedly used to pay for ALP memberships. Parliament is now investigating.

I would call that a formal investigation, but I will accept it, Acting Speaker, if you say I am talking about something that is not part of this MPI.

I am proud to be a member of Parliament, but I am appalled by the stink of corruption in here, which has never happened in the history of the Victorian Parliament. With so many MPs and so many people being investigated, you should all be ashamed and you should all clean it up.

Mr Richardson interjected.

Mrs FYFFE — The member for Mordialloc is telling me that I should be ashamed of something. He witters on, he twitters on, he just goes on —

Mr Richardson interjected.

Mrs FYFFE — Whose family. No —

The ACTING SPEAKER (Ms Thomson) — Order! Through the Chair, please.

Mrs FYFFE — He is referring to a statement. I will have to answer that at another time.

Mr CARBINES (Ivanhoe) (15:42) — I am pleased to make a contribution on the matter of public importance (MPI) raised by the member for Kew. In particular I would like to start by acknowledging my constituents in the Ivanhoe electorate and thanking them for supporting Labor members to represent them as far back as 1996. They were motivated to do so in one instance because the Kennett government sought to privatise a public hospital — the Austin Hospital. Our community said no to that, dismissed a previous Kennett cabinet minister from the seat of Ivanhoe and dispatched him into retirement because of their opposition to the Kennett government selling off and privatising the Austin Hospital.

The other key element that relates to this MPI that led to the Ivanhoe community's support for transparency and openness was the decision by that Kennett government to try to undermine the Director of Public Prosecutions. That was something that Ivanhoe residents decided was beyond the pale and was not acceptable. The Kennett government's attempt to emasculate and undermine the role of the Director of Public Prosecutions back in the early 1990s was something that Ivanhoe people did not stand for. The Ivanhoe people took the then member for Ivanhoe to task and dismissed him from office at the 1996 election.

This goes to the heart of formal investigations and integrity in government.

Mr Watt — On a point of order, Acting Speaker, you have ruled, as has the Deputy Speaker, on the very clear nature of this matter of public importance. It is narrow, and the member is straying.

Mr CARBINES — On the point of order —

The ACTING SPEAKER (Ms Thomson) — I do not think you need to respond. I think the member for Ivanhoe was actually making the link and the contrast, which the Deputy Speaker referred to in her time in the chair. I will allow the member for Ivanhoe at this point in time to continue.

Mr CARBINES — Thank you for your indulgence, Acting Speaker. I am barely a minute or two into my opening comments. I think it is only reasonable to set the preamble for the contribution that I wish to make on behalf of my constituents. The member for Burwood can look up the word ‘preamble’ if he is not clear what it means. He has got plenty of time to do that; there are another 8 minutes to go.

There are a few documents that make the broader points, and I will come back to them in relation to the expectations of my constituents and what drives them to support representatives in this place.

We all understand and remember what happened back in the 1990s under the previous Kennett government — the undermining of the Director of Public Prosecutions, the emasculation of that role and the attempt to put in party apparatchiks as deputy directors of public prosecutions. I refer to more recent times just to demonstrate that things have not changed in relation to ‘formal investigations’, and I quote directly from the member for Kew’s MPI, which talks about formal investigations. Let us just have a look. I would expect that the Privileges Committee of the Parliament is a formal investigatory process. Our government does not hold a majority on the committee. It is a committee that has a formal investigations role in relation to this Parliament.

I note that a former minister in the Baillieu government stood down from the ministry. The former member for Kew — and that is why I think it is quite apt to touch on this, as he is the predecessor to the current member for Kew — is quoted in an article in the *Herald Sun* of 16 April 2013 as saying:

I admit that I was the unnamed coalition member of the Privileges Committee.

The fact that I spoke to a journalist breached the confidence of the Privileges Committee, thereby jeopardising and

bringing into question the fairness and integrity of the committee’s private deliberations. This was unacceptable.

My membership of the Privileges Committee is now untenable. Accordingly I advise the house that I have today written to the Speaker indicating my resignation from the Privileges Committee and the other committees of which I am a member.

What is not clear from this article is what the ministerial role of the former member for Kew was. He was the Minister responsible for IBAC, the minister for integrity in government and the minister who was assigned the task of introducing legislation in relation to independent broad-based anti-corruption measures. He was the first minister at the time to fall on his sword because loose lips sink ships, and as he said then:

Any member who appears before the Privileges Committee is entitled to natural justice which may have been prejudiced in this case by my indiscretion.

Mr Speaker, while I may dispute the accuracy of the report and indeed what I believed were off-the-record comments, that is absolutely irrelevant.

That just goes to show again that when it comes to integrity in office those opposite, when they are given a commission by the Governor to represent the interests of Victorians and to introduce integrity and anti-corruption measures, inquiries and committees into the Parliament, their own ministers have to resign before they are able to do that because of their lack of integrity in this place.

We can also go to Tony Nutt, a victim in the secret police tapes crisis —

Mr Watt — On a point of order, Acting Speaker, while I do not agree with the contrast ruling that has been made, I will accept the contrast ruling. I would say to have contrast you would actually still need to refer to the matter before the house. The member is not referring to the matter before the house. If he wants to talk about contrast, he should contrast it with, maybe, the matter and the topic that the matter is talking about.

Mr CARBINES — On the point of order, Acting Speaker, at page 53 of *Standing Orders and Joint Standing Orders and Joint Rules of Practice of the Parliament of Victoria*, standing order 109, which is headed ‘Keeping to the subject’, says:

A member must not depart from the subject matter of the question or issue under discussion.

I go back to the matter of public importance:

That this house expresses concern on behalf of all Victorians at the number of formal investigations ...

Formal investigations are something that I am absolutely covering off in relation to keeping to the subject of the MPI. I would ask you to consider, Acting Speaker, that I am being relevant to the matter in relation to formal investigations. I am seeking to outline a range of formal investigation mechanisms that are the responsibility of our Parliament and the way in which they have been used by this government and those who seek to occupy these benches.

The ACTING SPEAKER (Ms Thomson) — I am listening very carefully to the contribution of the member for Ivanhoe, and at the moment I still feel that he is within the realms of the debate. I will continue to listen very closely and draw him to account if he strays.

Mr CARBINES — Thank you very much, Acting Speaker. I will have to hurry along now. I will not go into integrity in government in quite as much detail as I might have liked, given the interruptions from those opposite.

We can touch on an article headed ‘Police scandal rocks Baillieu’ of 28 October 2011, which states:

The Baillieu government has been rocked by the exposure of a secret plot from within the office of the Deputy Premier to oust former police commissioner Simon Overland.

The Office of Police Integrity, do we remember them? Do we remember the sorts of investigations that they were involved in? I would not say that everything they did was perfect, but we certainly know some of the people who have been held to account on the other side of this place in relation to those matters.

Can we also talk about a former Speaker? I refer to an article of 14 November 2013 headed ‘Uproar as Speaker Ken Smith suspends state Parliament until November 26’, which states:

The state Parliament’s lower house has been suspended until 26 November after a morning of high farce.

Speaker Ken Smith made the decision to abandon the day’s proceedings after Labor tried to challenge his authority for the third time on Thursday.

Excuse us for demonstrating our democratic obligations in this house, but of course, as was noted, the then Speaker said:

I believe I’ve got the full support of the government.

I will tell you one thing, Acting Speaker, the current Speaker is absent from this place and we send him our condolences at this time, but you would never see the member for Bundoora, the current Speaker, go even close to the behaviour of a former Speaker in this place who denied the authority of this Parliament and closed

the doors and roamed around aimlessly in the gardens rather than allowing democracy to take place. He was one of your people, I remind members of the opposition. You let him close down democracy in this place.

The ACTING SPEAKER (Ms Thomson) — Through the Chair.

Mr CARBINES — Through you, Acting Speaker. He closed down this place and walked away because he did not have the support of this Parliament. He refused to put himself before a vote of this place — a vote of the Victorian people. That says a lot about the integrity of a former Speaker of this place compared with the amount of integrity in the big toe of the member for Bundoora.

Mr Watt — On a point of order, Acting Speaker, even based on your ruling, the member for Ivanhoe has strayed completely. He is talking about the performance of a former Speaker and not investigations.

The ACTING SPEAKER (Ms Thomson) — I ask the member for Ivanhoe to return to the matter before the house.

Mr CARBINES — I will do so, Acting Speaker. I will very briefly now sum up, which will take me back to my preamble. Can I just say that we have seen FOI reforms branded as a sham. We have not had much time to touch on the MP porn ring that was illegal or the sacked adviser in the previous government’s office, investigated by formal investigations into those matters by those opposite. However, I do note that a media release of 13 December — today — headed ‘Boosting public sector scrutiny and accountability’ says that the Andrews government is again delivering for Victorians. There are so many things I would love to talk about if I had an extension of time, but I can say that we will not be taking lectures from those opposite about integrity in government.

Mr WATT (Burwood) (15:52) — It is with a heavy heart that I rise to speak on this matter of public importance (MPI). I do not take any delight in speaking on this matter of public importance, which is:

That this house expresses concern on behalf of all Victorians at the number of formal investigations surrounding the Andrews government.

I do not take any delight in this because, as a member of Parliament, I would hope that we would not have to talk about these investigations and would not have to talk about the rorting that comes from the Andrews Labor government and members of the Andrews Labor government. I will refer to some of the matters raised in

the debate today and particularly the discussion around the red shirts brigade. It is quite unfortunate that we have a government which owes everything that they have to the red shirts brigade.

The member for Frankston won his seat by 336 votes; without the red shirts brigade the member for Frankston would not be here. The member for Carrum won by 571 votes; without the red shirts brigade we would not have the current member for Carrum.

Mr Richardson — On a point of order, Acting Speaker, the debate has been wideranging. Members have had an opportunity to reflect, but vote margins in seats along the sand belt have no relevance to this MPI. I ask that you ask the member for Burwood to come back to the matter that is before Parliament today.

The ACTING SPEAKER (Ms Thomson) — The member for Burwood has been up and down on points of order in relation to the range of this debate. I remind him that, given that he has done so, I will expect higher standards of him during this debate.

Mr WATT — I was just remarking on the results of the rorts and the effects that these rorts have had on Victoria.

Mr Carbines — On a point of order, Acting Speaker, and in reference to the standing orders — my copy is from August 2016 — I am concerned that the member for Burwood has not touched on the Kennett era when taxpayers were slugged \$200 000 to fund an office owned by his wife. I am surprised that he has not mentioned that.

The ACTING SPEAKER (Ms Thomson) — There is no point of order.

Mr WATT — I will simply remark on some of the members that have got up to speak on this matter of public importance. I would say that many of the government members who have stood up to speak on this particular matter of public importance might have a bit of a conflict here because they received the benefits from the red shirts. If you look at the member for Mordialloc who got up to speak, the member for Mordialloc received benefits from the red shirts and there is an investigation —

Mr Richardson — On a point of order, Acting Speaker, I take offence at the statement made by the member for Burwood that I am conflicted and have some sort of vested interest that I have gained from. That is highly offensive and improper and impugns me as a member of Parliament. I ask him to withdraw.

The ACTING SPEAKER (Ms Thomson) — Will the member for Burwood withdraw?

Mr WATT — I withdraw.

The member for Eltham also got up to speak on this bill. The member for Eltham, with a margin of 2.69 per cent, received benefits from the red shirts brigade as well. It is an investigation that the government has actually tried to stop. The then opposition rorted. There is an investigation into the millions of dollars that were rorted by the then opposition, now the Andrews Labor government, and hundreds of thousands of dollars that were spent trying to cover up the rorts to stop the investigation by the Ombudsman. I think it is relevant, if we are to talk about these investigations, to also talk about those people who received benefits from these rorts. It is interesting that members who are getting up to speak —

Mr Richardson — On a point of order, Acting Speaker, I again draw your attention to the fact that to suggest there is a benefit derived in the form of a rort is a highly offensive statement about members of Parliament. The member for Burwood has previously consistently talked about impugning members. I find the remarks to be highly offensive and ask him to once again withdraw and come back to the substance of the MPI.

The ACTING SPEAKER (Ms Thomson) — The member has been asked to withdraw.

Mr WATT — No, because I did not mention any names.

The ACTING SPEAKER (Ms Thomson) — Whilst the member did not refer to members by name or by seat, I remind the member that caution was given at the beginning of this debate about how to conduct oneself during the debate. I suggest he might like to come back to the matter of public importance before the house.

Mr WATT — I thank you for your guidance, Acting Speaker. I refer to the investigations surrounding the Andrews government, and the biggest one has to be the red shirts brigade. There are members who are getting up to speak on this matter of public importance who received direct benefit from the red shirts rorts. On another note, if you think about the member for Ivanhoe, who has a margin of 3.41 per cent, the member for Ivanhoe dares to get up here and talk about this MPI.

The ACTING SPEAKER (Ms Thomson) — I am going to caution the member for Burwood.

Mr WATT — I did not mention that the member for Ivanhoe, on a margin of 3.41 per cent, received a benefit from the rorts of the red shirts brigade. I did not say that. You have asked me not to draw those conclusions, so I am not going to draw those conclusions. I am simply saying that there are investigations surrounding the Andrews Labor government, the biggest of which is the red shirts rorts which got them into government. It is undeniable that if the red shirts rorts did not happen, then we would not have the Andrews Labor government.

Mr Richardson interjected.

Mr WATT — We would not have people like the member for Mordialloc being able to interject from the other side of the chamber. He would not be able to do that because he would not be in government. It seems like a bit of a joke that the person who wrote up the list for the Labor Party to speak on this MPI went through a whole bunch of people who received benefits from the rorts of the red shirts brigade and said, ‘Put yourself out there’, ‘Get up there and make comments’, ‘You received the benefit, so you take the heat’.

The ACTING SPEAKER (Ms Thomson) — Can I suggest the member might like to return to the substance?

Mr WATT — It is unbelievable that we are talking about investigations surrounding the Andrews Labor government, the biggest of which has to be the red shirts rorts, and the government pushes out those that receive the benefit from the red shirts rorts. It is just unbelievable.

There was an investigation by the Presiding Officers, one of whom is the President in the upper house, Bruce Atkinson. The other happened to be the member for Tarneit. It is a bit of a joke that you get the member for Tarneit to do an investigation into the red shirts rorts at the same time that he is rorting his second residence allowance. It is unbelievable that this guy was investigating Labor Party rorts while rorting himself.

I remember being in here four years ago and the discussion from the Premier around the former member for Frankston. While I in no way condone rorting at all, the Premier, then opposition leader, went off his head about \$1200 worth of rorts. Keep in mind that while the member for Mulgrave was going off his head about the \$1200 rorts, he was rorting millions of dollars with his members through the red shirts rorts. How does this guy have the gall to stand up there and try to throw a member of Parliament out of this chamber when he is rorting millions of dollars with his members, and to

have the member for Melton stand in this chamber and go off his head about the rorts of the former member for Frankston while he is rorting \$170 000?

I am just shocked that we have got the government, which is under investigation for millions of dollars of rorts, pushing out the people who receive benefits for those rorts and trying to stand here and defend them. We have got members of Parliament yelling and screaming about rorts all the time while rorting themselves at levels that are unprecedented. I am very concerned at the amount of rorts and the amount of investigations that we have had to have into the rorting Andrews Labor government, but I am more concerned about the fact that members opposite do not seem to care.

GAMBLING LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed.

Mr NORTHE (Morwell) (16:02) — I rise to speak on the Gambling Legislation Amendment Bill 2017. I note a number of things that the bill does, primarily to amend the Gambling Regulation Act 2003 to ban the display of static betting advertising by wagering service providers within 150 metres of the perimeter of a school or on public transport infrastructure and on roads and road infrastructure. This particular initiative was highlighted some time ago when the government made its announcement. I think the majority of members, certainly within my community and in the Victorian community more broadly, support such an initiative.

The bill also makes some reforms around the regulation of betting in Victoria. It also amends the Gambling Regulation Act to enable the minister to ban any betting contingency offered by a wagering service where the minister forms a view that betting on the contingency is not in the public interest. It also includes a new power to enable the minister, by instrument, to specify conditions that apply to wagering service providers offering betting on a particular contingency. The minister can use this power where the minister considers that betting on the contingency other than in accordance with those conditions is not in the public interest. So it does give the minister some additional powers in that regard.

More broadly, I listened to a number of contributions by members, in particular my friend the member for Gippsland East, who I think spoke so well. Being of a similar age, I suppose we both grew up in regional Victoria where historically the only way to bet or

gamble was at the local races or your local TAB. But we know things have changed dramatically since those days. Even from a horse-racing perspective, TAB outlets have really been taken over in many scenarios by pub TABs and then of course online betting agencies. They do not just include TAB, but of course we have had more betting agencies come online over a period of time. They are many and varied in this day and age.

On top of that at the moment we are basically living in an environment, and I do not think it is all that healthy in many respects, where people can gamble on many things. There is the introduction of pokies. You can gamble on basically any sports event that is around. There are events that you can now gamble on. You can now gamble on the outcome of political events and elections. You can gamble on a whole range of different activities.

What we have seen come with that is not only a saturation of advertising in print but also very much so on our televisions and radios. That does personally cause me some concern. I think just the enormous saturation that we have had over a period of time has been unwise. I know there are obviously measures, particularly at a federal level, to ensure that this is reined in to some degree. I think that is positive, because it has been a major issue over a period of time. When the sports betting agencies are doing their promotions, invariably many people — certainly those within my electorate have contacted my office — raise their concerns about that. Even though the measure within this bill may be minimal in the bigger scheme of things, it is an important step in the right direction.

The member for Gippsland East also spoke about getting the balance right between those people who gamble responsibly and those who do not. He spoke about the impact on the person who might have an issue with gambling. It is not just confined to that person; it certainly extends to family and friends. I have to stand here unfortunately and say that I have had some issues with that in the past, and I truly know the impact on family and friends that can have. So I do support the banning of static betting advertising within 150 metres of schools, public transport, roads and road infrastructure, but more needs to be done in a couple of areas.

One of the things that the member for Gippsland East raised was the prospect of a point of consumption tax. He gave the example of Lottoland. Whilst there are people who will bet and participate in Lottoland — and it is their right to do so — basically the state government does not derive any revenue as a consequence of that. That is of some concern. I know

South Australia had considered and may even have initiated a point of consumption tax in that state. But further to that, it is not just from a government revenue perspective, it is also the impact it has on local businesses and in this case businesses such as newsagencies, which are being pushed out the door, if you like, or to the side of the lotto betting arrangements that are taking place in this state. That is certainly something that we have to seriously consider.

Also we need to consider the extent of betting advertising on television. I do not have an issue with free enterprise and I believe that people have to take responsibility for their actions, but the saturation of advertising that we do see and hear on television and radio at the moment is in my view well beyond community expectations. That puts vulnerable people in a terrible situation, because things have changed. In the past if people felt inclined to have a bet or have a punt, they would have had to go to either the local racetrack or the local betting agency, so when they were vulnerable they would have had time to think and digest and properly consider that that was not a wise thing to do.

I can say in my case that because it is available to you you can press a button within a matter of seconds and engage in betting activity when you know in your heart it is wrong, but because it is there you do it — and it becomes habit. It means you do not realise sometimes what you are doing to yourself. So when I am talking about vulnerable people, it is not necessarily the people you might think out in the community, people who may be unemployed or maybe do not have great educational skills. For somebody like myself, as a reasonably intelligent person, I fell at many of those hurdles. It is because of the availability, and that is a problem for many people.

Again I come back to the point that only one person is responsible for those actions, and that is the person who is undertaking that activity. You have to take responsibility for that, but the availability of betting and gambling across a number of different forums at the touch of a button does worry me. I believe the legislation before us today will go some way hopefully to addressing that. I note that the federal government have a number of measures that they have put in place to inhibit that and to focus attention on ensuring that people do not have these problems going forward.

As the member for Gippsland East said, unfortunately when a small cohort of people probably in the bigger scheme of things do not gamble responsibly, it has enormous impacts not only on the person but also on their family and friends, and anything we can do to

improve legislation in this space is something that I will support. I commend the government for its actions and proposals under this legislation, but I hope more can be done to at least get awareness out there to people who are vulnerable — I include people who might have a mental illness or depression or other things — so that it is a little bit more difficult for them to access gambling when they are in a vulnerable space, as happened in my circumstance. I take the time in closing just to thank everybody in the Parliament for their support in what has been a difficult time for me. Thank you.

Mr McGUIRE (Broadmeadows) (16:12) — I would like to acknowledge the member for Morwell, who has just given a very heartfelt personal account of the perils of gambling and the impact that it can have on families. I wish him all the best for addressing these issues in a time of difficulty and commend his fortitude in being able to address the issue in such a deeply personal way in the Parliament.

The bill itself is trying to look at how we restrict the display of betting advertising and wagering and provide boundaries within 150 metres of schools, public transport infrastructure, roads and road infrastructure. It also gives the minister the power to ban betting on a contingency offered by a wagering service provider where the minister forms the view that betting on the contingency is not in the public interest. These issues are of significance in the way that the government is trying to minimise the harm that can come from gambling. The bill amends the Gambling Regulation Act 2003 to enable the minister to also place conditions on a wagering service provider offering betting on a contingency where the minister forms the view that betting on a contingency other than in accordance with the conditions is not in the public interest. So the whole proposition is to make this more beneficial to the public.

I am informed that my time might be restricted, so I also want to make a plea for what we do with the revenue that comes from gaming, particularly for the people that I represent in the Parliament. I make the point that more than \$100 million was lost on poker machines in the Hume municipality during the 2014–15 financial year, an increase of more than 3 per cent on the previous year. According to the Victorian Commission for Gambling and Liquor Regulation, in 2014–15 about \$3.4 million from Hume’s clubs was seen to be of community benefit, but most of the money went towards the operating costs of venues, including employment costs, electricity, rent, cleaning and maintenance, rather than towards community activities and scholarships. This equates to \$287 518 per day lost to Victoria’s poorest community, which has been going through deindustrialisation.

We know that most of the profits from gaming come from the poorest communities, and I think we need to examine this issue. I would argue that there is a really strong case for that money to be redistributed, in the public interest, back into these communities that need it most and particularly to invest in attitude, education and opportunity to try to look at how we can develop better skills in these communities for lifelong learning, jobs and better opportunities and to address that issue as a specific proposition.

I point out that it was the Community Support Fund that was a major funder of the first library in Broadmeadows, which became the Global Learning Village and then evolved into the ideasLAB and then the multiversity. This can be incredibly important seed funding if it is done in this way.

Given the time restrictions that we are under, I do want to say that I commend the bill to the house. We just need a better way of redistributing the amount of money that is taken from the gambling dollars into the communities that are hardest hit to give the maximum benefit there. I would argue that it should all go back into these communities. That would be an important reform that I hope can be addressed in the future.

Debate adjourned on motion of Ms HENNESSY (Minister for Health).

Debate adjourned until later this day.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

Council’s suggested amendments

Message from Council to following suggested amendments considered:

1. Clause 3, line 27, omit ‘1995.’ and insert ‘1995.’.
2. Clause 3, after line 27 insert—
 - ‘(4) A parking space is an exempt parking space if—
 - (a) it is provided on land described in Vol.10894 Fol.151; and
 - (b) Abbotsford Convent Foundation (CAN 098 462 474) is the registered proprietor of the land within the meaning of the **Transfer of Land Act 1958**.’.
3. Clauses 22 to 24, omit these clauses.

Mr PALLAS (Treasurer) (16:18) — I move:

That this house makes the amendments suggested by the Legislative Council.

In recognising and accepting these amendments that have come from the other place for the State Taxation Acts Further Amendment Bill 2017, firstly I want to acknowledge the efforts of and the hard work that has been done by quite a number of people to get to this point. To say that the passage of this legislation, subject of course to the Assembly's consideration of the matters currently before it, has been a long path would be a mild understatement. This is the second iteration of at least the provisions related to centralisation of valuations and annualisation of those valuations. The State Taxation Acts Further Amendment Bill 2017 will strengthen and improve Victoria's taxation system by closing loopholes, clarifying ambiguities and making sensible policy changes. This bill includes reforms to Victoria's property valuation system. Valuations will now be conducted annually by the valuer-general, instead of by local councils every second year as is currently done.

So we want to thank the local government sector. This has not come easily. It has required a considerable amount of engagement and, might I say, a willingness on the part of the government to amend and adjust the position that we had adopted at the outset in order to accommodate what will be a substantial change, in an organisational sense, to local councils, and also to demonstrate the government's willingness to deal sensitively with effective changes that will be imposed upon the industry as a consequence of these legislative reforms. I want particularly to single out the Municipal Association of Victoria (MAV) and the crossbench for engaging constructively with the government on these important reforms. The Liberal Party, the Victorian Greens and Ms Fiona Patten from the other place have suggested a number of amendments to the bill in the Legislative Council and, can I say, they are accepted.

Of course, a path of legislation is not a seamless and certain one. I can say that I believe these reforms, in net — albeit not every adjustment that is incorporated within these amendments I would say hit the mark perfectly, but this is part of the process of engagement with representatives of the community through both this place and the other place — give us a substantial bill that will assist the taxation system of the state, that will ensure the integrity of the legislative scheme and that will ensure the capacity of the state and the State Revenue Office to maintain the integrity of the taxation system. Closing loopholes of course might not sound like exciting stuff. Clarifying ambiguities might not sound like exciting stuff, but they are critically important to make sure that the intent of the legislature and indeed the interests of the community at large are well protected.

I believe this legislation and the amendments that have been brought through, in net, support and assist the continuing objectives of the state to ensure that we have a credible legislative regime: one that serves the modern needs of the community and certainly, with regard to the reform to valuations, will be seen as a net positive to the community. On that basis I support and commend the bill to the house.

Mr M. O'BRIEN (Malvern) (16:22) — Turning my attention to the suggested amendments of the other place, which the government has determined to adopt, I particularly note suggested amendment 3, which is to omit clauses 22 to 24 of the bill. These clauses sought to change the way in which particularly sporting recreational and cultural land owned by certain non-profit organisations are dealt with in terms of land tax. This is a government that has shown a massive appetite for tax and tax increases, and in light of that it is probably no surprise that sporting organisations felt very blindsided by the measures contained in this bill. My understanding, or certainly what they told me, is that there has been no consultation with them about these changes at all.

A key point of the changes that were in the bill was to change the test for a sporting organisation to be exempt from land tax for land it owns and on which it conducts its sporting activities. The change in the test was to move from the words 'primarily' or 'substantially' and to replace those with the word 'exclusively'. Now most people would say that if you change the test from primarily or substantially to exclusively you are tightening the test, you are making it harder for a sporting organisation to be able to access that exemption from land tax.

There were many organisations that approached me and approached other members of the coalition. We heard from tennis clubs, we heard from golf clubs, we heard from football clubs — clubs that are a part of the fabric of our community. Clubs that, particularly in rural and regional areas, are really a part of the glue that binds the community together. Because they are part of that community glue — the local footy club, the local bowls club, the local tennis club and the local golf club — those clubhouses are part of the community. Countless numbers of 21st birthdays have been held in the clubhouses of the local bowls club, footy club, netball club, golf club and tennis club. Wedding receptions are sometimes held in those places — all sorts of celebrations and wakes, all sorts of activities that have nothing to do with playing sport.

The great fear among those clubs is that what the government intended to do in this bill was to effectively

remove their exemption from land tax because those clubhouses are not used exclusively for the conduct of sport. Clearly hosting a 21st, a reception or a wake means the clubs are not being used exclusively in relation to the conduct of sport. So this was the alarm bell; this was the big red light that was flashing for a lot of community organisations.

I raised those concerns in the Assembly when this bill went through on its first occasion. It was part of the reason why the coalition opposed the bill. As a consequence of the decision of some on the crossbench and, I believe, the Greens, to support our suggested amendments in the other place, those clauses are now being omitted.

The Treasurer says it was never the intention of the government to see extra land tax imposed on community sporting clubs, but when there had been no consultation with those sporting bodies before the bill was introduced why should they trust this government? Why should they trust this Treasurer? The government rushed out, through the State Revenue Office (SRO), a fact sheet about how the SRO would seek to interpret these new clauses in the bill. It is actually quite interesting that the SRO is there giving guidance to taxpayers on a bill that has not passed Parliament yet. I would have thought that it was the SRO's job to interpret and apply laws that have been passed, not engage in the political debate.

I note that this week the SRO, and by extension the Treasurer, had a very embarrassing result in the courts whereby indemnity costs were paid against the SRO because of the appalling way in which it had handled a particular taxation matter, so I can tell you there is absolutely no level of trust among many parts of the community in the State Revenue Office under this government. This is the same government that presided over the SRO sending out thousands and thousands of tax assessments to the wrong people. One of the worst privacy data breaches the state has ever seen happened through the State Revenue Office and on the watch of this Treasurer and the Andrews Labor government, so certainly nobody in the government should be surprised when I say that the level of trust that the community has for the way in which taxation is run by this government is at an all-time low. For that reason we were very keen to make sure that what we regarded as those offending provisions came out of the bill.

The Treasurer said, 'The intention wasn't bad; the intention was actually quite benign. We wanted to help these sporting organisations maybe be able to get some additional land tax exemptions'. Well, Treasurer, people did not believe you. The peak bodies who were

on the phone to me expressing grave concern — the golfing peak bodies, the tennis bodies, the sporting peak bodies — did not believe you that this bill was about helping them; they felt it was about hurting them. The idea that you should give up a black and white exemption and replace it with something which is to be judged by the good graces of the commissioner for state revenue of the day is not something that fills anyone with confidence. In fact it is not a very good way to administer taxation law. Taxation law should be as clear as possible. People should know what their rights are and what their responsibilities are by being able to read the statute, not by relying on the benign or otherwise interpretation of a particular tax official. So I am very pleased to accept the amendment to delete those clauses — clauses 22 to 24 — from the bill.

If the government's intentions are in fact benign, as they claim, then I would urge them to consult next time around — consult with the sporting organisations, consult with the sector, consult with the opposition. I know it is a bizarre concept for a Treasurer as arrogant as the one we have at the moment, but I think — as we have been able to demonstrate — if the Treasurer does not get it right or the community and the crossbench and the opposition believe the Treasurer has got it wrong, he is going to see things being knocked out. That is what has happened here. So I thank those sporting organisations who made contact and who put their concerns on the record with me and with others. I think that this bill, while still a bad bill — and we do not support it for reasons I will come to shortly — is less bad than it would otherwise have been had those measures not been dealt with.

I would just briefly like to return to what are the guts of this bill and why the opposition opposes this bill. This bill constitutes a massive tax grab on Victorians. To see land tax being assessed according to annual property valuations rather than biennial property valuations is a massive grab for tax. Worse still, it is not just a massive tax grab, it is also a tax grab based on less accurate data. What the government is saying in this bill is, 'Let's not have two years worth of market movements and two years worth of transactions to be able to determine how the property market has moved so we can get the valuation right'; what the government is saying is, 'We don't care about accuracy. We would rather have half the data points as long as we can get extra land tax out of you each and every single year'. For the businesses that were used to the cycle of every second year you pay more land tax and then you get one year where you pay the same amount and there is some certainty, now businesses — and not just businesses but everyone who pays land tax — can look forward to paying more land tax every single year on a less accurate basis. That is

the position of the Premier and this Labor government, and sadly it is also the position of the crossbench and the Greens.

I am disappointed that the Greens have seen fit to move from their position previously expressed in this house whereby they supported a reasoned amendment to the bill to try to protect the role of councils in the valuation process and to protect the role of those valuers who work for councils in the valuation process. Now those people are going to lose their jobs. There is no doubt there will be a loss of jobs at the local government level. There will also be a loss of expertise in valuation.

This was not necessary. I suspect this is presaging what is to come over the next 11 months and potentially for the four years after that — we will see Labor and the Greens get into coalition. We will see Labor and the Greens get into coalition to push through changes. It does not matter that they are going to hurt councils. It does not matter that it is going to lead to council staff losing jobs. It does not matter that it is going to lead to more land tax being paid on a less accurate basis. This is the future of a Labor-Greens coalition, and I am very disappointed that council staff will be some of those people who will be the first ones in the firing line as a consequence of this.

Let me again state for the record that the coalition opposes this bill because we do not support the changes to land tax, we do not support moving to annual valuations, we do not support doing it at the expense of local government and we do not support moving to a system which will see people paying more land tax every year on a less accurate basis.

Ms SANDELL (Melbourne) (16:34) — The Greens did initially support a reasoned amendment on this bill in this place to seek more time and consultation, particularly with the councils that would be most affected by this bill. We were very much concerned about the impact on councils and therefore the flow-on impact to the community in terms of services and infrastructure, and when this bill first came to this house we were very much opposed to the model that would see a large cost impost on councils. When I spoke on the bill in this place a few weeks ago I initially raised some other concerns as well.

Many councils did contact us to raise their concerns, and we took those very, very seriously. Some of the concerns that I raised in my previous contribution were around the potential privatisation of land valuation services; the impact on all councils, including those with in-house valuers; the impact on jobs; the impact on the costs when it comes to even things like changing

over council IT services that would come with this bill. We are also very concerned about the impact on councils of the time line of turnaround for supplementary valuations, which are important to a lot of councils. We are concerned that that time line of 30 days is too long.

Throughout the last few weeks the government has given undertakings that these concerns will be fully dealt with, that no council will be worse off under this bill, that the government will cover costs to councils and that many councils will in fact be better off financially. The government has given an undertaking that the state government will cover costs for redundancies and for changing over IT systems, for example. Also it was very important to the Greens to get the amendment through about expediting time lines for supplementary valuations to 10 days and that that would not be an extra fee for service for councils. We did support the coalition's notion to remove any ambiguity to ensure that sporting clubs and other entities similar to sporting clubs were not exposed under this bill, and I think that is a very sensible change.

Initially the Greens were very concerned about the impact on councils and on the community, but we believe that through this process the Greens have secured a much better deal for councils and a much better deal for the community. We believe many councils will in fact be better off overall, and therefore the community will be better off overall. But the government has also given an undertaking that no council will be worse off under this bill. We look forward to making sure that that is in fact the case, and we will be monitoring that very closely.

There are of course many other parts of this bill that were very important and that we supported — for example, the congestion levy, exemptions for the zoo in my electorate and payroll tax exemptions for apprenticeships. Other parts of the bill were important as well. We do believe that through this process, although we initially had some serious concerns about the impact on councils and the community, those concerns have been allayed. Through a lot of work from the Greens over the last couple of months — and credit to the councils that have worked with us on that — we believe we have been able to secure a much better deal overall.

Motion agreed to.

Ordered to be returned to Council with message informing them of decision of house.

CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 9, page 14, line 8, omit '55L(1)(f).'' and insert "55L(1)(f).".
2. Clause 9, page 14, after line 8 insert—

'55P Protective services officer may exercise powers of security officer under this Division

A protective services officer on duty at a designated place that is a place referred to in section 55K may exercise all the powers and has all the responsibilities given to or imposed on a security officer under this Division.".

Ms NEVILLE (Minister for Police) (16:39) — I move:

That the amendments be agreed to.

These amendments relate to security at the Adult Parole Board of Victoria. The bill that was considered by the Legislative Council would empower prison officers from Corrections Victoria to perform security functions at the adult parole board, including the power to detain a parolee until Victoria Police attend because parole has been cancelled. The new class of officers will be drawn from an existing pool of prison officers employed by Corrections Victoria who have the necessary skills and experience to undertake these functions, including returning prisoners to custody. These are important reforms that aim to ensure the safety of staff and members of the adult parole board. The government closely consulted with Victoria Police and the adult parole board when developing these reforms.

The bill was passed in the Legislative Council with some amendments made by members in that place. The amendments that were made in the upper house would add protective services officers as an additional option for security at the adult parole board. Those amendments were moved by the opposition. The amendments do not replace or remove the role of Corrections Victoria prison officers in providing security as contained in the bill; rather the protective services officers could be used as an additional option.

The government did not support these amendments, and although it is doing so today there are still some concerns in relation to this particular amendment. It particularly goes to the question of eroding the chief commissioner's control of sworn officers and

undermines that important practice, principle and legislative provision of leaving solely in the hands of the chief commissioner how his sworn officers are deployed. In this case what it does mean is that the adult parole board would be able to assume that control in relation to those specific protective services officers. There remain serious concerns about the potential to undermine those provisions of the police act and the ongoing practice in relation to the powers of the chief commissioner. However, there are other critical components of the bill, and in light of that we have agreed to these amendments. As I said, we are moving that these amendments be agreed to and incorporated into the bill.

Mr CLARK (Box Hill) (16:41) — The opposition welcomes the fact that the government is agreeing to these amendments. We believe they will provide a valuable additional option for providing protection at the Adult Parole Board of Victoria. It is important that the board has protection. There have been concerns raised about the new class of security officers that has been created under the bill, but rather than disturb those, the opposition has sought to add protective services officers (PSOs) as an additional option to ensure that if they are deployed to protect at the adult parole board, they will have the relevant powers that are being conferred on security officers under this bill. We do believe this is a valuable option.

I am somewhat surprised by the concerns flagged by the Minister for Police, because protective services officers have operated effectively in many different contexts. Indeed the current government, having strongly criticised the expanded scope of PSOs introduced under the previous government, has itself made greater use of PSOs in various contexts, and we believe they have that capacity in this context as well. I heard the minister talk about the role of the chief commissioner, but clearly PSOs deployed at different facilities have different powers, and this is simply an example of that.

I do flag the fact, as we mentioned during the course of the second-reading debate, that there does still seem to be an unresolved issue in relation to security at the Post Sentence Authority, which is not dealt with in this bill. We believe that is something that will also need to be dealt with, and since it is not in this bill it is something that is going to need to have provision made for it. Nonetheless, we do welcome the fact that the government is accepting these amendments. Although we are disappointed that other matters that we put forward, including in relation to better deployment of earnings by prisoners, have not been agreed to, we do welcome the fact that these amendments have been

agreed to. As I said, we believe they will improve the operation of that part of the bill and provide an additional option to ensure that the adult parole board and all those attending will be better protected.

Motion agreed to.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017

Second reading

**Debate resumed from 29 November; motion of
Ms ALLAN (Minister for Public Transport).**

Mr WALSH (Murray Plains) (16:45) — I rise to speak on behalf of the Liberal-Nationals on the Primary Industries Legislation Amendment Bill 2017. As all members would be aware, this is an omnibus bill that makes a number of amendments to acts regulating agriculture, fisheries, meat processing, the fresh food market and the hunting industry. I thought we would just walk through the bill sequentially as it is set out and go to the issues that have been raised with me. I put on the record from the start that the Liberal-Nationals government will not be opposing this legislation.

The Catchment and Land Protection Act 1994 is the first piece of legislation that is dealt with by this particular bill. It effectively makes changes to enable the government to be able to recover costs during the sentencing phase of criminal proceedings around offences of non-compliance. This issue is principally around the control of pest plants and pest animals, which has been a vexed issue in our rural communities for literally decades. You quite often find a situation where there is a Landcare group, a weeds control group or a rabbit action control group and where the overwhelming majority of landholders in a particular area are doing the right thing. They are working to control those particular weeds or those particular animals, but there are one or two recalcitrant landholders in that area who are not doing the right thing. Obviously they then reinfest the adjoining properties with seed burden that is either blown around by the wind or washed away by water or, in the case of rabbits particularly, they repopulate those properties where people have done the right thing. This is a change that enables the department to recover costs for going in and doing those control measures on properties where the landholder is not doing the right thing. It makes it a lot easier rather than having to go through a civil case in court and incurring that extra expense for the department and the government in recovering that particular money.

I think there is probably even more that could be done in this area to assist those landholders who do the right thing so the department can actually do more work with the recalcitrants who are not doing the right thing, but this is a small step in the right direction. The thing that constantly gets raised with many country MPs is that the department is not doing enough work in having people go out and issue these notices let alone actually follow up the costs of those actions. What the people who come to see me and come to see other country members would like to see is that the department has a stronger compliance unit within the department that goes and enforces the rules that are there so that those landholders who are doing the right thing are not reinfested with weeds or pest animals by those who are doing the wrong thing.

The second piece of legislation that is amended by this act is the Dairy Act 2000. What it does is to bring camel milk into the definitions of dairy products so it is regulated by Dairy Food Safety Victoria. Not many people would probably realise it, but there are a number of businesses now setting up that are providing camel milk. Two of those businesses happen to be in my electorate in northern Victoria. Chris Williams and his wife, Megan, at Kyabram have a camel milk property, and there is also one at Rochester. They have been set up now, and there has been investment, as I understand it, by the United Arab Emirates in that particular property, which is called Camilk Pty Ltd. In their case they have 200 camels on the property and are milking 40 camels twice a day —

An honourable member interjected.

Mr WALSH — No, they are very tall — very funny. The people who run the one at Rochester came to see me because they were having issues. Without camel milk being included in the definition of dairy product, it meant that Dairy Food Safety Victoria was not regulating the camel milk industry and it was reverting to local government to have to regulate that industry. Local government, through their health officers, do not have the expertise or the time to do so, and they do not have the knowledge about how a camel dairy should be regulated. It was a very vexed issue for that particular business to get their licence and to get up and running. This change will be a welcome change among those people who are in the camel milk industry.

As we would all know, there is a large part of the world that prefers camel milk to cow milk. For the benefit of the member for South-West Coast, on one of the trade missions to the Middle East they had the opportunity to actually go and visit a camel milk farm. On one side of the road there was a 2500-cow feedlot dairy. On the

other side of the road there was a 1000-camel dairy as well. There are some significant challenges for those who are farming camels, because they have not been domesticated into the feedlot milking regime for anywhere near as many years as dairy cows have. They have some significant issues with having to make sure they keep the young camels with the cow to make sure the cow lets down the milk. There are some real challenges around that, but it was something they overcame because in the Middle East particularly the sheikhs' families feel that their children should have camel milk rather than cow's milk. There is a real market there, and there is a growing market in Australia for camel milk as well. There is the opportunity now for these businesses to be regulated by Dairy Food Safety Victoria and to get on with doing what they do well — that is, producing milk and selling it.

The next piece of legislation is the Drugs, Poisons and Controlled Substances Act 1981. This bill makes some amendments around the definition of serious offence in relation to people qualifying for the ability to work in the hemp industry, and the opposition will not be opposing these particular changes.

The next changes are to the Fisheries Act 1995. These are around allowing the early surrender of the eight remaining netting entitlements that are held in Port Phillip Bay for commercial fishers and transferring the powers and functions of the fisheries Licensing Appeals Tribunal to VCAT. The one comment I would make around the surrender of those remaining licences in Port Phillip Bay is that what is happening now is that some people are starting to realise that with the cancellation or the buyout of all those licences in Port Phillip Bay there is now an issue around where they get their supply of bait, because it is not just commercial net fishing that has been stopped, it is those who were providing bait to the recreational industry as well. So that has actually become an issue. The transfer of the fisheries licensing appeal tribunal to VCAT is, again, not something the opposition would be opposing.

The next piece of legislation the bill amends is the Game Management Authority Act 2014. The bill makes two changes, and the particular one that I would like to talk about here is proposed new principles that the authority must have regard to when exercising its powers. There was an issue that was explored very deeply when the previous Liberal-Nationals government was in power. There was an economic study done at that time around the value of the hunting industry here in Victoria, and what that report found was that the hunting industry in Victoria — this is back in 2013 — had a value of \$417 million to the Victorian economy. I think that is a very significant contribution.

Forty per cent of that expenditure was in metropolitan local government areas, but 60 per cent of it was actually in regional districts. So it is a very significant generator of economic activity in Victoria. It was estimated that there were 1100 full-time jobs directly with the hunting industry and a further 1200 jobs stemming from the flow-on employment — a total of nearly 2400 jobs created by that industry.

What was also interesting in the report was actually where that money was spent in regional Victoria. The Mansfield local government area received 2.5 per cent of their economic activity in that shire from hunting activities. In the Murrindindi shire it was 1.2 per cent and in the Gannawarra shire it was 1.6 per cent. So the hunting industry was a quite significant contributor to economic activity in those local government areas of that 60 per cent of the economic activity from hunting that was generated in regional Victoria.

The other thing I would like to just mention while we are talking about the hunting industry is that the report actually looked at the demographics of the hunting industry. Two things that came out of that were that the hunting industry is made up of an overwhelming majority of people who are either in full-time paid work or who are retired. Nearly 70 per cent of those that go out hunting are actually in full-time work and another nearly 20 per cent of them are people who are retired, so they are people who are working or who have worked. If you go through the educational qualifications of those people that make up the hunting industry, 8 per cent of those people have postgraduate degrees, 16 per cent of those people have university degrees, another nearly 10 per cent have a graduate diploma or certificate, another 10 per cent have TAFE diplomas and over 25 per cent have a certificate III or IV in a trade. So despite the picture that a lot of people in inner-city Melbourne want to paint of those that go hunting, as some form of redneck hillbillies, I think the statistics clearly show that they are not that. They are actually, in general, highly educated and in full-time employment — and well-paid full-time employment. Those people that want to talk down the hunting industry should go and have a look at the facts. Just look at the economic activity that is generated and look at the people that make up the hunting industry.

The one thing that I would raise as a concern is — and we were promised a response from the minister around the issue we raised in the briefing, but if someone in this house or in the upper house when this bill goes into committee could actually clarify this — the wording in the explanatory memorandum in regard to clause 46, where it explicitly says at the end that the CEO of the Game Management Authority is appointed by the

minister. My understanding is that that is not the case when you look at the legislation, but I think it has raised some significant concern. I would seek clarification either in this house or the other house given that was one of the concerns that we raised and the department did not come back to us on that after the briefing.

The next act that is affected by this bill is the Livestock Disease Control Act 1994, which allows the spending of capital rather than only the interest earned on capital from the Cattle Compensation Fund and the Sheep and Goat Compensation Fund on projects and programs benefiting the respective industries. The industry is not opposing these particular changes. I suppose the caution to put on the record would be that in the spending of both interest and capital we need to make sure there is enough money left in the fund in case there is a major disease outbreak and there is money needed there for compensation and control of any particular disease. There is another caution, and while I know the minister normally signs off on the spending of money from these funds based on advice from those advisory committees, I would hate to think that at some time in the future those advisory committees could have people placed on them by the minister that may give advice that sees that money spent on what should effectively be recurrent expenditure by the department and sees the use of the compensation funds as a substitute for departmental funding. I just put that on the record, although I do not think that is the intent of this bill, and I do not think that is the intent of this government. It is a concern for the future, that with these changes we need to make sure that that is the case.

The next piece of legislation that is amended by this bill is the Melbourne Market Authority Act 1977. The amendments are effectively wording changes to reflect the fact that the market has moved from Footscray to Epping and the changes around that. It actually changes the amount that the market authority can spend without ministerial approval from \$250 000 to \$750 000. I suppose if I think about the Melbourne Market it is a project, from memory, that was started under the Bracks government and that was supposed to cost a maximum of \$300 million. Because of some significantly poor management by the government that project blew out to over \$600 million, which has had a significant impact on the costs and the rents at that particular establishment.

I have been at the market a few times lately talking to the stallholders and the people who work out there. Probably the people who are the most concerned about their future are those who run the coffee shops. In the old market the coffee shops were a meeting point, because the market was very crowded and the facilities

for the stallholders were not all that good. The coffee shops did a roaring business because they were a meeting point. With the new market the facilities for the stallholders are substantially better and a lot of them are not going to the coffee shops.

The coffee shops have significant rents to pay now. One of the coffee shop owners I talked to was in severe financial distress because of his rent. He was very stressed because his marriage was under pressure because he was working very long hours, he was not home much, he was not making much money now and he is at real risk of either losing its business or his family, and he is quite concerned about that.

The other issue that has been a vexed issue around the other Melbourne Market Authority is the control of kangaroos at the site. There was quite a population of kangaroos on the open land when the Melbourne Market Authority started to build. The kangaroos were not controlled at that time, and they have bred and are a real issue now — for the health of the kangaroos — because they are overpopulated and do not have enough food; and they are an issue for the local roads, because of kangaroos hopping around. It is probably one of the last places in Victoria where you would expect to hit a kangaroo, driving past the Melbourne Market.

Recently there was to have been a cull out there. The kangaroos are in poor health because they are overstocked, and I am told that a heap of protesters turned up. It is alleged that there were some people in the department that were not in favour of kangaroo culls and released the details, which meant that the kangaroo cull did not go ahead. I think there are some people in the department who are putting their ideology ahead of their professionalism and the job they need to do.

The next piece of legislation that is changed by the bill is the Meat Industry Act 1993, to allow mobile butchers and processors to operate across Victoria. It removes the barriers to the processing of game for non-commercial purposes. The opposition welcomes the changes to the processing of game for non-commercial services, and I think at some stage in the future there will be an opportunity to look at the use of game for commercial purposes, but this bill does not deal with that at this time.

A couple of Monday nights ago I had the opportunity to go down to the Sprout X presentation, where there were 11 start-up businesses that did a sell to investors. They went to Sydney the next night to do the same thing. The business that won the Sprout X award was FarmGate MSU, which is Chris Balazs, who is one of the people who want to take the opportunity to have a

mobile abattoir once the bill is passed. It is interesting that he won the pitch at the Sprout X presentation. Chris currently has a small meat business; he supplies meat to people in Victoria. He wants the opportunity to have a mobile abattoir in the future, and at the presentation night he showed diagrams for how he wants to set up to do that.

The next piece of legislation is the Plant Biosecurity Act 2010 around the control of grape phylloxera and potato cyst nematode, two significant diseases that affect the grape industry and the potato industry here in Victoria. It is something that has had a significant cost to those industries over time.

The next act is the Veterinary Practice Act 1997. The bill increases penalties for serious professional misconduct and strengthens the board's powers in conducting wildlife hearings.

The next provision is changes to the Wildlife Act 1975 to include the offence of hunting, taking or destroying game during an open season. Previously it was an offence to take game in the closed season, and this bill introduces an offence for the open season.

The last piece of legislation I would like to spend time on is the repeal of the now-defunct Broiler Chicken Industry Act 1978. I declare an interest in this piece of legislation, because as a previous processing tomato grower before I entered the Parliament we had very similar legislation in the tomato industry, which was repealed in the dying days of the Kirner government. Ian Baker was the Minister for Agriculture at that time, and he repealed the legislation relating to the tomato industry.

The negotiating position of the chicken meat industry has not been used for quite a few years. For the benefit of the house I would like to put some of the history of this legislation on the record. The person who was probably the driving force in getting this legislation in place was a gentleman called Wally Shaw. The Shaw family is still involved in the broiler chicken industry. A couple of his sons are still farming broilers — you probably know some of them, Acting Speaker Graley.

Wally Shaw was an absolute stalwart of the chicken meat industry and fought very, very hard to have this legislation in place. He was a mentor of mine as I developed my career through the Victorian Farmers Federation. I can remember him talking about the fact that to get to the point where this legislation was in place they had to effectively hold strikes and refuse to receive day-old live chickens, because they had to get a better deal out of the processors. One of the bits of advice that Wally gave me over the years was that

when you are negotiating chicken prices with the processors the best way to hold a meeting is to have no chairs, so everyone has to stand up, and to have no lunchbreaks, so that people were standing up and negotiating. They came to a conclusion a lot quicker if they did not have the comfort of a chair or a coffee break or lunch.

It is interesting to go back and read the second-reading speeches for the legislation. The amendments to the bill that were done in 1978 were introduced by Ian Smith, who was the minister at that time. In his second-reading speech he said:

The operation of the Broiler Chicken Industry Act 1975 has shown that the provisions of the act which empowers the Victorian Broiler Industry Negotiation Committee to negotiate prices between processors and growers are inadequate and that the committee needs more specific powers to effectively determine prices for broiler chickens to be paid by processors to growers throughout the broiler chicken industry in this state.

Further:

The bill authorises the committee to determine a standard price to be paid by processors to growers ...

And:

Clause 11 provides that a determination of the committee is to be binding on all processors and growers.

In the event that the committee is unable to determine a dispute:

... the chairman is to report that fact to the minister who may refer the matter to a single arbitrator.

This committee used to meet to determine the price of broiler chickens between the growers and the processors. If they could not agree on a price, they reported that to the minister, and the minister put in place an arbitrator. That legislation served the chicken meat industry very well here in Victoria for quite a few years, and it is only in recent years that the system has started to break down.

Through that process in 1987 the Parliament set up a committee called the Public Bodies Review Committee to review a heap of government authorities and instrumentalities in Victoria. It did a review of the tomato industry act and the chicken industry act, and one of the findings of that review was that it felt that the legislation was in the public interest and it was there:

... to set growing fees and to establish terms of trade which will prevent exploitation —

and it emphasised the word 'exploitation' —

of growers by processing companies but which simultaneously will set growing fees and terms of trade that would apply under fair and competitive market conditions.

That Public Bodies Review Committee process was a very detailed process, and I can actually remember going along and giving evidence to that particular committee. The first time I actually met Wally Shaw was at a similar time in the early 1990s, when the industry's assistant commission, as it was called at the time, also had a review into marketing authorities like this. We both had to go along and give evidence to justify the existence of some form of marketing controls around those particular industries.

It did stand the industry in good stead, and I do put on the record that that legislation allowed the growth of that broiler industry here in Victoria. While it is the individual growers who have developed the business, I put on the record my appreciation for all those involved, including Wally Shaw as a leader of the industry for over 30 years and the work he did in actually making sure those things were in place.

It is interesting to note with the chicken meat industry that Victoria is now a net importer of chicken meat. We do not actually produce enough chicken meat in Victoria for our own consumption. I think this is sad because we have the growers here, we have the grain production here in Victoria and particularly in the southern half of the state we actually have the climactic conditions that lend themselves well to broiler production.

The growers and those who are wanting to develop sheds or expand sheds have a real issue with the planning provisions of this state. You have probably got some of these in your own electorate or close to your own electorate, Acting Speaker, but there is a real issue for those on the Mornington Peninsula. For argument's sake, it has one of the best climates in Victoria for growing broilers, but people do not want to see those sheds expanded because they do not like the smell of those sheds in their particular area or the trucks going up and down the road.

Mr D. O'Brien — Send them to Gippsland.

Mr WALSH — I will come to the issue of Gippsland after the interjection from the member for Gippsland South. The sheds that are on the Mornington Peninsula are really struggling to expand even though there has been a lot of work done on new technology — putting odour scrubbers and all those sorts of things on the sheds. The growers are looking to go further out, but there is a limit to how far they can travel because you cannot cart live chickens for more than an hour and a half from the chicken farm to the processing facility.

The member for Gippsland South piped in, 'Send them to Gippsland', but it is not quite that simple unfortunately. Local government areas down there are also very difficult to get on with when it comes to planning issues.

I know the Shaw family actually had an issue, as I understand it, a number of years ago when they bought a large dairy farm at Labertouche, I think it was. It had all the appropriate setbacks, but because of some neighbours who did not want trucks going down the road and did not want some of the issues there they still had probably a two-year process in VCAT to get permission to get a chicken farm put in the middle of their dairy farm.

Mr Richardson — Struth!

Mr WALSH — I note the interjection from the member for Mordialloc, saying, 'Struth'. Well, I am afraid that it was under a previous Labor government that all those challenges were there, member for Mordialloc. I think that evolved in the first 10 years of this century. The planning provisions should have been changed, and there should have been more powers to enable people to actually develop the chicken industry in other places.

As I said, the Liberal-Nationals will not be opposing this legislation. I just want to reinforce the issue around mobile abattoirs and the concerns that have been raised by the meat industry — that is, making sure that those abattoirs are regulated appropriately and that the regulations are similar to the regulations for traditional fixed-place abattoirs. Apart from that, there is the issue of maintaining biosecurity.

Just to finish off, the other concern I have is the potential for animal rights activists to create mischief with mobile abattoirs, because with fixed-place abattoirs there are fences around them, there is security there and they are actually tightly held and people cannot get in. I think there is the potential with the mobile abattoirs for animal rights activists to create mischief with photographs and videoing. They go into those particular facilities or are close by those facilities that do not have security fences around them and they take photographs and try to be mischievous with those photographs in order to bring the red meat industry into disrepute. We have seen cases of animal activists planting cameras in abattoirs to try and create trouble for the industry. I just caution that we do not want to see that happen with this part of the industry as well. That is probably the most contentious issue or potentially the most contentious issue, not because of the people operating the mobile abattoirs but because of

those who might want to make mischief out of that particular process.

The Liberal-Nationals will not be opposing this legislation.

Mr PEARSON (Essendon) (17:15) — I am delighted to make a contribution on the Primary Industries Legislation Amendment Bill 2017. I do want to take up one issue that the Leader of The Nationals raised in relation to the explanatory memorandum of the bill in relation to clause 46 and the appointment of the Game Management Authority CEO. I wish to advise the member that that has been updated, and the new wording has been provided on the Parliament of Victoria website. On the first page of the explanatory memorandum there is the following note:

... replacement explanatory memorandum lodged with a substitution of clause note 46 because the clause note as originally lodged did not reflect the reason for the amendment made by clause 46.

I hope that assists in answering the question raised by the honourable member.

The Leader of The Nationals talked about having a couple of farms in his electorate that produce camel milk. The contrast, I suppose, between an electorate like Murray Plains and Essendon —

An honourable member — You do not have any camel farms.

Mr PEARSON — No, we do not have any camel farms, but what we do have is Macca Halal Meats in Racecourse Road, Flemington, which is run by Abukar Hersi. Abukar is a very successful small businessman. He is originally from Somalia, and his father was a butcher. He was interviewed by the ABC, and he said:

In Somali culture the camel is everything, it's more than gold ...

When you want to get married you have to give the best camels to the family. We're talking about 100 camels.

If there is fighting or a problem, to make conversation, you give a camel.

The article notes that:

At \$12.99 per kilo, one whole camel feeds his customer base for a month.

So I went in there not that long ago, and he has got camel meat that he sells.

Mr Richardson — Did you have some?

Mr PEARSON — The member for Mordialloc asked me if I had some. I was very tempted to go and buy some to take some home to cook up in a curry that night, but my wife said, 'I am not eating that'. So I have not quite been game enough to try and sort of introduce her to —

Mr Walsh — Camel meat is beautiful.

Mr PEARSON — The member for Murray Plains says that camel meat is beautiful. I have not tried it. I understand the milk is very highly regarded. I would not mind giving it a go, actually. I wonder if I rocked up to my parents' place for Christmas lunch and brought a leg of camel, how that would go down. I am not sure how that would go, but I am willing to give it a go. Interestingly, in terms of camel milk, apparently children suffering from malnutrition are often given camel milk because it is very high in protein, it has got good fat and it has three times the level of vitamin C of cows milk. It is actually quite sustaining. Anyhow, the contrast is interesting between an electorate like Murray Plains and Essendon. Murray Plains is upstream in terms of the production or breeding of camels, and obviously downstream is Macca Halal Meats, which is run by Abukar, which is actually selling the meat, because we have got a pretty large and diverse Somali community in my electorate.

As the lead speaker for the opposition indicated, this is an omnibus bill. There are a number of aspects to the bill. In preparing for this bill, I noticed that in relation to the industrial production of hemp, Victoria was an early adopter by introducing legislation in 1998 to enable that to occur, and those regulations were subsequently updated and modernised in 2008. Interestingly, China is apparently the largest producer of industrial hemp. There are smaller productions in operation in parts of Europe, Chile and, interestingly, North Korea. I was quite interested to learn that North Korea is actually a significant producer of industrial hemp, but in preparing for debate on a bill like this you tend to learn all sorts of things when you start to traverse the subject matter.

The bill also makes changes to the Fisheries Act 1995, particularly to help enable Target One Million. This is a really exciting initiative for an electorate like Essendon. We have the Essendon Anglers Club down on the Maribyrnong River just near the boathouse, which has been in operation since about 1908. Martin Corkill is the president now — an absolute top bloke. I think his grandfather was one of the early members of the Essendon anglers. What we have seen over the course of probably the last 30 years is the rehabilitation of the Maribyrnong River so it is not seen as a dumping ground for a lot of the industries of the western suburbs. It is

actually now far more pristine. It is a really nice river. It is incredibly vibrant and alive in the summer and on weekends. I am really pleased that the government will be releasing 500 000 fingerlings of eastern perch into the upper reaches of the Maribyrnong. One thing I have learned in public policy is that if you tend to use an asset, you tend to value it. If you are looking at an asset like the Maribyrnong River, by encouraging people to get on the water, to walk around the banks, to fish in it, to row in it, to sail up and down it, to run around it, they start to see the beauty of the asset and then they start to behave appropriately and more respectfully. When you spend time at the Maribyrnong you start to see some of the rubbish that is being dumped along there. You do get pretty outraged that people would treat such an outstanding asset in that way.

The bill also makes changes in relation to abattoirs. I was reminded of my early years, because my father trained as a butcher and worked as a butcher from when he was 15 until probably when he was around 55 or in his late 50s, and then he went off and did a bit of gardening. He had his own business for 25 years, from 1974 to 1999. I remember talking with my father about the Meatworkers Union, which was run by Wally Curran for many years back in the 1970s and 1980s. Wally was a —

Ms Thomson — A very clever man.

Mr PEARSON — He was a very clever man indeed. He was a self-taught man, one of the brightest men I ever met. It was just incredible how smart he was. He was completely self-educated. He ran the Meatworkers Union effectively for many years. He did so at a time when there was rapid consolidation in the sector. We saw a lot of the smaller players disappear and a greater level of consolidation amongst some of the larger players. Essendon was quite famous for being home to the Gilbertson family — Gilbertson Street in Essendon is still there, named after the Gilbertsons. There are a number of Gilbertsons who are constituents of mine or of the member for Niddrie who are descended from that very famous family.

It is interesting now in 2017 to start to think about how we are potentially moving back to those smaller scale abattoirs, which is consistent with market behaviour. I think if you went back 20 years ago and said, 'Slabs of VB are going to start to be on the decline as people start spending double the amount or one and a half times the amount for craft beer', people would not have thought that would be possible or feasible because of the value offering and because of the size and scale of the market at that time. But consumer tastes change, people's values change and their interests change. If you think

about the diversification that is currently underway in the market across a whole range of fields and areas of endeavour, it does follow that it would be reasonable to expect those smaller abattoirs to start to come into existence to provide that niche offering as opposed to the larger scale production houses. I think there is evidence of this in the growth and development of the organic industry. I think making sure that we have got legislation that can be crafted and developed that can enable the development of those industries is important.

It is also important to make sure that there is an appropriate level of regulatory oversight, both from the point of view of animal welfare but also from a safety perspective. I think the Leader of The Nationals made a good point in relation to making sure these facilities are secure, and I can see the point the member was making. Yes, it is good to have that niche offering, but I think it is also important from an animal welfare perspective to make sure that animals are killed humanely.

I do not think anyone would want to see that, as a result of legislation like this, you could have a situation whereby animals may be inhumanely killed in smaller abattoirs.

It is an important piece of legislation. It traverses a wide number of areas from Somalis who love their camels and camel milk to realising that North Korea is a major industrial hemp producer to talking about Target One Million. This is one with the lot. It is an outstanding bill, and I commend the bill to the house.

Ms BRITNELL (South-West Coast) (17:25) — Being the representative of the region with the highest farm gate output in Victoria, it gives me great pleasure to speak on this —

Honourable members interjecting.

Ms BRITNELL — It is absolutely proven on Australian Bureau of Statistics figures. Let me prove it to you soon.

It gives me great pleasure to speak on this bill, which makes a number of amendments to acts regulating the agriculture, fisheries, meat processing, fresh food and hunting industries. I am going to spend my time focusing mostly on the changes to the Meat Industry Act 1993 simply because that is what I have had the most correspondence about from my constituents. The changes to that particular act will see Victoria become the first state to legalise mobile abattoirs, and the changes that will follow will allow for mobile abattoirs to become licensed meat processing facilities. This is what has been causing concern within the industry and is what has had the industry make contact with me.

In my electorate we have Midfield Meats, a company that exports product right across the globe and is one of the region's largest employers. They have some genuine concerns about these amendments, and I understand the Australian Meat Industry Council, AMIC, of which Midfield is a member also has raised many of these concerns with the minister and also the shadow minister. It is important to know that AMIC is not opposed to the longstanding practice of on-farm meat processing, where a family may kill a beast or a sheep or other animals for their own consumption. This has been going on for a long time, and it is important for the farming community to be able to continue that, as we do on our farm. This is already provided for under the current legislation, but these amendments seem to be opening up that practice for retail sales through farmers markets and other such events, and it is that that is concerning the industry, which has jumped through many, many hoops to be able to have an industry that is incredibly responsible, has a robust process around making sure animal welfare issues are managed responsibly and environmental issues are managed responsibly, and that the reputation we have as a clean, green producing country of very high quality food is maintained.

The council's concerns with these amendments were wideranging and stretched from the biosecurity problems that may occur, including requirements for wash-down procedures between locations and the disposal of animal waste products from the slaughter process. It is this concern that there will be a breakdown in the cold chain as well, going to farmers markets. There is also concern around the ability of mobile abattoirs to comply with environmental regulations, food safety concerns and reputational risks, as I said, to the whole industry if a mobile facility is found to be doing the wrong thing.

Back before I was a member of Parliament I was very involved with the dairy industry in particular and agriculture generally in making sure that we worked very, very hard to ensure that we had those robust processes in place. I was chair of the policy advisory committee for the markets trade and value chain for Australian Dairy Farmers and vice-president of the United Dairyfarmers of Victoria arm of the Victorian Farmers Federation/National Farmer Federation. What I was doing in those roles often was talking about the risks to our reputation and how we ensure that robust process, and you may be familiar with bodies like Dairy Food Safety Victoria, and many of the commodities have similar bodies that make sure these processes are maintained as robust.

I have worked for many, many years with Mike Taylor, the current chair of Dairy Food Safety Victoria, and Helen Dornom from Dairy Australia, who represents the dairy industry as well on that body. We have worked very hard, and the reason is we do want to keep that image of being clean and green so very strong. Our markets overseas are worth an enormous amount to us, and we cannot have any breakdowns, so we do not want that risk with mobile abattoirs when we have not got the regulation actually nailed yet. We have got a piece of legislation that has not got guidelines by which we can identify whether these mobile abattoirs will have to jump through the same hoops as the abattoirs have to jump through. As the member for Murray Plains said, we do not want any mischievous activities from animal activists that destroy that reputation, and I think there is quite a risk of that unless this is done very, very well.

There is a massive demand for high-quality and safe product, and this is partly the reason that Great South Coast has the number one farm gate output in Victoria and is number two in Australia. This very day we have the front page of my local newspaper talking about how we produce a farm gate value of close to \$2.2 billion in farm output from my region. Farms, food processors and manufacturing plants provide 60 per cent of the region's income and one in five jobs. They are extraordinary figures, and the newly unveiled plan, which is in fact being launched today — the Great South Coast Food and Fibre Council has launched the food and fibre plan — demonstrates what an agricultural powerhouse the region is, to quote Tony Ford, the CEO, in today's paper. This is front-page news written by journalist Rachael Houlihan, a local girl who understands the value of agriculture in our region. It is front-page because we have got to keep our agriculturalists, who work very, very hard, supported. We do not want risk. Risk is something we need to mitigate, and as an industry we take it very responsibly. In this legislation I hope to see that reflected.

I worry that we just do not understand how we can help our farmers properly, and one of the ways we can do that is to make sure we look after our product to plate transport links. We all know that south-west Victoria has the worst roads, and we have got to put a lot more money in. This government does not understand that product is not getting to market. Right now we have got the product sitting on the wharf because we have got militant unions that are breaking the law. How are we going to respect the hardworking people — not only the farmers but the volunteers — when we have the unions stopping product going off to where it needs to go to before Christmas. We have got the Country Fire

Authority issue, where farmers who volunteer their time and others are getting —

Honourable members interjecting.

Ms BRITNELL — Absolutely, the union is running this state. This is not being run by you; it is being run by the unions. Look at the situation where you just do not understand what volunteers do. We have got this nurdles crisis in South-West Coast, where the beaches are being littered with plastic, and rather than supporting the volunteers we get the minister not saying a word. I have not heard the Minister for Energy, Environment and Climate Change saying, ‘Thank you, volunteers, for cleaning up the beach. How can I help you?’. Instead today she was giving money — or so I hear — through Wannan Water perhaps. It is a great organisation; I have no problem with supporting Wannan Water, but what about the community organisations who are working hard to coordinate the beach clean-up? Where is the appreciation for those volunteer groups that work very, very hard, and the schools that have gone out and helped? Somebody is coordinating that. People are doing the hard work, the grunt work, and I am afraid the minister has missed the opportunity to respect and understand the value of that.

So roads are a massive issue, and until we start to recognise that product is not going to get to Melbourne while it is on roads like that in an efficient way, the cost is going to come back onto farmers. It is really not hard. My husband and I had been running a dairy farm for 17 years prior to my coming here, and we have spent a lot of money on our roads internally on the farm. So you soon get to know how to do it well, and you can invest a lot of money on a product like gravels and base, but unless you maintain your roads — and this is what we are seeing in south-west Victoria; there is not enough maintenance. The drainage is poor and the culverts are blocked. We should be seeing more and more graders on the roads to clear away the sides of the roads, because we are going to have —

Ms Thomas — We’ve tripled the budget.

Ms BRITNELL — Well, if you have tripled the budget, we are only seeing you repair the same road over and over again because you do not know how to build a road and keep a road maintained, and while you do not understand that water will undermine any track and destroy it, all the money you put into it is just thrown away. You are absolutely right that the inability to manage a budget has just been absolutely obvious since the day I came into this place. Poor, poor fiscal management.

Honourable members interjecting.

Ms BRITNELL — Yes, I am touchy today because I am pretty cross seeing the way the wharves are destroying farmers’ products. We work damn hard, and the products are just sitting there before Christmas and will spoil. These are perishable products like meat and dairy, so I reckon they are fairly touchy issues. I represent a region where agriculture is very significant, so I think I have got good reason to be cross.

We have got an opportunity to protect, nurture, embrace and grow our region, but we will not do that while we have got a government that will not act now and that will not recognise the importance of regional Victoria and stop treating people outside the metropolitan boundary with such contempt.

Ms HALFPENNY (Thomastown) (17:35) — I rise to speak on the Primary Industries Legislation Amendment Bill 2017. I start by saying that this bill deals with a number of pieces of legislation that are to be amended. I want to talk about a couple of them, in particular the amendments to the Game Management Authority Act 2014 and the mobile abattoirs and the amendments to the Meat Industry Act 1993. Before I go into more detail about that, this bill amends a number of bills in the primary industries area, and I will just quickly touch on a couple of them, including the amendments to the Fisheries Act 1995 and the Dairy Act 2000. On these two pieces of legislation I think it is important to highlight that the Labor government is really focused on industry development and supporting industry and jobs, in particular looking at the food industry. The Dairy Act is being amended to allow for and assist in the promotion of a fairly new industry that is developing in Australia, and that is the production of camel milk, which is a product that is probably not used very much in Australia but is very much in demand in many other countries throughout the world.

It is good to see that Australia is developing export industries in all sorts of areas within the food industry. I understand there are a number of farms in Victoria that are now producing camel milk to sell on the international market. However, at the moment it is a little bit difficult in terms of regulation because the Dairy Act does not cover the production of camel milk, so it does not come under the same sorts of standards and requirements as other dairy products. It is relying on by-laws and regulations within councils. This is not really satisfactory because it is probably too narrow. I am sure that other countries would like to see regulation across Australia rather than in a specific area covered by local government.

This is about the Labor government being proactive and ensuring that it supports its emerging and growing industries. It is well on the way, and it is very responsive to changing laws to allow companies to develop industries for the export market. Who knows, perhaps it will also be something that we will see more of in Australia itself, in restaurants and other places, as time goes on.

The second part of the bill I wanted to quickly speak on is the amendment to the Fisheries Act 1995. The Labor government is looking at this area and really wanting to make Victoria the place to be for recreational fishing, so people will want to come here for recreational fishing. There has been a lot of money spent on putting fish stocks into our rivers and dams. The amendments that we are talking about here are to make sure that the emerging fisheries are not hindered by particular compliance issues that are either outdated or complicated and to streamline some of those things.

It also looks at, for example, encouraging the early surrender of netting entitlements so there can be early payment of compensation to people who want to give up their netting practices. We are promoting getting rid of the nets in our bays and so on as quickly as possible. When there are disputes or issues around fishing licensing, rather than having their own appeals tribunals to deal with that, those powers are provided to VCAT so that there will be a more streamlined and overarching process and system for dealing with disputes rather than just a niche market where things may not be treated in the same way as other things. It is of course always important to have standard regulations so that everyone knows where they stand. It is also important that it is streamlined.

The Game Management Authority Act 2014 and the amendments dealing with mobile abattoirs are of particular interest to me. I was a member of the Environment, Natural Resources and Regional Development Committee that inquired into the control of invasive animals. That inquiry looked in particular at the control of invasive animals on Crown land and in national parks. It also looked more broadly at using hunting as a means of controlling pests. One of the things that was raised by a number of concerned farmers and residents in some rural and regional areas that we visited was the behaviour of hunters. Some of the behaviour that was reported to us created a bit of a barrier in terms of trying to expand the role of hunters in the control of pest animals. People's concerns about that behaviour meant that they did not like to think about hunting being expanded.

Another issue concerned the powers that Game Management Authority officers had to ensure that antisocial and poor behaviour from hunters was minimised and prevented. This was not done in response to our inquiry, because of course its recommendations have not been fully implemented as yet, but it does address some of the issues that were raised. There was a lack of clarification about whether Game Management Authority officers had the authority to take action or to issue infringement notices for things other than hunting infringements, for example, for things associated with hunting such as littering, fires being lit where they should not be, loud behaviour and nuisance behaviour.

Now as I understand it, these amendments will make it very clear that those Game Management Authority officers can not only enforce not just hunting infringements but can also look at those peripheral things in terms of what hunters are doing, whether they are camping in parkways and public places, and ensuring that they behave in a proper way as well as hunt in a proper way, whether they are around a campfire or in the bush targeting those things they are hunting.

The other issue was the mobile abattoirs. This is something that was raised and suggested a number of times by people giving evidence to the committee. When you are looking, for example, at the terrible problem of deer, which really are just out of control, because they are such large animals they are very difficult to control and at this point in time there really is no effective way of controlling them other than by shooting them. Of course one of the problems is what to do with the carcasses in the middle of the bush once the deer have been shot.

Issues were raised around whether this can become an industry into the future, and game can be sold once hunters shoot the animals. Because they are so big it is also hard to transport them, so the idea of mobile abattoirs is to process the deer onsite rather than having to move them. This might encourage the shooting of more deer as well as looking at expanding this industry into the future into a commercial industry.

Again, while this issue is not directly part of the recommendations of the inquiry, it certainly goes to the recommendations relating to mobile abattoirs, so that you can bring hunters into the bush and get rid of large animals, as well as the Game Management Authority changes of powers.

Ms McLEISH (Eildon) (17:45) — I rise to contribute to the Primary Industries Legislation

Amendment Bill 2017. As is the case with many members on this side of the house, our electorates are very key to the primary industry sector in Victoria and even in Australia. The bill before us is an omnibus bill that makes amendments to quite a number of acts. In particular it is looking at regulating the agricultural, fisheries, meat processing, fresh food market and hunting industries, and all of those industries are really quite important to my electorate.

As is the case with most omnibus bills, it is really about a clean-up and getting a few things through — some of the more simple things, and I think in general a lot of the changes here before us are not so controversial. There are certainly others that are perhaps a little bit more controversial, and I will talk about those in a moment.

Primary industries, as we know, in Victoria and Australia are absolutely integral to our economy and our way of being. The country has been built on the back of primary production. When the going gets tough it always seems to be that primary production gets or lifts us out of any slump that we might be in.

Of course there is so much more emphasis these days on fresh food and product and local product, so the ability for us to have food that is produced locally and to local plates is extremely important, and I will talk about the market to plate concept. Having that as efficient, streamlined and safe as possible is extremely important.

The electorate of Eildon has an enormous amount of primary production. We have the largest aquaculture in the country, with the trout and maggots in Thornton. We have a load of beef producers. There are lots of farms, including our own — Hereford with Shorthorn cross, not Black Angus like many others — in the meat industry selling their cattle to people either through the markets or directly to abattoirs. The hunting industry is also extremely important in my electorate; in the high country certainly at the back of the Yarra Ranges right up through to Mansfield it is particularly important.

I want to start with the changes regarding camel milk. The changes that have been introduced in this bill are recognising the increased popularity of camel milk and certainly there is growing interest in it. I know a really great story about one of my constituents who was in Africa. Heather Ellis was riding her motorbike through Africa and she wrote a book about it, *Ubuntu: One Woman's Motorcycle Odyssey Across Africa*. She actually had scurvy and she was in a small village. She had not realised she had scurvy, but she had not had easy access to fruit and vegetables. She was in the desert, and there were deserts further south, so the villagers in those areas were reliant on camel milk as

really the only source of vitamins for their families. When she got to Mauritania one of the village elders said to her, 'You have scurvy, you need to have a good dose of camel milk'. They fed her camel milk, and within 24 hours she recovered from the worst of the symptoms, which were tiredness and a very sore tongue and gums. This is really quite interesting because it was the first time that I had heard of people's reliance on camel milk. Now the benefits of camel milk are being realised in Australia a lot more.

The amendments that we have in the bill before the house bring the regulation of camel milk production under Dairy Food Safety Victoria, and I think that makes sense because we have seen the issues with raw milk. I grew up on raw milk and I know a lot of people who drank raw milk. The changes that were made actually distressed many people who were reliant on raw milk and believe in its health benefits. I understand certainly the risks that infection can cause to our international reputation of having wonderful produce, so I think it is a good move to have camel milk brought under the Dairy Food Safety Victoria regulations.

With regard to the mobile abattoirs, Victoria will become the first state to legalise such a move. I guess there are many smaller producers who like to do this locally, and I certainly know that in Dixons Creek there is somebody doing farm to public sales, and whilst I certainly commend that, we do have a very highly regulated and disciplined industry. The Australian Meat Industry Council has been quite concerned about the changes here because what we have is a very highly regulated sector which is very proud of the work that it does. We produce wonderful quality food, we have an excellent reputation internationally, we take our biosecurity extremely seriously, and our practices reflect that.

Whilst having mobile abattoirs is very good on the one hand, we have to make sure that we do not dilute what we already have in play. You have the bigger processors being subject to certain controls, and if the smaller processors are not subject to the same controls it does create a little bit of an uneven field. It also opens up the area to risk. I know that people like to go to farmers markets to buy their fresh fruit and vegetables and to see meat that has been killed locally being sold by the butcher. I think that is something that we do have to watch.

I reflect on my own family's history. Our family had meat. We killed our own meat and we had the butcher shop — quite some time ago, before I was born — so I think we had the market quite captured. Things have moved on from that time in terms of what you do —

how you treat the animals, how you kill the animals and how cleanly you kill the animals so that they suffer as little as possible and are killed very humanely — and also in terms of the disposal of the animal waste, and I think that is really important.

If we have a look in my electorate, as I want to link this to hunting, many people call for having a mobile abattoir available in rural areas so that, if you have a deer and you want to keep the deer carcass fresh, you have the abattoirs there that can deal with it at the time on the ground. This would also be for kangaroo meat. We know we had a very successful trial of kangaroo as pet food, and it would be great to see that extended to having deer, but we do know that there are a lot of people who hunt and use the venison for their own means. In fact I have been approached by many hunters who look at venison and deer as being a great way to feed people who are perhaps homeless or who cannot afford meat. In North Carolina in the States they have a program where hunters have helped put 22 million meals on the table for people that cannot afford meat. I think that is quite commendable. I get hunters who come up to me and say this would be a really good idea if we could go down this path in Australia and certainly in Victoria.

If we do want to go down that path, it is important that we have mobile abattoirs and coolrooms that can be moved to the locations where this activity is taking place. As I said, hunting is important in the High Country in my area, but you have got to lug a carcass out. It is not always going to be the most convenient place where the kill takes place, and you have to get the carcass out. If you want to kill a second or third animal, you want to keep that first one as fresh as possible if it is for human consumption. I would certainly like to explore this area a little bit further.

I also want to make a very quick contribution on the hemp industry and the changes that are taking place in hemp. I know that we have Green Hemp Australia based at St Andrews, and for a long time I have actually been a supporter of the hemp industry and am glad to see there are changes taking place at the federal and at the state level.

Mr NOONAN (Williamstown) (17:55) — It is with great delight that I enter the chamber late this afternoon to speak on the Primary Industries Legislation Amendment Bill 2017. I think it has taken me the best part of 10 years to get the opportunity to speak on a piece of primary industries legislation, but as other speakers have said, this is an omnibus bill that will in fact amend 11 acts and repeal another. Of course when we deal with omnibus bills we understand that many of

them are reasonably technical in nature, but I think it is also important to recognise that a lot of them are technical in nature because they go to the red tape that exists. What we all understand in this place is that when it comes to red tape, when you move legislation through this Parliament and reduce red tape, what you are in fact doing is reducing the cost to business, in many cases small and medium-sized businesses, and when you do that you also create the opportunity to create jobs.

As I learned in the industry portfolio, there are few more important sectors for the Victorian economy than the agricultural sector. In fact it is a sector that generates enormous exports for the Victorian economy. I think \$12 billion worth of exports is the figure that we usually point to as the value that it adds to our economy, and of course it employs thousands of people. About 190 000 people derive their employment from the agricultural sector. That is why, without diverting too far from the primary industries bill, we took the opportunity to make the important decision around banning fracking in this state. We recognised that anything that had the potential to damage our clean and green reputation for producing the finest quality produce was not worth the risk. Indeed, that is partly why we made that decision around the ban on fracking.

What I also learned in the industry portfolio when it comes to abattoirs is just how significant they are as an employer. I will come to the issue of mobile abattoirs shortly, which is a feature of this particular bill, but I have heard members on the opposite side talk about the significance of primary industry in their electorates. I think it is also worth pointing out that even in an electorate such as Williamstown, in the inner-west of Melbourne, there are very significant employers in the area. Cedar Meats is an abattoir just on the border of the Williamstown electorate, and I had the opportunity to visit it on 15 September and meet with a very proud family, the Kairouz family — no relation to the Minister for Consumer Affairs, Gaming and Liquor Regulation that I am aware of.

I met with Joseph and Tony Kairouz. They talked me through the significance of this abattoir as a family business, which is a business that has gone from strength to strength and a business that generates revenue now north of \$150 million and importantly, as I discovered on the day when I visited the abattoir, employs more than 400 employees. Many of them are new arrivals to our country, and many of them of course settle in the western region of Melbourne. It occurred to me that generations of families that had come from all parts of the world, particularly in the

post-World War II era, who settled in the west had derived their employment from abattoirs.

I have to say that their story was impressive in the sense that exports comprise 95 per cent of production and are to worldwide markets, including markets as diverse as Malaysia, Egypt, China and the US. More significant, I suppose, from a regional economy point of view, was a recent decision that the business had made to secure an old site, a closed abattoir in Mildura. They received a grant from the Minister for Agriculture, Jaala Pulford, to establish a new abattoir in Mildura which will employ 80 people and generate great value for their local economy. I have seen firsthand, both as a local member and as Minister for Industry and Employment, the terrific contributions that this sector and of course abattoirs make.

I just want to make one final reference before I go to the issue of mobile abattoirs because time is being eaten up quickly regarding a grant that we as a government provided to a business called Victoria Valley Meat Exports in the Latrobe Valley. If my memory serves me right it is in the township of Trafalgar. Indeed our very valuable investment in that business has seen a major expansion in that business, indeed a \$1.2 million expansion, to boost jobs and generate up to \$54 million in additional exports per year. Importantly in generating 73 direct new jobs there will be just as many generated indirectly, which of course comes at a very valuable time in the transition of the Latrobe Valley's economy. Every dollar you invest in the Latrobe Valley is a dollar very well spent.

In relation to the mobile abattoirs that other members have spoken about, I have spoken about what you might consider to be some of the larger, more traditional abattoirs, but at the same time we actually understand the transition that is occurring with a number of smaller and specialist livestock farmers, which has increased. In looking at and preparing to speak on this bill we have models, for example in the US, which point to an industry of mobile abattoirs that we can model in some respects here in Victoria. What this bill will do is it will amend the Meat Industry Act 1993 to allow the slaughter of animals and indeed the processing of those animals to occur in vehicles that are mobile abattoirs. I think it is quite right for us to be sensitive to this amendment that is taking place, but I think it is also important to note that these mobile abattoir facilities will be required to meet the same food safety, biosecurity and animal welfare standards that apply to fixed premises. In order for them to be approved to operate they will need to be able to demonstrate to PrimeSafe that they will comply with the Australian standards for food safety and animal welfare.

Moving to other parts of the bill, I will touch on what I thought was a valuable contribution by the member for Murray Plains when he referenced a start-up business called FarmGate MSU that had recently been judged as the winner of the people's choice award in front of 10 other agtech entrepreneurs at the Sprout X opening pitch night in Melbourne earlier this year, as highlighted in an article on *ABC Rural* as an example of what I think we will see more of in the years to come.

In the short time I have left I just want to make reference to camel milk. The member for Essendon has left the chamber, but I enjoyed listening to his contribution from my office. This is a very new area. I was not even aware that we had camel dairies here in Victoria. I think this might be an example of where we all learned something new, but clearly by way of regulation when you see new and emerging industries pop up, what happens is that gaps start to be revealed by way of regulation. Indeed what we have seen in the past is that this area by way of regulation has fallen under local government regulations, and that has created a problem. So what this bill will do is it will move that regulation to Dairy Food Safety Victoria.

This is a fascinating area, camel milk. I understand it is lower in fat and lactose, and high in protein. It is very good for your gut health, which some of us who will indulge in the Christmas season will probably benefit from. But I must say in terms of doing my research, I think there is one drawback, and that is that camel milk retails somewhere in the order of about \$21 a litre, so that probably restricts it to the Nationals and Liberal Party members in the chamber. Us working folk on the Labor side probably would not be able to afford that. With those words, I wish this bill a speedy passage. It has been my pleasure to make a contribution on the bill.

Mr D. O'BRIEN (Gippsland South) (18:05) — I am pleased to rise to speak on the Primary Industries Legislation Amendment Bill 2017. The member for Williamstown doth protest too much. I am sure house prices alone in Williamstown are far higher than they are in Gippsland South. I must add too that if that is the first primary industries legislation he has spoken on in 10 years in this place, then the Parliament is the poorer for it. I thank him for his comments.

I will also rush to the defence of my colleague, the member for Eildon, who was left stranded as her time expired, simply saying that she was a strong supporter of the hemp industry. She was being asked questions by those opposite as to exactly how she was a supporter. I am sure it is because she has purchased some of the industrial products that the hemp industry has been producing.

I must say, just on that, and I know there are references in this omnibus bill to hemp, that in fact I had contact with the Victorian hemp industry council a year or two ago when they were struggling to get through some of the regulatory issues, which I think have now been addressed, including the use of hemp seeds in particular. I spoke to an operator I think in the electorate of Macedon and highlighted to her the way she should go about lobbying governments that were a little resistant to approving the use of hemp seeds for human consumption. I believe that has now occurred, so that is good news.

In listening to some of the previous speakers this bill appears to have simply been an opportunity to promote the standards and the high quality of food production in our own electorates, so I will do likewise. The member for South-West Coast is not here at the moment, but I hope she is listening. As I left the chamber before, I heard her talk about her electorate being the highest producing in the state. I did not bother hanging around for the data that she purported to present, but whether or not that is true, it is very clear to me that Gippsland South produces the best food in the state, indeed the nation, and I would probably even go so far as to say the world.

That can be proven by the *Age Good Food Guide 2015*, which listed the top 30 food producers in the country, four of whom hailed from Gippsland South. Four out of 30 right across the country just in that one little old battling electorate of Gippsland South was a great outcome and great credit to Mirboo Pastured Poultry and Prom Country Cheese — Burke and Bronwyn Brandon at Moyarra do a great job with their sheep milk cheese. Then there is Ian Onley at Bullfrog Gully Produce. I am being non-partisan in this because Ian is a former Greens candidate, but he also produces fantastic eggs. Finally, there is Port Franklin Fresh Fish. The Cripps family sell the most amazing fish from Port Franklin, whether it is King George whiting from Corner Inlet or flathead or any other number of species they produce straight off the boat, it is outstanding.

There are a number of issues in this omnibus bill that other members have gone to some lengths to talk about. I will not go into detail on camel milk production, although as the member for Murray Plains pointed out, he has two in his electorate. There are none in Gippsland South that I am aware of, although we do have a number of buffalo farms that produce milk for some of our local cheese producers. When you think about camel milk production — and I was just doing some historical research a little while ago, reading some papers from a century or so ago — if you had told the dairy farmers of that day that we would be legislating to

allow for camel milk production, they would have been quite surprised.

In the discussion here in the chamber, I am reminded of an April Fools' Day joke in an ABC Gippsland rural report produced a number of years ago about a farmer who was trialling giraffe farming. They got him on and, deadpan, he did a fantastic job talking about the difficulties of keeping them in his paddocks and not going through fences and of course the challenge of the size of the steaks. But we do not have that with camels, and as others have said, there are some advantages in those niche sectors.

I want to mention briefly the Game Management Authority Act 2014 changes. The Leader of The Nationals, the member for Murray Plains, highlighted the report that we produced in government on the benefits of hunting to Victoria — \$417 million. A very, very large chunk of that economic benefit accrued in Gippsland, indeed particularly in my electorate around Sale and Rosedale, where we have a very strong hunting fraternity. Of course the alpine areas are a destination for deer hunting in particular, and the flat around Sale and around the Gippsland Lakes is obviously a destination in the duck season.

We have an issue at the moment affecting Field and Game Australia and their ownership of the Heart Morass on the La Trobe River, where the river goes into Lake Wellington. The Heart Morass has been contaminated by the chemical per- and poly-fluoralkyl substances coming off the RAAF base in East Sale. While the RAAF is endeavouring to finalise its human health and environmental impact report, there are some concerns among those involved with Field and Game Australia about what they are going to do, given duck season is coming up soon. They achieve a lot of their income from selling keys to the Heart Morass, which they own, and that of course is ploughed back into conservation and environmental works at the Heart Morass. It is a unique proposition, and I will have more to say about that tomorrow.

The other issue that I want to go to is the mobile abattoirs. Bringing in legislation to allow the use of mobile abattoirs is a good thing in principle, and I do not have any particular concern with it. As the Leader of The Nationals has indicated, we are not opposing any provisions in this bill. I know that the many small producers in my electorate — whether they are poultry producers, pork producers or indeed one of a number of other producers in niche industries like alpacas and even some of the smaller niche beef and sheep producers — are having considerable difficulty at the moment finding somewhere to have their animals slaughtered. That has

been exacerbated by the recent refusals of some abattoirs in Melbourne to take certain numbers of stock and also by the unfortunate fire that destroyed Gordyn Abattoirs at Cobains just out of Sale. It was one of the few abattoirs in Gippsland that took small numbers of animals. Bringing in mobile abattoirs is certainly a good thing for those producers because many of them have really struggled. They produce fantastic produce, but not being able to have it slaughtered in a timely, cost-effective and animal-welfare appropriate manner has caused some concerns.

We have received assurances, I understand, both through the bill and through the briefing, that mobile abattoirs will be required to meet the same standards as any other abattoir. I hope that is the case. I think there will certainly be some logistical challenges in doing that, but there are people who are smarter than me that will be working through that, I am sure. Without going into too many details, dealing with some of the issues with respect to waste and management of the processes that occur in an abattoir will need to be addressed. It is important this is addressed for the particular sector that I referred to. It is a niche sector, I guess — the smaller producers, the organic producers, those that are selling direct to farmers markets and direct to their customers online. They have recently been shaken somewhat by the changes the government has proposed in the *Planning for Sustainable Animal Industries* process.

It is difficult to get a handle on exactly what is the case in this instance because there is concern from industry, there are denials from government, and the Victorian Farmers Federation and other groups are somewhere in between. In short, I think the answer is that the government needs to communicate its proposed changes better because it certainly has caused quite a stir in those industries, particularly the poultry and pork industries. We are not opposing this omnibus bill. I am happy for it to proceed through this chamber.

Mr RICHARDSON (Mordialloc) (18:15) — It is great pleasure to rise on the Primary Industries Legislation Amendment Bill 2017. I acknowledge that this bill amends 11 acts and abolishes one. There is a substantial amount of detail, and I will cover off on some of it. I will not get through all the amendments in the time that I have been allotted, but I will focus on some of the key areas.

The first amendment that I am keen to see takes me down memory lane. The amendments to the Melbourne Market Authority Act 1977 take me back to one of the first jobs I ever had as a young whippersnapper. The Melbourne Market was where, during my high school and university days, I used to work for a line-marking

business that painted forklift lines and truck bay lines from front to back of the Footscray — or West Melbourne as it is referred to here — fruit and vegetable market. It was a good spot to get some great flowers for the better half. I got some of the cheapest flowers at wholesale prices direct from the supplier.

I remember that there was a lot of capital work going on there. The rail line that goes round the back of that property was significant. The move to Epping will be substantial. It will be a substantial site and asset for our agriculture industry. There would be a number of different capital works on the go, such as the painting of lines — and there were 38 kilometres of forklift lines through that West Melbourne site. Occupational health and safety was an absolute must, so every few months we would be back to paint again, such was the intense activity on that site.

Seeing that threshold raised from \$250 000 up to \$750 000 and then matching that with best practice in governance arrangements makes sense, but this amendment caused me to become a bit nostalgic and reflect on the numerous times I had been at that site painting throughout that market. Just to reiterate, the Epping site is substantially bigger. These days if you were looking at capital works in the \$250 000 range, and comparing that to some of the capital works that are underway in our electorates, that would be quite minor in the scheme of things, so that threshold increase is important.

Some members have talked about the significant interaction with the dairy industry on this bill. Of course the market is an employer of over 40 000 people, I think it is. It is a substantial part of our agricultural sector. One of the amendments in the bill is to include camel milk, which is quite novel. I must say that I had not had cause to search for camel milk before, but when I was preparing for this bill I put it in Google search and found that there is a substantial market and an opportunity there.

Three farms exist at the moment, and there is the potential to expand and look beyond our Victorian boundaries at how to more productively use agriculture to leverage our high-quality international product. These amendments could open up more markets; they could open up more opportunities. It is a high price point at the moment as well. It is a niche market at \$21 per litre. Goodness me! That is not going to attract a flurry of attention at the moment, but with increased legislation and increased expansion internationally we could be opening ourselves up to other opportunities further afield, so that is an exciting and innovative approach.

Another important part of this bill touches on the inquiry that I was a part of with the members for Thomastown and Sunbury — that is, the inquiry into invasive animal species. We have a substantial challenge in Victoria with invasive animal species. In June the Environment, Natural Resources and Regional Development Committee published its report on its inquiry into the control of invasive animals on Crown land which looked primarily at the impact of deer on our natural environment but also the impact on our farmers.

We do not have a market at the moment. PrimeSafe has not assessed this area yet to be of suitable benefit or suitable in respect of safety. It would be disruptive to the market to start up businesses in mobile abattoirs, but there could in the longer term be potential for it, particularly in some of our more remote areas in the north-east, where it is estimated the population could be anywhere from 500 000 to 1 million deer. Sambar deer: they are elusive, they are difficult to track, to stalk and the like. We heard substantial evidence on that.

This might provide an opportunity where there is interaction with private land: if deer are coming down and interacting with private landowners, you have got the ability to make this a seasonal thing — it is a niche market — and to then open up opportunities. Instead of just the cull that we have, can we be more productive? We definitely have to control numbers. We definitely have a control strategy on how we manage that, but could this mobile abattoir concept and the regulation of it open up an opportunity and another element to agriculture that would be high price and something that farmers could tack on to their operations or their private land. It is something to think about. I think it is quite novel.

In some of the findings that we had, finding 60 states:

Commercial harvesting of wild game and pest animals could provide recreational hunters with an incentive to shoot more animals and remove more carcasses.

Then we have recommendation 20 to government, and I do not think the government has responded just yet. It states:

That the Government examine ways commercial harvesting of game and pest animals could be facilitated during coordinated recreational hunting programs in limited areas ...

The whole premise of the inquiry was: can recreational hunting assist in this area? One of the big issues was, then, around what happens with the carcass and all of those issues. This could be an opportunity for and an economic benefit to our state and an added support for our farmers.

The other very important change is around the fishing industry. We have an incredible part of Melbourne; we are on Port Phillip Bay, nestled down in that area from Chelsea through to Cheltenham. It is an extraordinarily proud area. Great fishing — there is a fishing culture there that goes back thousands and thousands of years for Indigenous Australians. The Mordialloc Creek is a substantial and significant asset to our area. It is a corruption of two Indigenous words that mean ‘little creek by the sea’ and ‘swampy flatlands’. Of course, we are on the back of the Carrum Carrum Swamp. Fishing and that interaction with the Port Phillip Bay goes back thousands of years.

The moving away of some of the commercial netting industry, which undermines the amount of fish that are in Port Phillip Bay, has been greatly welcomed by our community. It is a recreational passion for families to get out on the bay, whether it is to trot down there at 3 in the morning and try to get a spot launching into Mordialloc Creek or down at Patterson River in the member for Carrum’s electorate, or if you hit ‘snooze’ on the alarm too much, you have got to go down to Western Port to get out onto the bay. You see family after family lining up to get out there and experience the joy of spending time with each other and getting that respite from a hard working week.

To encourage that, we were down at Mordialloc Creek recently with Rex Hunt for an incredible event all about Target One Million. We did it the year before, and it was quite blowy, very windy and very stormy. We did not get a great turnout. We had about 50 people out. Weather conditions were not great. But this year the sun was out. We took little Paisley down, and we got her a little rod and reel. There were, no joke, 1500 people packed onto Mordialloc Pier. It was absolutely extraordinary. Rex Hunt gave a great speech and revved up the crowd. We had a chat. He was still banging on about the Richmond Football Club in late October, goodness me. But what a great day it was, seeing all the families out there.

To be honest I have no idea about fishing, but to just throw out a rod with Paisley and talk to some of the families: that is what this strategy Target One Million is all about. The vision of the Andrews Labor government is to support families and those respite and recreational activities by allowing those commercial netters to surrender their licences earlier. It will just be better for our bay. It will be better for those recreational pursuits, and I could not be happier to see that. We have had the transition, that phase-out, that has been negotiated and worked through with these operators. The government and the department have done a lot of grunt work to get that right.

The fruits of that labour are that we are now seeing an abundant population. The bay has increased fish stocks, and season after season it is going to be better. I will say, though, that my community want to see more areas from which to launch boats and get out there. I acknowledge that. That is something that comes up regularly, such is the demand and interest down in that part of the world.

The bill does a number of different things. I was unable to get to some of the other bills, but I have discussed some of the key things that were raised during the inquiry and from my interactions within the Mordialloc electorate. This bill is sensible, and I commend the bill to the house.

Ms SHEED (Shepparton) (18:25) — I am pleased to make a contribution on the Primary Industries Legislation Amendment Bill 2017. It is an omnibus bill that makes amendments to numerous pieces of legislation, some being minor and for the purposes of tidying up and some being more significant.

In the time that I have I wanted to speak to three of the amendments that relate to important acts. The Catchment and Land Protection Act 1994 will be amended to enable the secretary of the department to recover the costs of carrying out work under section 79(1) or (2) during the sentencing stage of criminal proceedings following a conviction of a person for an offence under section 35(1) for failing to carry out required works.

This is something that has apparently been missing. At times the department has had difficulty in recovering moneys for works they have had to undertake. So while it is possible to recover costs from a landowner in civil proceedings, this amendment now extends it to where criminal proceedings are underway. It means that where a person has been directed by the department — the secretary — to undertake work under a land management notice or prohibited from actually doing something and where there may need to be recovery works undertaken or works done in the situation where the landowner has not done the work they were required to do, the works can be undertaken and the cost of the failure of the landowner to do what was meant to be done can be recovered during the course of those proceedings.

I understand that in many cases this could relate to pest and weed control, for instance, and the member for Murray Plains referred to that. It also brings to mind a recent episode of *Lateline* that I saw that depicted huge earthworks going on, without apparent authority, up on cotton farms in southern Queensland, both on Crown

land and on farmland, to harness creeks, rivers and flood plains to capture water for dams. Something like that, where work is unauthorised and is done without authority, could no doubt lead to a situation, if the legislation in Queensland were such, to require a landowner to rehabilitate and return the countryside to the condition it was meant to be in. I imagine it is the sort of legislation that could perhaps be extended to a number of areas, depending on what the illegality of the works or the failure to do works might represent.

The Dairy Act 2000 is being amended by this bill. Dairy Food Safety Victoria is established under this act as the licensing body and regulator. Currently the act only applies to milk from cows, sheep, goats and buffalo. Clause 5 of the bill amends the definition to cover milk from any animal, excluding humans. It will amend the definition of ‘dairy farm’ to include:

... any premises where an animal is kept or milked for the purpose of producing milk for ... sale ...

The definition of ‘milk’ is being changed to a much broader one, being:

... the mammary secretion of any milking animal ...

It will include camel milk. There has been growing interest in recent years in the production of camel and camel milk products. At the Shepparton saleyards in 2015 200 camels that had been rounded up in outback Australia were sold in response to growing interest in the production of camel milk in the region. There are now a number of properties farming camel milk in the Goulburn Valley and indeed right across Australia.

Feral camels have been widely deemed a huge problem in the outback environment. Reading up to prepare for this speech, I found out that Australia may have the largest population of wild Arabian camels in the world. Their habitat is desert country, including the Great Sandy Desert, the Gibson Desert, the Great Victoria Desert and the Simpson Desert. Camels were first introduced into Australia in the 1840s to assist in the exploration of inland Australia. Apparently between 10 000 and 20 000 were imported from India between 1840 and 1907. So to deal with what has become an explosion in the camel population in inland Australia, various entrepreneurs are seeing an opportunity to harness what is really an animal product there — bring them into farmland, set up dairies and make a living from them.

The availability of camels really has created a business opportunity for farmers seeking to create a bit of a niche market in the production of camel milk and camel products. Camel milk has been sold this year for \$20 a

litre, and it is generally sold in 1-litre and 500-millilitre containers to markets, independent grocers, Middle Eastern stores and health shops throughout Victoria, New South Wales and South Australia most commonly. There are plans to really create an export market in this space, and this bill will ultimately help facilitate that by the amount of regulation that is being introduced.

There is a Rochester farm that sells directly to our Queen Victoria Market down here. The products are being extended from milk to feta cheese, chocolate, yoghurts, body soap and even lip balm and laundry powder, so the possibilities are great. Megan and Chris Williams run a business called the Camel Milk Co Australia, just near Kyabram. They acknowledge the challenges of setting up a new industry such as this because it lacks the very significant support networks that the wider dairy industry has. They do not have agronomists and nutritionists and the sort of governing bodies and regulation around camel milk, so again the definitional changes in this legislation will help bring them into a more regulated environment. I think that will also promote the industry, knowing that there is some regulation around it. The milk is said to be not so thick and fatty, silky, a little salty and generally lighter than cow's milk. I have to congratulate all of those who have been innovative enough to adopt this opportunity, and I wish them well. There are significant export opportunities opening up for camel milk.

It is on this note that I wish to move on to another aspect of the bill where amendments to legislation are proposed. Amendments are proposed to the Meat Industry Act 1993 to allow vehicles — mobile abattoirs — to become licensed as meat-processing facilities and to provide that facilities that are only used to process game that is not intended for sale do not need to be licensed. The bill also removes the prohibition on the slaughtering of animals on a farm from the operation of the act. We see that clause 60 of the bill amends section 3(1) of the Meat Industry Act to change several definitions, which will allow those terms to be capable of including mobile vehicles for the slaughter of animals. It is the definitions of 'abattoir', 'general meat processing facility' and 'pet food processing facility' which are amended. For instance, the definition of abattoir will now include a vehicle used for slaughter of consumable animals for human consumption.

The Meat Industry Act establishes a licensing system enabling the adoption of national food safety standards for the hygienic production and processing of meat for human consumption and for pet food. It had not previously provided for the slaughter and processing of meat to be undertaken in vehicles even though there was really no reason why it could not be, and

compliance with national food safety standards was actually there in that space.

There are many business opportunities coming out around these things, and I think, probably, ultimately the proliferation in farmers markets may one day be a place where there can be an expansion of this. At the moment I think many people are looking at the hunting of deer as another opportunity. My understanding of the legislation is that at this stage the legislation will only allow for a mobile vehicle to be present and deal with the slaughter and management of deer in circumstances where it is to be used for human consumption or for pets but not sold. I hope someone is nodding their head over there to indicate that I might be right on that score.

Deer hunters have been encouraged in the state of Victoria to participate in the culling of deer because we have so many of them, and it is an actual concern to people in the High Country that we have something like 750 000 to 1 million sambar deer roaming the Victorian High Country. Hunting of the deer is very important because of this population explosion and of course because of the ongoing damage to the environment. So along with many other amendments I commend the bill to the house.

Ms GRALEY (Narre Warren South) (18:35) — I do have the unexpected pleasure of speaking on the Primary Industries Legislation Amendment Bill 2017. As I have just been explaining to the member for Macedon, I do have a little bit of form with this bill, so I will make a reasonable contribution I do hope. As previous speakers have acknowledged, this bill is an omnibus bill. It actually makes a series of amendments to, I think, 11 acts and repeals one. I must say at the outset that I always find it interesting that when bills come to this house and we are speaking about matters to do with the country or country Victoria there always seems to be a need to create some sort of divide about it, to say that people who represent urban electorates and live in suburbs may not understand what is actually going on in rural Victoria and do not appreciate or support it. I would just like to put on record at the start that I think on this side of the house we really do understand that as a government we need to govern for all Victorians. Many of us in fact hail from the country or have family members who live outside of the city and have farms and businesses in rural Victoria.

We always had butter in our house because, my father used to say, we were the farmers' friends in inner Tottenham. I think even today that many of us, as I said, although we live in the city, are the farmers' friends. We appreciate the efforts of farmers and rural dwellers, and we do realise that they put the food on our

table that we get to eat every day. So I find it a little bit unnecessary, I must say, to hear those opposite suggesting that we do not understand where our food comes from, that we do not appreciate the efforts of people who put that food on our table and that we do not take into account the needs and aspirations of people who live in rural Victoria. I have got to say that I think this bill is real evidence of the fact that the government does in fact do that. It recognises that the industries that are out in rural Victoria are changing and need support, and they definitely need the support of a government like the Andrews Labor government.

I must admit that there have been some interesting contributions around the camel milk issue and also the hemp industry issue. You only have to go down to the refrigerated section of the supermarket to realise that the 'milk' we drink is no longer just from a cow. There is goat milk, there is soy milk, there is coconut milk, there is rice milk, there is almond milk and now we have camel milk. I understand from I think the member for Essendon that camel milk is full of an incredible amount of very health-enhancing vitamins, and the fact is that we are actually enabling this industry to develop and expand into a considerable export industry. I was very glad to hear from the member for Shepparton that it is a growth industry in her vicinity and that this legislation will in fact enable it to grow and have the correct regulations around it.

But I am actually going to speak in more detail in response to the contribution from the shadow Minister for Agriculture, who in his contribution took us on a trip down memory lane. Funnily enough I was along on that journey at some of those stages. I recall some of the events and characters from the stories that the shadow minister talked about. As people are aware I have a house on the Mornington Peninsula, which is an area that is 70 per cent rural. I was mayor of and a serving councillor for that fine piece of peninsula for a period of time. One of the ongoing issues that took up an enormous amount of council's time was the broiler farm industry.

I grew up in the city even though my family hailed from the land. I did not know much about what happened in a broiler farm. Some of the characters that the shadow minister mentioned, Wally Shaw and his son Michael, took us —

Ms Kealy — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms GRALEY — I was just about to say some very nice things about Wally and Mike Shaw, because they have been leaders in their industry and great advocates for it in what has been quite a difficult political space for the broiler farm industry on a number of occasions.

It comes down to the ongoing conflict between rural and non-rural areas, with people moving in and setting up boutique industries who do not like the surroundings, which might be sheds with chickens in them — as well, of course, as their odour. I am very pleased to say that during the time that I was a councillor and mayor we took this issue very seriously, and as a result the Mornington Peninsula shire led the way in developing the first broiler code of conduct. This was about trying to balance the interests between, I suppose, village residents of the peninsula — because we do not like to call them cities or suburbs on the Mornington Peninsula — and the real need to have an ongoing broiler farm industry in the rural areas of the peninsula.

I did visit a broiler farm, and I did not eat chicken for six years after that. It was a pretty disturbing experience for me. In fact, I know that some of the discussions on this bill came out of some work that a committee of the Parliament did around deer. I have a bit of an aversion to the idea of killing animals, and killing deer is a bit like killing Bambi. But we need to provide chicken to a big population such as ours in a cost-effective way, and I think the shadow minister said that we are importing chicken meat now, so there have to be some hard decisions made about how we slaughter our meat. Chicken broiler farms are one way of providing fairly cost-effective food for a lot of people, although I must put on the record that I prefer the free-range variety of chicken.

To conclude, this is a very good bill. I will reference the fact that I think the idea of the mobile abattoirs is a terrific step in the right direction. When you attend farmers markets — one of my favourite things to do — you see these little boutique butchers that are there and you imagine that you do not want them to have to go into town or go a long way to get their animals slaughtered. Being able to sell the meat to you direct, having been slaughtered very close to where the animal was brought up, is a good idea. I commend this bill to the house.

Ms SULEYMAN (St Albans) (18:45) — I rise today to speak on the Primary Industries Legislation Amendment Bill 2017 and echo the sentiments that have already been made on this side of the house. The Primary Industries Legislation Amendment Bill 2017 amends 11 acts and repeals another. Many of these amendments are technical in nature and update the acts

to reflect changes made to other acts. They sharpen definitions but most importantly get rid of red tape, make the process far more clear and also modernise numerous regulations governing agriculture, fisheries and game management to bring the regulations into line with current approaches and practices that meet the needs of today. While many changes are administrative, they reflect the government's work to support agriculture industries to grow and develop.

One of the changes is the introduction of mobile abattoirs. This means there will be changes to the meat processing industry. Of course there have not been many changes over the past decade, but we will now see the industry looking at new ways of managing stock. Mobile abattoirs have been proposed, and they are currently being used in the United States. These changes amend the Meat Industry Act 1993 to allow the slaughter of animals and processing of meat to occur in mobile abattoirs, making it convenient and accessible and most importantly broadening this industry. Of course it is important to note that the mobile facilities will be required to meet the same food safety, biosecurity and animal welfare standards that apply to fixed premises, and that is very important to note.

My electorate of St Albans is not known for its primary industry, but of course it is a very big consumer. I am very proud of my local food outlets and my fresh food markets, like Big Sam's market, which is an icon in St Albans and has been running for many, many years providing fresh and high-quality produce to the western suburbs. But also St Albans is a vibrant community and is renowned for its food industry. I just have to note Alfrieda Street, St Albans, and Hampshire Road, Sunshine, where we have so many quite popular and high-standard restaurants, in particular Vietnamese restaurants, which I am very proud of.

We have heard from this side a number of speakers talking about camel milk. I know the member for Narre Warren South mentioned that in today's day and age we have a number of types of milk, including soy milk, almond milk and rice milk, and now we have three camel milk dairies in Victoria. Of course camel milk is known in Middle Eastern culture. It is quite impressive to see that this industry is now making its mark in Victoria. Currently they are regulated as food businesses by local council, and the changes proposed in this bill will require them to be regulated by Dairy Food Safety Victoria. It is going to be interesting to see how this market expands and how popular it will become. I have heard today that camel milk is important and is apparently good for health and wellbeing. I will not be tempted to try camel milk, but I could be persuaded if it has certain health benefits.

Many of my friends and constituents are quite committed recreational fishers. I always hear great reports about our government's commitment to recreational fishing, particularly the Target One Million plan in which we invested a record \$46 million into fishing. What we will see in this particular legislation is a number of amendments to the Fisheries Act 1995. There is a real commitment to making sure that we continue this industry and that everybody has the opportunity to fish recreationally. I am not a fisher myself, but it is important to note that many of my constituents and friends and family are.

I have already spoken on how important biosecurity is and how we must improve it. The amendments in this bill improve the capacity to respond to plants and animal biosecurity risks. This is absolutely critical. It is important to note that the Victorian Auditor-General found that funding for core livestock biosecurity was cut by 49 per cent between 2009–10 and 2014–15 and that the number of animal and health officers shrunk by 42 per cent. That is in real contrast to the Andrews Labor government's last two budgets where we committed \$44.4 million to maintaining crucial agricultural biosecurity. That is because we know the importance of making sure that we are protected from outbreaks such as foot-and-mouth disease. This is critical for our community and state. Most importantly it protects exports, which means protecting regional jobs and providing confidence within these industries.

We have also invested a record \$4 billion into regional Victoria, and it is really important to take note of that in this year's budget. Also, in the last three budgets we have continued to invest in regional Victoria, because we know how important it is to continue to invest, to continue the growth and to make sure that we are providing the jobs of today.

The Primary Industries Legislation Amendment Bill is important to make sure that the approaches and practices meet today's needs. We have not seen any changes for a long time in this sector. Noting how important this sector is, it is necessary to make sure that livestock and farmers are protected. They are part of a growing industry that provides much to the wider community and also to international markets. This area can continue to grow and prosper. We have seen in the Asian and Middle Eastern markets how important the export of livestock has been and what it means to regional Victoria, and in particular to local farmers. It is important to make sure that the right processes are in place and the amendments meet the demands and challenges of today.

As I said previously, St Albans is not known as a primary industry area, but we are big consumers of primary industry. We enjoy the produce, and we are very thankful and grateful for the high-quality standards of the produce of this state. We want to make sure that our health and wellbeing is at the forefront and that farms and jobs continue to grow in regional Victoria for the wider benefit of all of Victoria. I commend this bill to the house.

Ms THOMAS (Macedon) (18:54) — It really is a pleasure to rise this evening to speak on the Primary Industries Legislation Amendment Bill 2017. What a fascinating bill and what a fascinating debate. I have learned a lot during this debate — about camel milk, about the growth of the hemp industry and possibly more than I wanted to know about broiler farms.

What I want to talk about is the important innovation of mobile abattoirs. This is very important in my electorate. As many people will know, the electorate of Macedon is home to many very fine small, organic and artisanal producers. We have some fantastic innovations happening in cattle, pig and chicken farming. The way this bill seeks to enable mobile abattoirs is something that I am very supportive of, and I am looking forward to their rollout across the state.

The largest private sector employer in my electorate is Hardwicks meatworks in Kyneton. Hardwicks for a long time have made their abattoir available for small producers. That is something that is really appreciated by beef and sheep producers in my electorate. I am sure that will continue to happen, but I am certain also, as I said, that the mobile abattoirs will grow in popularity.

I was at Hardwicks only a couple of weeks ago. There are 450 employees at that meatworks, so it is a very important employer. It is always great to visit Hardwicks. I have been there many times. It is also great to have the opportunity to catch up with Robbie Simmonds, who is the Australasian Meat Industry Employees Union delegate at Hardwicks. I am happy to report that this family-owned business is always very pleased for me to be able to meet with the union reps and find out what is going on at the meatworks.

Another innovation at Hardwicks that I am very pleased to report on is the relationship that they are now establishing with the Karen community in Bendigo. This has been facilitated by our federal Labor member, Lisa Chesters. Hardwicks have been very open to providing employment opportunities for refugees in Bendigo. That is fantastic and something that I commend them for.

This bill, as I have said, seeks to enable mobile abattoirs. We have to ensure, of course, that food safety is at the forefront of this legislation. I am pleased to report that it is, because our reputation as being a clean and green producer of meat is vital for all of us and for this extraordinary export industry. Speaking briefly about exports, I might say that when I was at Hardwicks the other day I noticed that there were a number of rabbis at the meatworks. I was very pleased to see that. Of course Hardwicks meat is kosher and halal, and that is something that they are very proud of. It is very important for our export markets that the meat that is produced at Hardwicks is able to be certified as both kosher and halal. So I would like to say to those who like to whip up conspiracy theories about this out there that this certification, both kosher and halal, is absolutely essential to support our export of meat and to secure local jobs in regional Victoria.

This bill, as we have learned, does many, many things, but I am most interested in the impact it will have in my electorate, and that goes to the enabling of mobile abattoirs. I would really like to commend the bill to the house, Acting Speaker, and I seek your guidance on that. It is going to be really terrific when a mobile abattoir is rolling out in my electorate. I really look forward to that. As I said, it will only help to grow agricultural businesses in my electorate, in particular in beef and lamb production. These are very important industries to the people of Macedon.

Business interrupted under sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Pearson) — The question is:

That the house now adjourns.

South Parade, Blackburn, flooding

Mr CLARK (Box Hill) (19:00) — (13 814) I raise with the Minister for Public Transport the flooding that has occurred in South Parade, Blackburn, as a result of the Blackburn rail project, and I ask the minister to find out exactly what has gone wrong and to have urgent remedial works undertaken so this flooding does not happen again.

Last Thursday evening numerous homes along South Parade were inundated with overflow from the rail project's new drainage system. Backyards were flooded, garages were filled with water and driveways were washed away, causing thousands of dollars of damage and requiring hours of work to clean up. After turning the South Parade shopping strip into a concrete

jungle in the name of fixing the drainage, the government's handling of the rail project has turned a quiet residential street into a flood plain. Photos taken by residents show water gushing out through the grill around the top of the drainage pit next to the station and strewing gravel and other debris across the road before pouring downhill into residents' homes.

Last Thursday's flooding was the third and most damaging of the flood events that have started to occur since the rail project works have been undertaken. Long-term residents say that prior to the rail project works there had been no major flooding in South Parade since a drain was installed in the 1960s. This flooding is just the latest in a long series of bungles in implementing this project, from not widening the pedestrian underpass, to the needless cutting down of iconic trees, to refusing to listen to residents about the bike path route, to trashing the rear fence line of Glen Ebor Avenue residents.

Residents who yet again have to clean up after this flooding and replace damaged property are rightly demanding answers. The government and the Level Crossing Removal Authority owe residents a full explanation. What has gone wrong? How could it ever have been allowed to happen? And what is the government going to do to fix it? I call on the minister to get onto the Level Crossing Removal Authority, get onto the contractors, get onto Melbourne Water, get onto anyone else involved and get this sorted out. Works to remedy this problem and stop this flooding ever happening again need to be undertaken urgently so residents do not have to live in fear that the next time a downpour comes along they are going to have to go through this experience all over again.

Getting rid of the Blackburn level crossing should have been a project the whole community could be pleased with. It was funded in 2014 under the previous state government, but its implementation has been appallingly handled by the current government, and the community is continuing to pay the price.

Tucker Road Bentleigh Primary School

Mr STAIKOS (Bentleigh) (19:02) — (13 815) My adjournment matter tonight is for the attention of the Minister for Education, and it concerns the new gymnasium at Tucker Road Bentleigh Primary School. The action I seek is that the minister ensure a builder is appointed and construction starts before Christmas. Earlier this year I made a trip to Bunnings and bought a sausage, Chinese lucky bamboo and a shovel. I bought the shovel because we are doing a lot of sod turning, because we are rebuilding a lot of schools in the

Bentleigh electorate. Already we have started the rebuild at McKinnon Secondary College, which will be followed by the rebuild at Bentleigh Secondary College. We are about to start works at Valkstone Primary School, and the Tucker Road Bentleigh Primary School gymnasium has been a long time coming. I know that we are ready to go, so I ask that the minister ensure that a builder is appointed and construction starts before Christmas.

Country Fire Authority Myrtleford station

Mr McCURDY (Ovens Valley) (19:03) — (13 816) My adjournment matter is for the Minister for Emergency Services, and the action I seek is that the minister provide funding for the Myrtleford Country Fire Authority (CFA) station as soon as practical. Myrtleford is a hardworking, strong community in the Ovens Valley. It is primarily a timber town; however, tourism is on offer and is growing annually, and it is now a very diverse town that has many strings to its bow. The majestic Mount Buffalo overlooks the Ovens River and the Myrtleford region, and there is an extremely high ratio of state-owned land to privately owned land.

The community have a CFA station that is over 30 years old and no longer meets the needs of the fantastic volunteers who serve this community. A site has been identified which is ideal for a new building, and it already houses some of their vehicles due to the lack of room to do so at the current fire station. I ask that the minister prioritise the new Myrtleford CFA station for immediate construction. This community has had a difficult year and is looking for community support and government support to ensure that the Myrtleford CFA is well positioned to fight fires and protect their community, as they did during the forecast floods recently. The Myrtleford CFA is placed extremely well to ensure that the new CFA building would be a wonderful investment in this community.

Country Fire Authority Craigieburn station

Ms SPENCE (Yuroke) (19:04) — (13 817) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to investigate the installation of temporary traffic lights outside Craigieburn fire station to improve emergency responses. Craigieburn fire station is located on Craigieburn Road, a busy major arterial that travels through the heart of Craigieburn. Massive population growth has seen Craigieburn double in size over the last decade, and as such increased traffic has made it difficult for emergency services vehicles to exit and enter the station as quickly as they need to in order to

protect lives and property. While the Andrews Labor government has been working on a long-term solution to Craigieburn Road, with a business case to consider duplication currently underway it would be greatly appreciated if the minister would investigate installing temporary traffic lights to provide support to our firefighters and our community.

Old Stud Road–Burwood Highway, Wantirna South

Mr WAKELING (Ferntree Gully) (19:05) — (13 818) My adjournment matter tonight is for the Minister for Roads and Road Safety, and it relates to the intersection of Old Stud Road and the Burwood Highway in Wantirna South. This is a matter that I have previously raised with the minister on behalf of residents at the Wantirna retirement village, which is located off Old Stud Road in Wantirna South. Residents have raised concerns about their capacity to turn right out of Old Stud Road onto the Burwood Highway to head east towards Stud Road. They find it difficult to turn, and they have identified that there is a range of people who are seeking to enter and exit that facility. Many of them are aged, and they find it very difficult.

The minister has previously been contacted by me because residents have raised the issue of potentially either closing that intersection or, more importantly, providing the opportunity for the construction of a right-hand-turn slip lane further west along the median strip on the Burwood Highway to allow residents to turn right. My action is for the minister for roads to investigate the opportunity for a new right-hand-turn slip lane to be constructed west of the intersection and to provide advice as to whether that can be constructed and what the cost would be.

Southern Road Reserve, Mentone

Mr RICHARDSON (Mordialloc) (19:06) — (13 819) My adjournment matter this evening is to the Minister for Sport, and the action I seek is for the minister to consider the Southern Road Reserve application under the Community Sports Infrastructure Fund. One of the tenants of Southern Road Reserve is the Mentone St Bedes football club, a fantastic amateur football club in my area, currently in A section, which has a rich and proud history of well over 100 years and many successes. It also boasts Luke Beveridge as one of its most successful coaches, taking it from C section to B to A through triple premierships. Of course that underpinned Luke Beveridge going on to coach the Western Bulldogs.

The club's juniors operate primarily from Southern Road Reserve, and they have had a substantial increase in female participation in sport. The AFL Women's has been a real success in our area. We have incredible participation rates at the moment and a need for expanded facilities. Female-friendly change facilities are so critical to support women in sport and to make sure that we have got the facilities to meet that demand. We should have had women in the AFL a long time ago. I am the father of a 16-month-old bub, and she could dream to go on to the AFL. That was not a journey that she could have undertaken previously. To meet some of the participants who are getting their chance to be drafted rather than hitting a ceiling and not being able to fulfil their AFL dreams is exceptional. This facility expansion will be great for our community, and I ask the Minister for Sport to consider that application under the Community Sports Infrastructure Fund.

Latrobe Valley quarries

Mr NORTHE (Morwell) (19:08) — (13 820) I personally thank you, Acting Speaker Pearson, for your support this afternoon.

My adjournment matter is to the Minister for Resources, and the action I seek is for the minister to urgently meet with Latrobe Valley-based quarry owners and managers to hear firsthand the challenges these quarries are facing to keep operating into the future. Unfortunately the resources sector in the Latrobe Valley has been well and truly kicked in the guts, with coal users being taxed through the roof and Hazelwood power station subsequently closing down in a short space of time. The timber industry likewise has been slammed, with the Carter Holt Harvey sawmill in Morwell also closing down, which has led to a shortage of timber supply, impacting retailers, businesses and consumers.

In the two scenarios above we have seen little attempt to keep the doors of these businesses open, culminating in the loss of jobs, security of supply being under threat and higher costs for consumers. Now we will have the extraction material sector heading down the same path unless the government is prepared to seriously try to resolve issues plaguing this important industry — for example, in the Morwell electorate we have many quarries, including Matthews Quarries, Latrobe Valley Blue Metal and Latrobe Valley Sands, which are critical not only to the local economy but also to that of our state for the purposes of the construction of roads, bridges, hospitals, homes, rail and other infrastructure projects. However, all these quarries I have just mentioned have a somewhat limited life, and despite endeavours by the same to either acquire an unused quarry, expand an existing quarry or even establish a

new quarry, this has all been severely compromised by a lack of common sense, a lack of departmental staff and a wall of impractical and onerous red and green tape.

This is in addition to the fact that the government's own department has been non-compliant in meeting statutory time frames with some applications and invariably legal issues that present themselves at VCAT. All of these factors lead to massive delays and significant costs to these businesses and the industry more broadly.

I know the Treasurer loves to spruik the building of transport infrastructure that is occurring in Victoria, and that is great. It is all good and well, but I do implore the Treasurer in his capacity as the Minister for Resources to fix the problems that are occurring in the quarry industry, otherwise we will without a doubt see a loss of jobs. We will see higher costs for consumers, and we will see material, in a short space of time, having to be imported from interstate. And what a joke that would be.

The Construction Materials Processors Association — the CMPA — recently noted:

The industry is deeply concerned that the rate of consumption of these materials is rapidly outstripping supply and future availability. Current data confirms there are insufficient new, or extended quarry reserves being made available for extraction.

Disruption to the construction industry supply chain is inevitable, unless the issue is promptly addressed by government.

That says it all. I ask the minister to urgently meet with quarry owners in the Latrobe Valley.

Redan Football Netball Club

Ms KNIGHT (Wendouree) (19:11) — (13 821) My adjournment matter is also for the Minister for Sport. I share the member for Mordialloc's interest in providing better facilities for girls and women participating in sport, because the action that I seek is for the minister to provide adequate funding to meet the need for additional change rooms for female athletes in Ballarat.

One terrific project that I hope the minister will view favourably for support from the Andrews government is at the Western Oval. This project would deliver female-friendly, AFL-compliant change facilities and supporting amenities at the home of the Redan Football Netball Club. It would address a significant gap in the provision of facilities for sportswomen and support the development of new programs.

The Andrews government has already made a real commitment to the Western Oval, with

\$50 000 towards new lights at this fantastic local ground. At the same time the City of Ballarat has really improved the Western Oval and the facilities surrounding it, but every sportsperson needs great facilities, and there is a need in Ballarat for better facilities for women. Most importantly, improved female change rooms would be a further boost to women's sport in Ballarat.

Healesville-Yarra Glen Road

Ms McLEISH (Eildon) (19:13) — (13 822) Seriously, I feel like a broken record. My adjournment matter tonight is directed to the Minister for Roads and Road Safety. The action I seek is for the minister to provide funds for immediate works needed to restore the surface of the Healesville-Yarra Glen Road in my electorate. Potholes, uneven surfacing and hidden hazards litter our regional and rural roads, slowing travel and increasing the risk to country drivers and their passengers every day.

My constituents are concerned that instead of fixing our roads the government is spending money on road signs, barriers, lowering speed limits and advising of hazards. During the past year I have received numerous complaints about the condition of the Healesville-Yarra Glen Road, specifically the section between the Yarra Glen Bypass and the Melba Highway — and many people will know this just by being alongside the Yarra Valley race club. In recent weeks, however, the number of complaints has jumped substantially. I have been contacted by many people phoning, emailing or visiting the office. In fact I would say the complaints locally have reached boiling point, with a story in the *Lilydale & Yarra Valley Leader* claiming that drivers are now swerving onto the wrong side of the road to avoid potholes.

As a consequence, the police and Country Fire Authority (CFA) have called for the potholes in the road to be fixed before a tragedy unfolds. The local police sergeant was quoted as saying the road is 'shocking' and is in need of a 'significant overhaul', while the local CFA captain said his brigade believed it to be a 'danger' and a 'disgrace'. One constituent visited my office last week to inform me that he and his wife had given up using the local road to and from Healesville, preferring to use the Old Healesville Road. He informed me that unfortunately many people are doing the same thing, including truck drivers, and he was concerned that this road would soon be in as bad condition because of the increased traffic. Old Healesville Road is a council road; it is not a VicRoads road. Yarra Ranges Shire Council has limited capacity and funds to fix these roads, especially to fix problems that are brought about

because VicRoads or the minister have not done their job in repairing our roads locally.

I know that our CFA volunteers do not want to be called away from their Christmas lunch with their families to attend a motor vehicle accident that could have been avoided had this road been fixed. That is why it is so important that this road is fixed now, not in the New Year, so everyone can have a safe Christmas. To reiterate, Minister, you need to act immediately to restore the surface of the Healesville-Yarra Glen Road in my electorate between the bypass and the Melba Highway.

Neerim–Koornang roads, Carnegie

Mr DIMOPOULOS (Oakleigh) (19:15) — (13 823) I wish to raise a matter for the Minister for Roads and Road Safety, and the action I seek is an investigation to be undertaken into the safety of the intersection at Neerim Road and Koornang Road in Carnegie. As part of this I would also appreciate his advice on any accident statistics that may have been recorded for this intersection. The population in the Carnegie area has grown significantly in recent years, particularly due to planning changes put in place by the previous Minister for Planning and now Leader of the Opposition in the Assembly. This has led to greater pressure on our local roads.

While the intersection at Neerim and Koornang roads is getting busier, it could be expected to accommodate more traffic in the near future as construction is completed on many nearby residences. The intersection has no right-turn arrows. Over the years I have seen the aftermath of a number of accidents at this location, particularly as cars make the right-hand turn from Neerim Road into Koornang Road against oncoming traffic. However, it must be said that right turns from all road approaches do present problems given the limited view of oncoming traffic.

I would be very interested to hear about any options which could improve safety at this location, potentially with the installation of right-turn arrows, even if they were to operate periodically. Again, I thank the minister for his work to improve roads and road safety in Victoria and would always welcome him again to my community to inspect some of the areas that I believe are in need of improvement for the future.

Responses

Mr PAKULA (Attorney-General) (19:16) — The member for Box Hill raised a matter for the Minister for Public Transport regarding flooding associated with

a level crossing removal at Blackburn. The member for Bentleigh raised a matter for the Minister for Education regarding the gymnasium at Tucker Road Bentleigh Primary School. The member for Ovens Valley raised a matter for the Minister for Emergency Services regarding the Myrtleford Country Fire Authority station. The member for Yuroke raised a matter for the Minister for Roads and Road Safety regarding traffic lights outside the Craigieburn fire station. The member for Ferntree Gully raised a matter for the Minister for Roads and Road Safety regarding the intersection of Old Stud Road and the Burwood Highway. The member for Mordialloc raised a matter for the Minister for Sport regarding the Southern Road Reserve. The member for Morwell raised a matter for the Minister for Resources regarding a meeting with Latrobe Valley-based quarry owners. The member for Wendouree raised a matter for the Minister for Sport regarding change rooms for female athletes in Ballarat. The member for Eildon raised a matter for the Minister for Roads and Road Safety regarding potholes on the Healesville-Yarra Glen Road. The member for Oakleigh raised a matter for the Minister for Roads and Road Safety regarding the intersection of Neerim Road and Koornang Road, Carnegie. I will pass them all on.

The ACTING SPEAKER (Mr Pearson) — The house stands adjourned until tomorrow.

House adjourned 7.18 p.m.

Thursday, 14 December 2017

The DEPUTY SPEAKER (Ms Edwards) took the chair at 9.33 a.m. and read the prayer.

**ROYAL COMMISSION INTO
INSTITUTIONAL RESPONSES TO CHILD
SEXUAL ABUSE**

Final report

Mr PAKULA (Attorney-General) (*By leave*) (09:33) — The Royal Commission into Institutional Responses to Child Sexual Abuse is holding its final sitting today and will hand down its final report tomorrow. I would like to take this opportunity to acknowledge the work of the commission and the courage of the victims who have come forward to share their stories through this process. The royal commission has been a turning point in Australian history and will change the way we deal with victims of abuse and their abusers. In 2012 former Premier Ted Baillieu and the former Attorney-General, the member for Box Hill, established a parliamentary inquiry into the handling of child abuse by religious and other organisations. The inquiry handed down its *Betrayal of Trust* report in 2013, with a number of members in this house participating. Also in 2013 former Prime Minister Julia Gillard announced the establishment of the federal royal commission.

The *Betrayal of Trust* inquiry and the royal commission have provided an opportunity for the voices of thousands of victims of institutional abuse to be heard. These inquiries uncovered tragic and widespread abuse of children in institutional care. The response from these institutions suggest that children reporting abuse were not believed and their allegations were ignored. It is now up to everyone with responsibility for children to ensure that these failures to protect children never happen again. Drawing on its extensive consultation and research, the royal commission has made significant recommendations for governments and institutions to ensure that we can all better protect children and prevent the horrific crimes of the past from happening again.

The government and this Parliament have already implemented a number of recommendations made by the royal commission, including the establishment of an intermediary scheme, the introduction of new laws to prevent a court from taking into account an offender's prior good character or lack of previous convictions in sentencing for a child sex offence if the fact assisted the offender to commit the offence, removing time limits which applied to survivors of child sexual abuse in

commencing legal proceedings, creating a new statutory duty which allows an organisation to be held liable in negligence for organisational child abuse and strengthening the working with children check scheme.

We continue to be committed to a key recommendation of both the royal commission and the Victorian *Betrayal of Trust* report to establish a redress scheme for victims of institutional abuse. Victoria has indicated its in-principle support for a national redress scheme, and it remains our view that a national scheme is the best outcome for victim survivors. We are currently working through the detail of the scheme with the commonwealth before making a final decision about whether to opt in or to pursue a state-based scheme. Before deciding to participate in the national scheme this government, and I am sure everyone in this Parliament, wants to ensure that the scheme will appropriately acknowledge the harm suffered by survivors and provide effective care and support so that survivors can achieve a sense of justice.

The protection of children in society is of paramount importance to all of us, and the Victorian government and no doubt this Parliament are committed to continually improving the way in which organisations identify and respond to any allegation of abuse.

Mr PESUTTO (Hawthorn) (09:36) — I, on behalf of the opposition parties, welcome the comments by the Attorney-General. The handing down of this report tomorrow marks a profound milestone in a long journey which began with very courageous agents of change, many of whom have been in this Parliament and sat in the gallery in this chamber over recent years, in particular the Foster family and others who courageously voiced their anguish and grief over the trauma they were subjected to. It began with them, and those members of this house who were members of the last Parliament can stand very proud of the parliamentary inquiry which led to very significant changes in the law and began a process to hold to account authorities which had for too long covered up abuse of their power and the tragic trauma imposed on those victims.

We stand ready to work with the government, as they worked with us in the previous Parliament, to enact whatever changes are required out of the national royal commission, and we look forward to working together on that front.

PETITIONS

Following petition presented to house:

Ansett estate, Mount Eliza

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the RM Ansett Trust has engaged Ernst & Young (EY) to act for the trust with regard to the Ansett estate, located at 90 Kunyung Road, Mount Eliza, Victoria 3930, and is inviting proposals for the development of the property based on a range of flexible transaction options and structures before the deadline of Wednesday, 13 December 2017.

The petitioners therefore request that the Legislative Assembly of Victoria consider the potential to have the state of Victoria acquire the property in order to preserve this significant geographic and historical area for public use such as a state park and to add the property to the Victorian Heritage Register.

By Mr MORRIS (Mornington) (910 signatures).

Tabled.

Ordered that petition be considered next day on motion of Mr MORRIS (Mornington).

Ordered that petitions presented by honourable member for Ripon on 13 December be considered next day on motion of Ms STALEY (Ripon).

OFFICE OF THE PUBLIC ADVOCATE

Report 2016–17

Mr PAKULA (Attorney-General), by leave, presented report.

Tabled.

Ordered to be published.

**INSPECTOR-GENERAL FOR
EMERGENCY MANAGEMENT**

Hazelwood mine fire inquiry report 2017

Mr MERLINO (Minister for Emergency Services) by leave, presented report.

Tabled.

Ordered to be published.

**INDEPENDENT BROAD-BASED
ANTI-CORRUPTION COMMISSION
COMMITTEE**

**Performance of Independent Broad-based
Anti-corruption Commission and Victorian
Inspectorate 2016–17**

Mr WELLS (Rowville) presented report, together with appendix.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by the Acting Clerk:

Auditor-General — Managing the Level Crossing Removal Program — Ordered to be published

Children's Court of Victoria — Report 2015–16

Parliamentary Committees Act 2003:

Government response to the Environment, Natural Resources and Regional Development Committee's Report on the Inquiry into the control of invasive animals on Crown land

Government response to the Family and Community Development Committee's Report on the Inquiry into services for people with Autism Spectrum Disorder

Professional Standards Act 2003 — Instrument amending the New South Wales Bar Association Scheme under s 14 (*Gazette G49, 7 December 2017*).

**PRIMARY INDUSTRIES LEGISLATION
AMENDMENT BILL 2017**

Correction to long title

The DEPUTY SPEAKER (09:41) — I advise that an administrative error occurred in the publishing and printing of the Primary Industries Legislation Amendment Bill 2017. Copies with the incorrect long title were previously circulated in error. I assure members that only the long title has been corrected and that otherwise the content of the bill is exactly the same as the copies of the bill previously circulated. I advise that the correct version is now available online, in the chamber and in the procedure office.

BUSINESS OF THE HOUSE**Adjournment**

Ms ALLAN (Minister for Public Transport) (09:42) — I move:

That the house, at its rising, adjourns until Tuesday, 6 February 2018.

Motion agreed to.

MEMBERS STATEMENTS**Bob Anderson**

Mr MERLINO (Minister for Education) (09:42) — On Friday, 8 December, the Friends of the Helmeted Honeyeater gathered to celebrate the 150th anniversary of John Gould officially designating the helmeted honeyeater as its own species, the 50th anniversary of the Yellingbo Nature Conservation Reserve, an announcement of 2.3 additional hectares to the reserve and the unveiling of a beautiful new mural. It was a great day celebrating our state bird emblem but also with a tinge of sadness as the president of the Friends of the Helmeted Honeyeater, Bob Anderson, told me of his intention to retire in that week in order to spend more time with his family.

The helmeted honeyeater recovery program started more than 27 years ago and is run in partnership with Friends of the Helmeted Honeyeater, Zoos Victoria, Parks Victoria and the Department of Environment, Land, Water and Planning. Bob was the founding president in 1989. An extraordinary and effective leader and a tireless and passionate advocate, he spent on average 20 to 25 hours a week on activities associated with the friends, and under his stewardship they have been active participants in supporting the recovery program, which has been highly successful. There have been three highly successful breeding seasons recently, and the population is now around 190. This is an endangered bird. Bob is a wonderful person. It has been a privilege to work with him over the last 15 years. I wish all the very best to him and his family on his retirement.

Harold Holt

Mr GUY (Leader of the Opposition) (09:44) — On this final day of sitting for 2017 I rise to recognise the 50th anniversary of the disappearance of Australia's 17th Prime Minister, the Right Honourable Harold Holt. Prime Minister from Australia Day 1966 to his disappearance and death off the coast of Portsea, Harold Holt was a proud Australian, a dedicated servant

to public life and lifelong adherent to liberal values. He was also a husband and father. Many Australians will remember those quintessential images of Harold Holt as the 007 Prime Minister, pictured with his skindiving gear and sons and daughters-in-law in their bathers — carefree, contemporary 1960s Australia.

It was a different Australia, a new Australia, and Harold Holt represented the transition from postwar to modern Australia. As Treasurer he steered our country towards the adaptation of decimal currency, and on 14 February 1966 he oversaw its introduction. Harold Holt removed the remaining traces of the White Australia policy. He relaxed discriminatory immigration provisions and, most importantly, initiated the case for change at the 1967 referendum to recognise and bring dignity to Indigenous Australians, so long discriminated against in and by their own country.

While so many people will remember Harold Holt's foreign policy achievements by one famous statement, 'All the way with LBJ', he was in fact our first Prime Minister to truly begin meaningful and direct engagement with our Asia-Pacific neighbours. At the November 1966 election he won with the biggest majority in history.

Harold Holt was survived by his wife, Zara, and sons, Nicholas, Sam and Andrew. Fifty years on, Nicholas and Sam certainly keep Harold Holt's liberal legacy alive. Fifty years on, may he rest in peace.

Elaine Walsh

Ms ALLAN (Minister for Public Transport) (09:45) — Deputy Speaker, today on behalf of you in your role as the member for Bendigo West and I, I stand today to place on the record our sorrow at the death of Bendigo Labor veteran Elaine Walsh and to express our deep appreciation for her lifelong commitment to the ideals of the Labor Party.

Elaine joined the Labor Party on 9 February 1962 and served with the local Bendigo ALP branch until the present time. She worked on countless federal and state campaigns, with her specialty being organising the postal votes. Elaine was a passionate and committed member of the Labor Party. She was a true believer. She never lost her faith in the desirability and possibility of progress and in the role that a progressive party plays in achieving it.

Elaine was an inaugural member of the Bendigo Labor ladies group, formed in the 1960s. The group supported numerous candidates on campaign days and at events. My grandmother was a member of the group as well,

and Elaine was a great friend of the Allan family, particularly my grandparents Rita and Bill.

Elaine not only saw a long period of Bendigo's and Australia's history — over half a century — but like the thousands of other committed Labor activists she helped make it happen. It gave her great satisfaction to know that Labor MPs today hold both the two state seats and the federal seat in Bendigo. It has not always been thus. She was particularly proud too that those three seats are held by women.

The Bendigo Labor movement will greatly miss Elaine, and my sympathy goes to her family at this very sad time. She most certainly was a wonderful, wonderful asset to the Bendigo Labor movement and family.

Gippsland Carnival

Mr D. O'BRIEN (Gippsland South) (09:47) — Along with the member for Gippsland East it was great to attend the jam-packed launch in Traralgon on Thursday night of the Gippsland greyhound racing carnival, which will be held for the second time this summer. Starting with the \$75 000 Sale Cup on Boxing Day, the carnival also includes the Traralgon, Warragul and Cranbourne cups and will provide plenty of entertainment for families and punters alike.

The launch was a star-studded affair, hosted by former Brisbane Lions footballer Richard Champion and featuring greyhound ambassador Brent 'Boomer' Harvey as well as Sale's own rising sporting stars, Western Bulldog Josh Dunkley and his sister Melbourne Vixen Lara Dunkley. Greyhound racing is an important part of the social and economic fabric of Gippsland, and the Sale club is a hub in my own electorate and contributes greatly to local charities and community groups as well.

South Gippsland electorate employment

Mr D. O'BRIEN — On Wednesday in Leongatha I met with the South Gippsland Shire Council, the Leongatha Chamber of Commerce and Industry and others to discuss support for the town in the wake of the loss of more than 60 jobs at Leongatha's Murray Goulburn factory in the past few months. The announcement of new jobs at Burra Foods at Korumburra and ViPlus at Toora will help soften the blow, but there are plenty of local projects that the Andrews Labor government could get on with to help stimulate the local economy, including an upgrade of the South Gippsland Highway, better public transport links, funding stage 2 of the Korumburra Secondary College redevelopment and many more.

Christmas felicitations

Mr D. O'BRIEN — As we head into the summer holiday period I would like to thank in advance all those who will work to keep us safe over summer, especially our emergency services workers, medical and nursing staff and of course the many wonderful volunteers who give so tirelessly to their communities. This includes our Country Fire Authority, ambulance and State Emergency Service volunteers and of course on the beaches the great work of our surf lifesavers — the many people, young and old, who patrol the beaches and keep them safe. I thank you all in advance.

I would also like to wish a merry Christmas to all our colleagues, staff and parliamentary staff.

St Kilda Life Saving Club

Mr FOLEY (Minister for Housing, Disability and Ageing) (09:49) — I rise to acknowledge the work of the St Kilda Life Saving Club and in particular Simon Lewis, the club's captain, in saving lives — not just lives on the busiest beach in Victoria but increasingly lives of refugees across the world, particularly as they seek to join the human flow across the Mediterranean.

Since 2015 Simon and the club have been part of an international effort to both raise funds and deliver direct support for lifesaving for the hundreds of thousands of people who are seeking refuge from war, famine, dispossession and violence across the Mediterranean into Europe. Initially based in the Greek islands, where Simon was personally involved in over 500 rescues but sadly also had to watch scores of people drown and then retrieve the bodies of children, men and women, Simon has since moved his efforts across the northern summer season, together with his club, into North Africa, where the industrial scale of people smuggling and the destruction of the lives of refugees as a result has seen tens of thousands of lives put at risk as people put to sea in unsafe vessels with dodgy or non-existent life-saving gear provided by people smugglers.

Simon's and the club's efforts are now moving well beyond the direct activities of saving lives to raising awareness for the need for a global solution to this human tide of suffering. Simon's proposal to present the fake lifesaving jackets retrieved from the sea and from drowned bodies in an installation to raise awareness and support for an international support to this crisis is one that I support.

Mornington Peninsula planning

Mr MORRIS (Mornington) (09:50) — Yesterday the Minister for Planning proposed, in his words, ‘Landmark legislation to protect the Macedon Ranges’. While we do not yet know what is in the bill, its very existence highlights the partisan nature of this government’s planning approach. The government will act to provide planning protection for Labor seats, yet at the same time it has introduced policies that are leading directly to the destruction of the unique character of the Mornington Peninsula. Clearly it is one rule for Labor and another very different rule for the rest. According to the minister’s media release:

The Macedon Ranges boasts some of Victoria’s most picturesque settings, stunning wildlife and a renowned food and wine sector.

I agree, and so does the Mornington Peninsula, but not for long if this government has its way.

The minister says the government will work with the public on the draft Macedon Ranges localised planning statement. On the peninsula that has already occurred. I led the community and council committee that drafted the Mornington Peninsula statement, which was adopted in July 2014. While the adopted policy undoubtedly reflects the community vision for the Mornington Peninsula, as the minister claims the Macedon statement is intended to do, it has unfortunately been routinely ignored by this government. Indeed even when asked a direct question about whether the minister was aware of the statement and had taken it into account when he cavalierly rezoned every residential area on the Mornington Peninsula, the minister declined to respond directly.

This morning I tabled a petition of over 900 signatures from local residents concerned at the risk presented by the foreshadowed sale of the remaining landholdings from Sir Reginald Ansett’s estate. The threat to the peninsula is real and must not be ignored. I welcome the minister’s actions to protect the Macedon Ranges, and I call on him to do exactly the same for the Mornington Peninsula.

Niddrie electorate primary schools

Mr CARROLL (Minister for Industry and Employment) (09:52) — We are building the Education State in the Niddrie electorate, creating and supporting young talented artists to achieve their full potential. This year for the first time I decided to hold a Christmas card drawing competition, and I invited all primary schools in my electorate to participate, with the winner having their picture on the front of my

Christmas card, which will be sent out to hundreds of people later this year.

Entries were received from Keilor Heights Primary School, Niddrie Primary School, Avondale Primary School and St Martin de Porres Primary School in Avondale Heights. Such was the calibre and quality of the drawings sent in, it was decided to show them all off to locals passing my electorate office on busy Keilor Road in Niddrie. Today outside my office literally hundreds of pictures adorn my electorate office windows for locals to see and admire the young talent that is burgeoning in the Niddrie electorate.

I was so impressed by the response and the creativity of the future artists in my community that selecting a winner was a very difficult task. But after much consultation I decided to pick a winner from each grade that entered and an overall winner. I take this moment to congratulate Minnie, who is in prep at Keilor Heights Primary School, for her wonderful picture that is now on my Christmas cards and will be seen by hundreds of people after I write my Christmas cards and post them out. I would also like to take this opportunity to congratulate the other winners: Kevin from Avondale primary in grade 4; Alyssa from St Martin de Porres primary in grade 2; Ela, Aidan and Julian from Niddrie primary in grades 3 and 4; and from Keilor Heights primary, Aurora and Amiel in prep, Emma and Semsem in grade 1, Daniel, Lucy and Emma in grade 2, Blake and Auneet in grade 3, Sami in grade 5 and Grace in grade 6. Congratulations to all involved.

Judy Milligan

Ms RYALL (Ringwood) (09:53) — Today we say farewell to Judy Milligan, an extraordinary woman who dedicated so much of her time and commitment to the Liberal Party. Judy was a long-serving member of the Mitcham-Heatherdale branch and enshrined the values of the Liberal Party in who she was and what she did — values like individual freedoms, reward for effort and supporting the vulnerable. Only a few weeks ago Judy dropped into my office a handbag full of essential items so a woman in crisis might have something special this Christmas.

Judy married the love of her life, Barrie, and was a cherished mum to Julie and David. Her love for her family was so evident and she would capture those moments, popping them up on Facebook for all to see. These included special times with her adored grandchildren Kirsten, Lachlan, Lauren, Nathan, Luke and Demi.

I recall so fondly the years of support from Judy. The Mitcham election campaign was a huge challenge for us to win the seat from our opponents after 13 years, and she worked so hard alongside me. I remember how Judy would meet me at my listening posts. She would be the first one there and then she would go ahead of me every half-hour, setting up the next one down the road. She would be with me at the coffee and chats, just quietly encouraging me. Judy and Barrie were here in Parliament in the gallery in 2010 when I was sworn in. It was a treasured moment, the first day in this house when my political career began, and they were so much a part of it. The Liberal Party and the Ringwood electorate conference have lost a gem in Judy. Farewell, Judy Milligan. We will miss you.

Plenty Road upgrade

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (09:55) — Last week I had the pleasure of announcing the start of the first stage of the Plenty Road upgrade with my colleagues the member for Yan Yean and the Minister for Roads and Road Safety. Starting in the next few months, this \$139.4 million infrastructure project made possible by the Andrews Labor government will ensure that safety and travel times are improved for commuters in my electorate. This is a project that has been driven by community consultation, and our government has delivered. Part of this community consultation in Mill Park included discussion around Rivergum Drive. I can assure my constituents that this government has listened and Rivergum Drive will have traffic lights and left-hand turn lanes. Importantly Blossom Park Drive and Childs Road will both have left-turn slip lanes into Plenty Road. This massive infrastructure development will also have a significant effect on improving the accessibility to vital services in Mill Park. New families in the northern suburbs will be supported with increased access to schools, universities, health centres and their places of employment. This will ensure that our community is accessible with ease and safety for all. I commend the minister for his work in this area.

Plenty Parklands Primary School

Ms D'AMBROSIO — I would also like to give a quick shout-out to some of the up-and-coming environmental activists, the Green Cadets of Plenty Parklands Primary School. Last Friday I presented the school with certificates for achieving two stars in the ResourceSmart Schools program. A quick shout-out to the Green Cadets team: Bridgette Leong, Mackenzie Cullen, Tiana Poposki, Georgia Fotiou, Jasmine Cincev, Chloe Nicolaidis, Ella Lee and Georgia Gikas.

I am sure this will not be the last time we hear your names in the environmental space.

Congo Week

Ms SHEED (Shepparton) (09:56) — Recently I attended a Congo Week event in my electorate hosted by the Goulburn Valley Congolese Association. The purpose of Congo Week is to raise global consciousness about the Democratic Republic of Congo's past two decades of war and political instability. Breaking the Silence Congo Week started in New York in 2008 and has since galvanised the participation of people in more than 70 countries and 500 university campuses and communities. As many in this place would know, Shepparton district is immensely proud of its multicultural population. I promised those at the event that I would talk about the Congo's plight in Parliament and today I am fulfilling that promise. Since the first 10 Congolese families arrived in Shepparton more than 10 years ago, the local Congolese population has grown to more than 150 people and they have worked hard to make a new home for themselves in my electorate. Unsurprisingly many still have large networks of family and friends living in the Congo. While they are now physically removed from the conflict and at a distance, they nevertheless suffer a sense of sadness and loss. But among the many people attending this event there was also joy in spending an evening celebrating Congolese culture through music, cultural displays and of course food.

Road safety

Ms SHEED — At this festive time of year I would also like to take the opportunity to remind people to be careful on the road. Already this year seven lives have been lost on the roads in Greater Shepparton alone. Each death is a tragedy and we do not want to see any more. So when you are driving please be mindful of your speed, your capacity to be behind the wheel and other drivers on the road. Stay safe.

Epping Primary School

Ms HALFPENNY (Thomastown) (09:58) — I was delighted to visit Epping Primary School on Monday, 4 December, to present 22 students with the Victorian Premiers' Reading Challenge awards. This year I presented badges and a prize, as well as certificates, to recognise the outstanding efforts of seven students from the school who read many, many books above the challenge requirements. In particular I wish to congratulate Pulindu Rupasinghe, Karanbir Singh, Batul Ibrahim, Armani Ibrahim, Aadit Date and

Eveleen Bains for their efforts. I also offer special congratulations to Gurteshwar Brar for an outstanding 207 books read this year. This is an amazing achievement and something to be very proud of. These students, under the guidance of the wonderful teachers and staff at Epping Primary School, in particular Tina, do exceptionally well in their studies and reach new heights every school year. This is an important initiative in making Victoria the Education State. I congratulate all students in the Thomastown electorate and indeed the 950 schools across Victoria which participated in the Premier's Reading Challenge this year.

Northern Business Achievement Awards

Ms HALFPENNY — On another matter, last Thursday, 7 December, I attended the Northern Business Achievement Awards (NBAA). The NBAA is an initiative of NorthLink, which is a business network and economic development support group. These awards recognise the achievements of small-to-medium businesses in Melbourne's northern suburbs. I offer special congratulations to Stainless Services Pty Ltd in Thomastown, which was awarded the human resources award for their ongoing investment in professional development and training. Stainless Services has come a long way over the past 30 years and now manufactures predominantly high-end food and beverage equipment in its steel fabrication plant in Thomastown.

Wimmera platypus conservation

Ms KEALY (Lowan) (09:59) — Recurrent droughts have had a significant impact on the agricultural sector, the backbone of our economy, but have also had a disastrous impact on our local environment. A recent study of the number of platypuses in the upper Wimmera River region produced distressing results, finding that platypuses in this area are functionally extinct. The government must support conservation efforts to restore vegetation around riverbanks undertaken by local Landcare groups and landholders adjacent to the Wimmera River and support the fantastic local organisation Project Platypus in promoting and supporting the repair of the local platypus habitat to give our region the best possible opportunity to re-establish a viable platypus population in the Wimmera.

Rural general practitioners

Ms KEALY — Country Victoria is in the grip of a critical shortage of general practitioners, and it is having a huge impact on the health of our local people. People who rely on prescription medication to manage their

health are unable to get an appointment to see a local doctor and are forced to skip medication, travel great distances to go to a doctor unfamiliar with their history or condition or end up in the emergency department, putting a huge additional burden on our public health system. I ask the minister: what is the Andrews Labor government doing to address the critical shortage of doctors in rural Victoria, which is having a significant impact on the health of country people and adding huge pressure to Victoria's country hospitals?

Regional and rural roads

Ms KEALY — I would like to address the mistruth that the Minister for Roads and Road Safety is currently peddling regarding roads funding. When compared to the last Liberal-Nationals actual road asset management budget spend plus CPI, the Andrews Labor government have cut almost \$77 million in 2016 and almost \$65 million in 2017. Over the past three years of this city-centric Labor government they have underfunded VicRoads road management by over \$50 million. This is equivalent to millions of unrepaired potholes or almost 70 kilometres of new highway that we do not have because Labor continually cut the VicRoads roads budget. They have also cut the highly successful Nationals \$160 million country roads and bridges program. Country Victorians deserve better.

Moorabbin Primary School

Mr STAIKOS (Bentleigh) (10:01) — It was a pleasure to attend the Moorabbin Primary School's assembly recently to announce \$100 000 for a new playground. This came about after some pretty smart lobbying by a group of mums wanting to replace the current playground, which is old and tired. The new playground will include much more interesting equipment for the students to enjoy.

Our Lady of the Sacred Heart College Bentleigh

Mr STAIKOS — It was also a pleasure recently to visit Our Lady of the Sacred Heart College Bentleigh to inspect construction works on their new performing arts centre. The Andrews Labor government has contributed \$500 000 to this project, which will provide a dedicated space for a growing interest among students in performing arts.

Glen Eira Young Citizen of the Year

Mr STAIKOS — Congratulations to Georgia Shepherd-Petrocco, who has been nominated as Glen Eira Young Citizen of the Year. Georgia completed

some work experience in my office this year and oversaw a project providing care packs to vulnerable women, in partnership with the South Eastern Centre Against Sexual Assault and Family Violence. Well done, Georgia, and good luck.

Moorabbin Reserve

Mr STAIKOS — It was a pleasure to join the Kingston mayor, Cr Steve Staikos, recently to announce more than \$215 000 for a safety upgrade at Moorabbin Reserve which will provide lighting and pathways. It is all happening at Moorabbin Reserve, with the \$30 million redevelopment to provide a home for St Kilda Football Club, the Southern Football Netball League and the South Metro Junior Football League. As well as being a hub for football, Moorabbin Reserve is also a great place for passive recreation. These funds will go a long way to enhancing our beautiful local park.

Felicitations

Mr STAIKOS — I also take this opportunity to wish members a merry Christmas, a happy Hanukkah and a happy new year.

Peninsula Health

Mr DIXON (Nepean) (10:02) — I, along with many residents on the Mornington Peninsula, received an appeal letter from Peninsula Health recently, which is often a matter of course, but there is one part of the letter where Peninsula Health are saying the appeal is directed towards purchasing one piece of equipment that would make a real difference, which is a defibrillator and an echocardiogram monitor. This is from the letter:

A defibrillator and echocardiogram monitor enables our emergency staff to assess and then quickly shock a patient having a heart attack. For patients in the emergency department — where every second counts — that could be lifesaving.

I was quite surprised about this, because I would have thought that would be very, very basic equipment that this government should be funding for our emergency departments in what are two very important and very busy emergency department wards in my electorate.

Mornington Peninsula planning

Mr DIXON — On another matter, for the 10th week in a row I have tabled 1000 signatures on a petition calling on the planning minister to protect and to recognise the Mornington Peninsula planning statement, especially regarding three-storey

developments and the protection of the green wedge on the Mornington Peninsula.

Christmas felicitations

Mr DIXON — Finally, I would like to take this opportunity to wish all members and staff a very happy Christmas and a safe and wonderful new year.

2nd Eltham Sea Scouts

Ms WARD (Eltham) (10:04) — I rise to congratulate the 2nd Eltham Sea Scouts in my electorate, who recently celebrated their 60th anniversary. The group was founded in Eltham in 1957 as the 2nd Eltham Boy Scouts, evolving into the 2nd Eltham Sea Scouts. Over the decades sea scouts have supported generations of young people, aiding in their personal development and instilling values which push them to consider how to better themselves, their families and their communities. Sea scouts have also brought many local families together and played an important role in connecting our community. I congratulate the group and all current and former leaders, including Greg Nash, Simone Redfern, Mark Sells, Adrian Redfern, Peter English, Kathy Guy, Wayne Green, Meredith Bubner, Greg Phillips, Andrew Shepherd, Jo Edwards, Kate Green, Maria Nettleton and Ted Reaks.

David McKenzie Award

Ms WARD — I congratulate the winners of the inaugural David McKenzie Award in my electorate. David McKenzie was the federal member for Diamond Valley from 1972 to 1975 and retains a strong passion for education. He continues to be a passionate advocate on social justice issues in and out of Parliament. David works tirelessly to care for vulnerable people and for a more compassionate society. This award is presented to local primary school students in my electorate who exemplify these qualities. This year's winners are Libby Fisher from Apollo Parkways Primary School, Annabel Page and Olivia Gauci from Eltham North Primary School, Cade Duncan from Glen Katherine Primary School, Maya Mangonaro from Greenhills Primary School, Emily Brennan from Montmorency South Primary School, Caleb Bloomer from Research Primary School and Tyler Murphy from Sherbourne Primary School.

Sue Plaisted

Ms WARD — This year another important person in our community will celebrate 23 years of service to our community at Eltham South Preschool. She will

also desert us! Sue Plaisted has been an amazing teacher at Eltham South Preschool. Her approach to learning is fantastic. She is a passionate advocate for learning through play, which as we all know is vital. Both our two girls were taught by Sue. To see their confidence grow, their inquiry widen and their joy for learning develop under Sue's friendly eye and cuddly arms was a wonderful introduction to formal learning for Mark and me. I cannot thank Sue enough for what she has done for Ella and Molly and for what she has done for the more than 1000 children who have had the good luck to be taught at Eltham South Preschool.

Christmas felicitations

Mrs FYFFE (Evelyn) (10:05) — I would like to express my deep appreciation to each and every member of the staff who work in and around the Parliament, whether it is the Clerk's office, front of house, administration, IT, maintenance, catering, library, Hansard or cleaning — thank you, and I wish you all a merry Christmas and a very happy New Year.

Country Fire Authority Yarra Glen brigade

Mrs FYFFE — It was pleasing to see familiar faces at the Yarra Glen Country Fire Authority (CFA) forum on Saturday hosted by my colleague the member for Eildon and attended by the shadow Minister for Emergency Services and member for Gembrook. It is clear that our state's volunteers are worried, and there is wide support to hold a royal commission into the CFA culture and structure. We have heard of bullying reports sitting on the Premier's desk and read news reports about hazing rituals and an Andrews government that will do everything Peter Marshall tells it to do. This Labor government has sacked board members and management and bullied a minister out of cabinet — and it looks like out of this house. The CFA's volunteers and the community in the Yarra Valley can be assured that the Liberals in developing our plans for Victoria's fire services will listen to everyone, and in particular our volunteer firefighters.

Quite bizarrely Santa was banned last Friday from riding in a CFA truck at an annual event in the Yarra Valley. This is Grinchness at its best. Luckily the children were not disappointed and an old privately owned decommissioned fire truck delivered Santa instead. Sadly volunteers were not allowed to wear their uniforms, which they normally proudly wear at these events. The children had a great time. Thank you to all those involved.

Royal Commission into Institutional Responses to Child Sex Abuse

Ms KNIGHT (Wendouree) (10:07) — Tomorrow we will see the Royal Commission into Institutional Responses to Child Sex Abuse report handed down. I would like to add my voice to the voice of the Attorney-General and the shadow Attorney-General and thank them both for their statements this morning.

It is going to be a bittersweet day for my community, and my thoughts obviously will be with the victim survivors of clergy abuse and their families and friends. All they ever wanted was justice, and I hope that happens. All they ever wanted was to be believed, and I hope that happens. All they ever wanted was a redress scheme that is accessible and has ongoing support and care for them, and I hope that happens. All they ever really, really wanted was that this not happen to another single child, and I think every single person in this chamber and in this state hopes for that — that there will never, ever be a need for another royal commission or inquiry such as this one.

It has taken a terrible toll on my community, but I am very proud of my community and how they have supported the victim survivors. As I said, my thoughts are with them, and I thank them all.

Phillip Island men's breakfast

Mr PAYNTER (Bass) (10:08) — This time of year gives members a wonderful opportunity to attend end-of-year and Christmas-type events around our electorates and to acknowledge the great work of our community groups. Two such great events deserve acknowledgement. The men's breakfast in Cowes does not really have an official title. Quite simply it is a group of local men that enjoy each other's company, friendship, fellowship, humour and stories. We laugh together and sometimes even shed the odd tear. It follows a simple formula: a hearty breakfast, great coffee and a guest speaker.

For most blokes it would be easy to either stay in bed or head straight to work, but there is something about the group that keeps people coming along. I am sure there are textbooks and the like that would fully explore the psychology of these gatherings, but I like to summarise it in one word — mateship. Well done to Mal McCann for keeping them going after our great friend Pastor Craig Semple shifted to Portland earlier in the year.

Heritage Springs Residents Group

Mr PAYNTER — A huge shout-out to the hardworking committee of the Heritage Springs Residents Group in Pakenham for another successful Christmas party last Saturday. Each year this committee organises the event so that families living in the estate get to enjoy each other's company in a casual environment whilst the children delight in receiving a gift from Santa. Congratulations to the committee for providing a warm, safe and fun community environment.

Royal Commission into Institutional Responses to Child Sex Abuse

Ms GREEN (Yan Yean) (10:10) — Firstly, I would like to endorse the remarks just made by the member for Wendouree. I grew up in the Ballarat diocese and I know exactly the matters that she is talking to. I commend her for her work and her statement, and I acknowledge the Royal Commission into Institutional Responses to Child Sex Abuse being concluded today and express my sympathy to the survivors of abuse.

Brendan White

Ms GREEN — I also want to pay tribute today on the retirement of Brendan White, president of Diamond Valley Special Developmental School. For decades Brendan has been an absolute champion for people and students with disabilities to have true inclusion. He is a pioneer in having his students do all sorts of adventurous things in their learning, including horseriding. Farewell, Brendan. You have been a great mate and you have taught me a whole lot. One of the things that I really valued was you saying that your job will be done when there is no need for special developmental schools because all schools will have a true culture of inclusion.

Whittlesea City Council

Ms GREEN — I also want to express my concerns about the poor governance shown by Cr Mary Lajos and her supporters at the City of Whittlesea who this week failed to turn up to a council meeting. This is a very poor example for someone leading the municipality.

Yarra Hills Secondary College

Mr HODGETT (Croydon) (10:11) — I want to take the opportunity to congratulate all students on their academic achievements, which were celebrated last Monday night by Yarra Hills Secondary College

at the Karralyka Centre in Ringwood. Yarra Hills Secondary College is one of the schools that we were able to get funding for a couple of terms ago to fully rebuild that school. It is a wonderful college, and it is always a pleasure at this time of year as members of Parliament to attend the graduations and presentation nights for our colleges. Again I take the opportunity to congratulate all the students on their achievements for the academic year.

Tony Robinson

Mr PEARSON (Essendon) (10:12) — What a joy it is to stand here today. I was reflecting this morning that it was 20 years ago today that we woke up to the exciting news that Tony Robinson had won the Mitcham by-election under a massive swing of 16.9 per cent. This is important because, as you will recall, back in the subsequent 1999 state election Labor was on 42 seats, and the Independents won the other three seats, which then formed a government. If it were not for Tony Robinson, there would not have been a Bracks Labor government. Twenty years ago today I woke up with a very sore head but a very big smile on my face.

PUBLIC SECTOR FUNDING AND EMPLOYMENT

Mr CARROLL (Minister for Industry and Employment) (10:13) — I move:

- (1) the Liberal-Nationals coalition have confirmed they will undertake a cost audit if they win the 2018 election;
- (2) the devastating cuts and job losses in the public service when the Liberal-Nationals were last in government; and
- (3) the grave risk to services and jobs following a Liberal-Nationals cost audit.

I rise today to speak about how those opposite pose a threat to Victorian jobs and future job creation in our state. On this side of the house we know that it is the primary role of any government to create jobs for Victorians, and this is exactly what we are doing.

The latest revised labour force statistics and Australian Bureau of Statistics (ABS) statistics released only last week confirm that since 2014 we have created over 266 000 jobs across this state. This is largely due to the great job-creating initiatives we have put in place on the back of record investments in infrastructure. We have underway some 80 strategic projects worth around \$49 billion. The Minister for Roads and Road Safety is with me at the table today, and getting people home more quickly and safely to their families is a result of

that investment in roads and the hard work the minister is doing in his portfolio.

We must remember that when those opposite were in government almost every single employment program was cut. Victorians can start to wonder what would happen to those job numbers if those opposite came back into government. In contrast we are making investments in infrastructure development, bringing local workers and businesses along with us. We have a multibillion-dollar pipeline of major projects, including the redevelopment of the Joan Kirner Women's and Children's Hospital and, in Melbourne's west, the construction of high-capacity metro trains in Newport, the upgrade of the M80 ring-road, the West Gate tunnel project and the Metro Tunnel project — city-shaping infrastructure that will transform this state for the next hundred years.

We are making sure these projects create thousands of jobs for locals, mandating requirements for local content. We are also creating opportunities by mandating that a significant portion of total hours worked on the major projects must be conducted by local trainees, apprentices and engineering cadets, giving young people a go, making sure they get their start on a job just as those opposite are giving the member for Kew a great go as he works his way up the ladder.

The \$68 million Jobs Victoria program is changing lives and breaking down barriers to employment. We have put over 33 000 long-term jobseekers into employment. We are actually averaging 40 to 50 young people a week getting a job through the Andrews Labor government's jobs program, transforming their lives. Whether it be locals in Ballarat or locals in Bendigo, locals right across this state are getting every opportunity to make sure they get a chance.

I was in the Premier's electorate only a few weeks ago at Daniel's Donuts, where I met some young people getting a great start in life. Twenty-year-old Kehlia from Tonga and 19-year-old Alisha from Samoa both face barriers to employment, but under our Jobs Victoria program we have given them a start in life that they never would have got should the Liberals have been in government. Every program was cut under the coalition when they were last in government, and under the sustainable government initiative so were public servants.

We had the Minister for Police out today speaking on the latest crime statistics. She should be congratulated for the downward trend. That is through record investment in police numbers and forensics. That is what you are seeing — the trend down. It is in the DNA

of those opposite to cut police, and that is what they will do should they ever get back into office.

We are doing more than that. My predecessors in the industry portfolio have really tightened requirements, and when it comes to local procurement we are making sure local industry get every opportunity to participate.

We have seen the announcement of the West Gate tunnel. I have the Minister for Roads and Road Safety here with me today. Already right around Victoria, whether it be in Benalla or whether it be down in the Latrobe Valley, we are making sure that small and medium-sized businesses get a chance to work on our record-breaking infrastructure program. We have 80 strategic projects underway under three Labor budgets. When they were last in office, under four Liberal budgets they only got eight projects underway. It was a four-year public holiday under the Baillieu-Napthine-Shaw governments. The latest crime statistics show we are getting on with the job. The Baillieu-Napthine cuts would come back again should they ever be back in office. We know that is what happens. It is in their DNA.

Mr Pesutto interjected.

The ACTING SPEAKER (Mr Carbines) — The member for Hawthorn might get his opportunity later.

Mr CARROLL — They can talk all they want.

I was doing a bit of night-time reading last night, and it was interesting what I came across. The former Deputy Leader of the Liberal Party, the member for Brighton, in this place back in 2011 — and she was the Minister for Tourism and Major Events at the time, before becoming Minister for Employment and Trade — said:

... there is a fundamental point of philosophical difference between the opposition and the government, and that is that the opposition seems to think the government's role is to provide jobs.

Yes, it is the government's role to provide jobs. We know you do not believe it and have never done it. They have got the world's biggest front bench at the moment with 25 shadow ministers. The latest revised labour force statistics show that since the election of the Andrews Labor government it has created 280 000 jobs. We are averaging about 250 new jobs a week. It is amazing, what we are doing. We are getting on with it. But those opposite seemed to be averse to making decisions. Let us go on and have a look at what they would cut and how they would take the state backwards should they ever get back into office.

On the Metro Tunnel, the most transformative project this state has ever seen, which was actually number 1 on Infrastructure Australia's list, right through their term of office they did not do one thing. It will create 7000 jobs, 500 apprenticeships, opportunities for small, large and medium-sized businesses throughout this state, right through country Victoria. All will get an opportunity to work on this city-shaping infrastructure that will get people home to their families at night, home to their kids, with less time in traffic. It is going to make a major difference. The Minister for Public Transport should be so proud of that project, as she should of the level crossing removal program.

The member for Essendon and I are seeing every day the work going on at the Buckley Street level crossing and we recognise the benefits of that massive, significant project. Those opposite like to talk about level crossings. They removed New Street, Brighton, when they were in office. They hardly removed any, and it was about number 250 on the list that needed to be moved. That is what they did. They looked after the seat of Brighton and nowhere else. The level crossing removal program will create 4500 jobs, including more than 125 apprenticeships, but more than that, it is also helping out some of the most vulnerable members of our community. It has a really important social justice element to it. You are seeing Indigenous Victorians working on this city-shaping infrastructure, giving them a chance in life, to live a life of purpose and to make sure they can make a contribution.

Acting Speaker Carbines, I know this is something very close to your heart because it will make a massive difference to your community. The north-east link is the result of the work of the Minister for Roads and Road Safety. It will involve up to 10 000 new jobs, but more than that, it will get trucks off local streets and people home more quickly. The RACV and the Victorian Automobile Chamber of Commerce say it will provide the missing link that has been needed, and it will be done.

Then this week we announced the West Gate tunnel — 6000 new jobs, 600 apprentices, trainees and engineering cadets. If you do the maths, there are about 28 000 jobs being created, with over 1000 apprenticeships. If those opposite got into office, it would be 28 000 jobs cut straight away, and the young apprentices and the young engineering cadets, and that would make a massive difference, taking this state backwards. We know they were on a public holiday for four years, and that is what we would return to. They would be back asleep at the wheel for four years and nothing would be done. It was an indictment of them.

More than that, we are about building the Education State. The Minister for Education and Deputy Premier is at the table today. Every member on this side of the house should be so proud about the Education State. I know in my own electorate we are building the Education State. Who can remember Essendon Keilor College?

Mr Andrews interjected.

Mr CARROLL — The Premier remembers it. We had to bring the door from the school into the Parliament to the then education minister. He would not visit the school. It was incredible. The school was on the front page of the *Herald Sun*. It had 1300 items that needed fixing and it needed a \$10 million investment. So we brought the door in to the minister, and then the minister went on the public record and said, 'That school's disgusting and unsafe'. That is how a Liberal education minister described one of our schools, and he did not do anything about it. But commencing with our first Labor budget, through the work of the Premier and the Deputy Premier and education minister, we have been literally transforming that school with a \$10 million investment. Those 1300 items that needed fixing are being fixed. It is buying world-class science, technology, engineering and mathematics education and encouraging artistic talent. It is an investment in our future and I am very proud of that. It is probably my number one project locally, and I have had the education minister and Deputy Premier and the Premier supporting me in doing that.

Those opposite had four wasted years and only managed eight strategic projects. We have 80 on the way. The latest ABS employment statistics show we are leading the nation for employment growth. We are doing everything that any state government should do, and it is incredible. We should be so proud of everything we are doing. The Liberals have committed to a cost audit. They did it when they were last in power and they will do it again. They cannot wait to get into government, get their hands on the Treasury and undo all the great work of the Andrews Labor government. Only Labor cares about giving Victorians a job. We have our mandate, and we will do everything we can to make sure every Victorian gets an opportunity to work, has the dignity of work and can contribute to making society even better.

Mr PESUTTO (Hawthorn) (10:24) — I was going to go out to get a coffee, Acting Speaker. I thought the previous speaker would take up the other 20 minutes. What a stunt. What a lie. If I could talk to the good people of Victoria who sit in the gallery, I would say to them, 'Is this what your taxes pay for? Is this what you want to see your government do — engage in stunts

and lie to you?'. Let me ask: 'Ladies and gentlemen in the gallery, don't you want a government that governs for you?'

The ACTING SPEAKER (Mr Carbines) — Order! The member for Hawthorn will resume his seat. The member for Hawthorn will direct his remarks through the chair.

Mr PESUTTO — Thank you, Acting Speaker, I will do that.

As I said in my opening comments, if I could speak to them, that is what I would say. I will tell you what we should be debating today, and that is issues of substance to the people in the gallery and the hundreds of thousands — millions — of people they represent, issues like crime. People in the gallery, don't you want a government that focuses on your safety and the safety of your streets? The crime statistics that came out today show that robberies are up under this government. The crime stats that came out today show that sexual offending is higher under this government. The people of Victoria want a government that sends crime rates down. Don't we want a government that will make the community of the people who sit in the gallery safer? That is what we should be talking about.

What about congestion? I wish I could ask all of the good people in the gallery how hard it was for them to come into Parliament today. Did they face traffic? Did they have to get through congestion? Did they have to wait for a train? And yes, I see hands up in the air. They had to deal with that, Acting Speaker — I am speaking through you, Acting Speaker, as you know. If I could talk to the good people in the gallery, I would ask them about the cost of living, and I would ask the good people in the gallery how they feel about the fact that under this government their electricity bills from 1 January — three weeks from now — are going to go up by 15 per cent. I wish I could ask them how happy they are about that. I wish they could tell me. They do not have a voice for us to hear directly from them, but we can be their voice on this side of the house. That is what we should be debating today.

What about those members in the gallery and the millions of people across this state they represent? I wish I could ask them about the Country Fire Authority and the dysfunctional management of it by this government on their behalf that has caused a threat to emergency services who keep our country areas in particular safe. I wish we could discuss that issue. If this government was true to this motion, I will tell you what we would discuss: we would actually discuss those comments by Mr O'Donohue in the Council — not

comments by him directly but that were quoted in the article upon which this motion sits.

I wish I could talk to them about the issues on that, because our prisons are in a state of crisis — the prisons which are there to keep violent criminals safely behind bars, off our streets and out of our communities. That is what we should be discussing: how we fix a dysfunctional justice system that has seen nearly 40 riots in adult prisons and youth justice facilities in this state under this government in the last two years. Does that keep the people in the gallery and the millions of people they represent safe? No, it does not.

What we said in that article was that this state of dysfunction in our correctional services needs to be fixed. We do not know what the government is spending money on. I do not know what the government is doing with the taxpayer dollars that the hardworking people in the gallery are spending on a corrections system that is dysfunctional and sees riots and outbreaks of violence almost every week. Under this government our corrections system is in a state of crisis. The people in the gallery deserve better. They do not deserve a lie, and this motion is a lie. It is built on an idea that the comments we made in relation to jails were to be extended right across the system. This was not a whole-of-government comment that was made. It was about the dysfunctional, chaotic and dangerously flawed system of corrections under this government.

The good people in the gallery deserve better. They did not come here to watch a stunt. They certainly did not. They came here to hear us talk about the issues that matter to them, and yet we are not doing that. If you really wanted to debate the issues, maybe a few other motions might come before this motion. If you really wanted to talk about matters of importance and the good use of taxpayer dollars, maybe we could talk, while those good people are here in the gallery, about the former Speaker and former Deputy Speaker who ripped them off — who ripped off the good people of this state by rorting allowances that the good people's taxes paid for, pretending they lived in the country so they could get a few extra dollars. If I could talk directly to the people in the gallery, I would tell them that never in the Westminster world have we seen a Speaker and Deputy Speaker resign in disgrace.

You would think that is bad enough, but you know what is worse, Acting Speaker? And again through you, I wish I could speak to the people in the gallery because I would say: what is worse than that is the fact that the two people who had to stand down in disgrace continue to sit in this Parliament and get paid by their taxes. Never have either the former Speaker or former Deputy

Speaker ever risen in this house — their house, Acting Speaker; not ours, their house — and apologised to the people in the gallery and explained why they did it. All of us here are here on trust on behalf of the people in the gallery and the millions of people they represent across this state.

Maybe we could talk about the Deputy President, or former Deputy President, in the other place, Mr Khalil Eideh. It is alleged that we have a Deputy President whose office was issuing purchase orders to a printing company and getting paid for work that was never done — significant amounts of money, tens of thousands of dollars. So what has happened? He has had to stand down and say he will leave in disgrace. They are three members, the former Speaker, the former Deputy Speaker and the Deputy President in the other house — which some of the good people in the gallery might go and see later on if they have not already — who have had to stand down in disgrace. Maybe we should talk about that.

Maybe we should talk about the other issue which is still under investigation. Those two matters I mentioned — the Speaker and the Deputy Speaker, as we know, are under police investigation and, as I am advised, the Deputy President in the other place — those allegations, are under police investigation.

So the good people in the gallery who have come here, how good do you think they feel when they see a government issuing a stunt, wasting the good people's time in the gallery with this nonsense, when there are more important issues? I wonder how happy the people in the gallery would be if they knew that this government — their government — is under investigation for another matter, as if all of the other things I have said are not bad enough. This government is under investigation by the Ombudsman. It has formerly been under investigation by police. Do you know what for, Acting Speaker? Because their hard-earned dollars, the hard-earned dollars of the people in the gallery and the millions of Victorian taxpayers that they represent, were used, blatantly, for partisan campaigning — a fraud. A fraud on the people in the gallery, a fraud on the people of this state, a fraud on this Parliament. So I wonder how good the people in the gallery feel having to watch this motion and learn that their government is under investigation — not once, not twice, but three times, with more to come.

This is a disgrace, this motion. It is an affront to the people who have come here today to listen to debate on parliamentary matters and legislation which affects them and everyone else. We will not dignify this motion beyond me as the speaker. We want to put on record for

the people in the gallery and for those opposite that we will not dignify this motion by contributing to the debate. It is a joke.

I want everybody in this chamber, including those in the gallery, to understand that there are more important issues that they have come to listen to that will not be reached because of this stunt. Their government, which tells them that they are building the roads and building the rail for them — I wonder how happy the good people in the gallery and the millions they represent would be to know that on all of these road and rail projects that they are boasting about the blowouts are larger than the cost of the projects themselves. I wonder how happy the good people in the gallery are about that. They are over budget and over time. How happy would they be about that? I do not think they would be happy.

We will not dignify this motion by having any other speakers. I foreshadow that we will be calling for a division on this stunt of a motion, and I plead with the government: if you want to get this over with quickly, we will cooperate. Let us have no more speakers altogether. Let us not have any speakers. As an act of respect for the people who have come here to listen to real debates on real issues that affect them — cost of living, community safety, congestion, emergency services, amenity, liveability; that is what the people in the gallery have come to listen to — why do we not just have the division now? They see through it. No-one believes you. You have been running this issue for weeks, and the media will not pick it up because they too know it is a joke. Let us get this over with and let us get onto issues that matter to people. If you have got no other business, then just say so, but do not insult the people who are watching and the people who have come here today with this absolute nonsense.

Interjections from gallery.

The ACTING SPEAKER (Mr Carbines) — Order! Can we have silence in the gallery, thanks very much? Or you will find yourselves removed.

Ms THOMAS (Macedon) — (10:36) — I am very pleased to rise today to speak on this very important motion by the Leader of the House. Let us be very clear: those on the other side of this place present themselves to the people of Victoria as the alternative government. In 2018 it will be an election year, and it is going to be very important that the opposition, the whole 25 shadow frontbenchers there, are subject to some scrutiny. I am very pleased to be able to do that in this house today.

I want to tell you about an incident in my electorate last week when I had the good fortune to visit Hepburn Primary School. It is a very small primary school in my electorate, but it is one that is achieving big things under the Andrews Labor government. Principal Robert Walsh has a very focused approach to improving student outcomes and has used equity funding delivered by the Andrews government to intensively coach his teachers, who I might say have welcomed the opportunity for high-quality professional development. This focus is seeing a real shift in NAPLAN results at the school, which is welcomed by all.

But I was there last week to celebrate the 3 millionth school breakfast delivered under the Andrews Labor government's school breakfast clubs program. This is a fantastic program that is ensuring that 25 000 students at 500 of the most disadvantaged schools in our state are accessing that most important meal of the day: breakfast. In this fabulous program 50 000 free meals have been delivered every week. We know — research tells us — that since the program has started nine out of 10 teachers have seen improved student concentration in the classroom, while seven out of 10 teachers have noted improved attendance and more than eight out of 10 said they now have better relationships with their students. This is a fantastic outcome for this fabulous \$13.7 million program, and it is one of many examples of how this government is making sure that we are looking after those in our community who most need our assistance.

Despite its success, this program would be cut by an incoming Liberal government. That would be a disgrace. They have promised a cost audit. We know that that is code for cuts; we have seen it before. As the Minister for Industry and Employment said before, it is in their DNA. That is all they know how to do — cut programs that are serving the most disadvantaged members of our community. When they were last in power what did they do? They cut Free Fruit Friday and they scrapped the education maintenance allowance — initiatives designed to assist our most disadvantaged students in our schools.

I am very concerned, and I think the people of Victoria need to know, that those on the other side, should they win government in November of next year, would also cut \$15 million in funding that we provide to the State Schools Relief fund to assist families with school uniforms. They would cut that \$148 million that we provided to ensure that children from the most disadvantaged families could attend camps and excursions and so on. Things, I might say, that the member for Kew — the would-be education minister — would have no understanding of, he being a

person who has benefited from the most expensive education that money can buy. He would have no understanding of the real issues that confront struggling families across Victoria.

Kyneton Secondary College in my electorate was one of the first schools to embrace the Doctors in Secondary Schools program, which is a runaway success. What this program has meant at 100 schools — again the most disadvantaged schools in our state, half of which I might say are in regional Victoria — is that country kids, kids whose parents who are at work and kids whose families struggle to provide them with the health care that they need, are able to access that health care at school. What have those on the other side had to say about this fantastic program? What would an alternative Liberal government do? I am afraid to say that I am convinced that they would cut the Doctors in Secondary Schools program. They have had nothing positive to say about this groundbreaking program that, as I said, is delivering much-needed health care to teenagers across the state.

We know that teenagers are the cohort least likely to access the health care that they need. They are the cohort least likely to see a GP. This very important program is ensuring that young people are able to build a relationship with a general practitioner and that they are able to get the health care that they need when they need it. Unsurprisingly mental health plans are being taken up at a great number wherever there is a doctors in schools program. We know that many young people struggle through those very difficult teenage, high-school years. This is an amazing program that benefits more than 70 000 students in our Victorian schools. As I said, the former shadow education minister has done nothing but attack the doctors in schools program. I would say to you that this is a very important motion to bring before this house, because the people of Victoria need to know that any incoming Liberal government will cut this vital program.

I want to talk also a little bit more about my electorate. I spoke about it with the Doctors in Secondary Schools program. We are also investing \$11 million of capital and we are building a training and innovation hub at Kyneton Secondary College that is going to ensure a first-rate STEM education is available for kids across the Macedon Ranges. Not only that, the hub will be open for others in the community to access as well.

I will tell you what that mob did when they were in government. They dismantled the year 7 learning centre at Kyneton Secondary College and they closed the TAFE campus that was in Kyneton. This is what they do: they cut, they close, they destroy. We will never

forget, in my electorate, the fiasco that was the art room at New Gisborne Primary School. New Gisborne Primary School is the largest primary school in my electorate — it has more than 500 children and it is a fantastic school. The principal, Andy Kozak, does a great job. In 2011 the art room at this school — this is a school that really prided itself on its art program and had a fantastic program with a kiln and a lot of pottery — burnt down. In 2011 it burnt down.

Do you think in the years that they were in government — 2011, 2012, 2013, 2014 — they could find it within themselves to rebuild that art room, despite the fact that it was fully insured? No, they did not. They sat on their hands and they did nothing. Do you know who did rebuild the art room? The Andrews Labor government. It was one of the first things we did.

School communities in my electorate will not forget what life was like during those four dark years of the Napthine-Baillieu-Shaw governments. They will not forget and they will contrast that with what is happening under this fantastic Andrews Labor government: 56 new schools, 275 school upgrades, 34 early childhood projects, 10 schools opening this year and next year the brand-new Kyneton Primary School will open in my electorate.

I did want to end with a comment and congratulate the Minister for Police on the fantastic achievement today with the crime stats released in Victoria. It is fantastic to see that crime in this state under an Andrews Labor government is trending down. This government made a commitment that we would employ an additional 3000 police: out on the beat, in the streets and keeping Victorians safe.

I would like to contrast that with what they did when they were in government. How many police do you think they funded when they were in government? Not a single one. That would be zero police from that lot when they were last in government. As I said, this is a really vital motion, and I encourage all members on this side of the house to take the opportunity to make sure that we can alert the people of Victoria to the plans of those who would control the government benches and the Treasury bench if they have the chance in 2018. The choice is very clear. The Andrews Labor government will continue to deliver for the people of Victoria on the things that matter: jobs, health, education and transport. I commend this motion.

Mr McGuire (Broadmeadows) (10:46) — No amount of theatrics from the opposition will hide the reality behind what they want to do. Facts speak loudest in this debate and we have seen the story before. We

know only too well how the hidden agenda is played out. How we have the reverse Robin Hood strategy: take the money from the poorest areas and redistribute it to areas for marginal seats. Those opposite were not governing in the best interests of the state or the community; they did not do that. Then we had the complementary proposition of managed decline from the federal coalition government.

So this is the strategy. Here is how it is framed. They say, 'Okay, what's the mechanism? It's a cost audit'. They want to argue about these issues. Do they have a needs-based approach to where the investment should be to get the greatest return for the benefit of the community? No. Do they have an approach in the public interest? No. They have an approach just in political self-interest — to game the system every time. The evidence is clear. The choice will be even clearer next year in an election year. Victorians will say, 'Do we choose to return the Andrews Labor government, which is building Victoria's biggest infrastructure project on record?'. It is exactly what we need. We are dealing with population growth. It is no use just having the opposition like the last galah at the end of the fence squawking. It does not solve the problem. It does not come up with a remedy. It does not matter how you aggregate anxiety and fear. That is not the solution. You have to have the plan.

The Andrews government is changing the face of the world's most livable city to adapt, to grow again, to set it up for the 21st century. There are a whole series of other reforms that we are driving because we have a AAA-rated economy and finances beautifully managed by the Treasurer. This is the way you set up the foundations for good governance and to build the prosperity of the state.

We do not refer to regional and rural people as the toenails. Who could ever forget that quote from former Premier Jeff Kennett? That is the dismissiveness that he had. We are trying to make sure that the jobs go right through the state of Victoria. The facts are that Victoria's economy is booming, state final demand growth is the strongest in the nation and we are creating more jobs than anywhere else in the country — 280 000 jobs have been created in Victoria since the Andrews government came to office three years ago, and about 190 000 of those jobs are full-time. It is the highest growth in full-time employment of all the states.

This is critical because this gives you your foundation for your life, your dignity and your family, and this is one of the key priorities of the Andrews Labor government. Why are the opposition so belligerent about 'Don't look at what we want to do in an audit that

might cut costs'? Why is that? Why did they only have one speaker? Then abandoned the chamber; they abandoned the Parliament. They did not mount a case. They walked out. You cannot just have gesture politics like that. You actually have to say what your plans are, what your strategies are and what you are going to do.

Here is the evidence that we know what happened the last time. There were more beds built in prisons than in hospitals. Can you believe that? Is that a law and order strategy? You cannot arrest and imprison your way out of these issues; you have to address causes — the causes of crime, poverty, unemployment, disconnection. These are the issues. That is what the Andrews Labor government is addressing. We are being tough on offenders and we are making sure that we have got the resources for police — the biggest resources ever, \$2 billion and more than 3000 police officers. This issue is being addressed from that side of the debate. That has been done. The Minister for Police has been driving this and has done a first-rate job in getting these deals done, getting the new police officers trained, and they are coming through.

Then you have to look at the other side of what we are going to be doing on addressing the causes, and only a Labor government addresses that or even wants to look at it. That is a key issue. Then we can drill down into what were the promises and what was delivered on different issues in different sorts of areas. I remember this well. Hours before the Baillieu government put out its first budget, there was a report on health in the Victorian hospital system, and it showed the greatest need and the greatest growth was in Melbourne's north. The former government buried that report because they knew it would not get media coverage because of the budget. It is the old tactic in American politics; they call it 'taking out the trash'.

So what has the Andrews government done? The Andrews government has addressed the issue. Northern Hospital, stage 2, more than \$132 million — there it is. There is a carve-out as well to establish the Broadmeadows hospital to take care of a generational aspiration also. So here is where the need is; here is what Labor has done.

Let us look at what those opposite also did on the projects where the money was provided. We had the then Minister for Planning, now the Leader of the Opposition, taking about \$80 million from a shovel-ready infrastructure project in Broadmeadows to sandbag marginal seats. That was for the seat of Frankston; that is where the money was going. So it was a redistribution from the poorest community that needed this project to get going. They cut \$25 million

from Kangan Institute at the worst possible time, given the need to retrain workers losing manufacturing jobs. Then they merged the Broadmeadows campus with Bendigo TAFE to pork-barrel another marginal seat. Craving the new seat of Sunbury at the 2014 state election, the Victorian coalition government committed to subsidising a breakaway council by redistributing \$25 million from the City of Hume, further punishing families in the poorest communities in another triumph of politics over rational decision-making. This gobsmacking example of the abuse of executive power was one of the last acts of a one-term regime, a ploy that was unprecedented, unfair and unsustainable. It was probably unlawful, according to the findings of a former Supreme Court judge, and was overturned by the Andrews Labor government.

From the big picture strategy to individual projects, when you hear the coalition saying that they are doing a cost audit, that is the trigger. That is really the clue that it will become the mechanism. It will be what they actually tell us in advance — where the cuts are going to be — that will be the critical question. Which communities are going to lose their potential to have better health and better hospital services? Which communities are going to have the money redistributed from them to pork-barrel marginal seats, taken away from the areas of greatest need to just take care of political self-interest? What are the declarations that will be made from this cost audit?

On law and order, the Andrews Labor government has established that here are the police officers, here is the retraining. There is a whole suite of legislative reforms that come together to manage this as well. Here is how the package unfolds in a logical, rational way to address these emerging issues, and a lot of them are driven by population growth. On infrastructure, here is the big picture strategy that has been designed. We cannot just have endless arguments about, 'Oh, I don't like this little project'. You have to do the big picture. You have to draw it together and be able to do it in an infrastructure way, in a legislative way, to actually deliver. That is what they are afraid of. For four years they were a do-little government. They were burned and churned in one term because of that. That is why this debate matters.

Mr STAIKOS (Bentleigh) (10:56) — It is a pleasure to rise to speak on this motion, a motion which I wholeheartedly support. It is an important motion because we are less than 12 months away from an election, and it is important that the people of Victoria remember what life was like under the last Liberal government. You know what life was like under the Liberal government before that because there were

some very, very clear synergies between them. At the start of the Baillieu government's term there was a cost audit, just like we can expect a cost audit should the Leader of the Opposition ever become the Premier of Victoria. Of course the Baillieu government's cost audit led to endless cuts, some very disgraceful cuts, to the most needy and vulnerable Victorians.

I have a Liberal opponent in my electorate; he pops up from time to time. Recently in my letterbox I got a brochure from him and the slogan on it was 'Back to Basics'. When a Liberal tells you that they are going to go back to basics, what are they actually saying?

Mr Edbrooke — Cut you to the bone.

Mr STAIKOS — Cut you to the bone. If we want to go back to their basics, let us consider what life was like in my electorate prior to the election of this Andrews Labor government. I think the most obvious policy area is in education, particularly our schools. Over the first three budgets of the former Liberal government, there were zero dollars spent to rebuild schools in my electorate — zero dollars. Not in 2011, not in 2012, not in 2013. In 2014 they realised there was an election coming on and suddenly they threw a little bit of money at Coatesville Primary School, but that took a lot of campaigning on the part of the school.

By contrast, this Andrews Labor government, over the first three budgets, has invested \$46 million in rebuilding schools in my electorate — something I am very, very proud of. Of course we are not done yet, but we were playing catch-up because we had three years of absolutely nothing. Of course that funding included McKinnon Secondary College, which is the biggest school in my electorate and one of the largest schools in the state. It has been built and rebuilt by Labor governments. The last Liberal government to ever throw any money to McKinnon Secondary College was led by Henry Bolte. That is how far back you actually have to go.

Bayside Special Developmental School has been caring and educating the most vulnerable students in the state. In the 1990s the Kennett government sold off their school oval. What sort of people sell off the school oval at a specialist school? Those sorts of people opposite do something like that. Not only are we giving them back their school oval, we are rebuilding their school from top to bottom.

That is the difference between Liberal governments and Labor governments. We actually invest in public education. Those opposite do not believe in public education. In fact their new education spokesperson has

told our public schools that they are mediocre; that is what he has said. I can tell you in the schools in my electorate that has gone down like a lead balloon. That is the big difference.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Taxi and hire car industry

Mr GUY (Leader of the Opposition) (11:01) — My question is to the Premier. With your government holding the selection eligibility criteria of the taxi industry Fairness Fund so tightly and secretly that you will not even give it to the Victorian Ombudsman, despite requests to do so, and with taxi families here in the gallery today whose businesses have been destroyed by your government yet with their claims for fair compensation rejected, Premier, can you look these taxi families who are here in the gallery in the eye today and tell them, just before Christmas, why their requests for compensation from the Fairness Fund were rejected? Tell them, Premier, after you destroyed their livelihoods, how is this fair?

The DEPUTY SPEAKER — Order! Members of the gallery will not respond or speak. If you continue to do so, the gallery will have to be cleared.

Mr ANDREWS (Premier) (11:02) — I thank the Leader of the Opposition for his question. I would take issue with the contention by the Leader of the Opposition that the government is doing anything —

Mr Guy — Well, no compensation under you. No compensation under you! That is the reality.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Calm yourselves. This is just the first question, and I know it is the last question time for the year. Try and calm yourselves, and have a reasonable debate.

Mr ANDREWS — The contention that the government is doing anything other than cooperating with the Ombudsman is simply wrong. In relation to compensation arrangements, I would note that the ultimate package was supported by those who would criticise it today. That is an interesting little point, isn't it? That is an interesting point — that those opposite would criticise measures they ultimately were dragged to voting for. Under previous positions put forward by the previous government, where there was no compensation —

Ms Staley interjected.

The DEPUTY SPEAKER — The member for Ripon is warned.

Mr ANDREWS — and in debate prior to ultimately supporting the arrangements they criticise today, their position was no compensation. No compensation whatsoever. Those opposite have no credibility when it comes to these matters.

We will continue in an orderly fashion to support those in the industry, subject to the scheme as delivered and as determined by the Parliament. We will not be copying the crocodile tears from the Leader of the Opposition!

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The level of interjection is very high today. I will remove members from the chamber should it continue.

Supplementary question

Mr GUY (Leader of the Opposition) (11:04) — It is interesting that not once, Premier, have you looked at the taxi families in the eye. You have no courage to look them in the face. Andy Thompson was a taxi owner who finally met your Minister for Public Transport some weeks ago only after his plight was raised in Parliament. He has young children. As a result of your taxi changes, he has lost his house and he is now sleeping in a small factory. Your minister's only response was to offer Andy and his family a place on the public housing waiting list, an offer that was subsequently withdrawn. Premier, coming up to Christmas, maybe again you would like to face the gallery and tell these families how this is fair.

Mr ANDREWS (Premier) (11:05) — I thank the Leader of the Opposition for his supplementary question. I wonder whether anybody in the previous government, including the now Leader of the Opposition, faced anybody when the Fels reforms were rammed through with not one dollar of compensation. Not one dollar of compensation.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Ripon will leave the chamber for 1 hour.

Honourable member for Ripon withdrew from chamber.

Mr ANDREWS — Not \$350 million worth of compensation and support, not \$350 million worth of

support, but zero support from people who would pretend to care about these matters now. They either had the complete opposite position — no support — or they —

Honourable members interjecting.

Mr Hodgett — On a point of order, Deputy Speaker, the Premier was asked a question about Andy Thompson, a former taxi licence owner who has lost his house and how was that fair. I ask you to bring the Premier back to actually answering the question that was asked of him.

The DEPUTY SPEAKER — The Premier to answer the question.

Mr ANDREWS — They do not care about providing one dollar of compensation. Zero — that is what they would have provided. Any individual who needs support and assistance, we stand ready to provide it.

Ministers statements: crime prevention

Ms NEVILLE (Minister for Police) (11:07) — I rise to update the house on what this government and Victoria Police are doing to disrupt, detect and prevent crime in this state. Last year we released the *Community Safety Statement* — \$2 billion of investment in 3135 new police and 100 new protective services officers (PSOs) on top of almost another billion dollars. We have got new equipment. We have got mobile technology, new intelligence systems and new laws like banning cash for scrap metal, for DNA testing, for drug driving and firearm prohibition orders. All of these reforms are about targeting offenders, helping victims and supporting our police. We are starting to see positive results. In fact we have seen the most significant decrease in crime for over a decade. However, I can assure you, Deputy Speaker, and Victorians that the job is not yet over.

This government, Victoria Police and I remain absolutely committed to a relentless focus on driving this rate down further. The crime statistics released today show a drop of 6.3 per cent in the crime rate and a drop in the raw number of offences of 4.9 per cent. In every police region, in almost all crime types, in households, communities and businesses, we are seeing the crime rate head downwards. Most importantly, the number of victims is also down. We have got to remember that at the end of every statistic there is a victim. Those rates are coming down too.

I want to thank every police officer in every part of Victoria for their tireless and relentless effort to bring

crime down. We know each and every year there was an increase in crime under those opposite. In fact 21 per cent during their time — 21 per cent. That six-year trend is starting to turn around. What will not bring crime down is supporting organised crime figures, undermining the police, helping out organised crime and watering down our firearm prohibition orders.

West Gate tunnel project

Mr M. O'BRIEN (Malvern) (11:09) — My question is to the Treasurer. Treasurer, you told Parliament that your West Gate tunnel project, which includes 20 years of higher tolls on CityLink and the imposition of a city access tax for the very first time, is 'the best possible deal for Victorians'. Global investment bank Credit Suisse has published research to its clients that says of the West Gate tunnel:

It is a highly attractive investment opportunity that TCL (Transurban) negotiated with the Victorian government without a competitive process ...

It then says it delivers to Transurban:

\$2.7 billion value creation from (an) unsolicited proposal.

Treasurer, given investment banks are crowing over your \$2.7 billion gift from Victorians to Transurban, how can you justify this rip-off of motorists by a private company on a project you never took to an election?

Mr PALLAS (Treasurer) (11:10) — I thank the member for Malvern for his question. Every time the member for Malvern asks a question about probity, the people of Victoria will be reminded that his is the hand that signed the dodgy side letter. He kept it secret from Victorians and hid a business case that showed a road where literally billions of dollars would be invested would return 45 cents in the dollar. Let us also not forget that the market-led proposals, what were unsolicited bids, the direct subject of the question from the member —

Ms Ryall — On a point of order, Deputy Speaker, on the question of relevance, the Treasurer is debating the question and failing to answer the question. I would ask you to bring him back.

The DEPUTY SPEAKER — The Treasurer is referring to the West Gate tunnel. I do encourage the Treasurer to take heed of the question and respond with an answer.

Mr PALLAS — It was not this government that introduced unsolicited bid proposals; we refined them. Did you know that under those opposite an unsolicited bids proposal, a contract, could be signed without the

public even knowing about its existence. We made them public. We made them transparent. We placed obligations upon the state to declare to the public that these proposals had been submitted, and the state had to justify that we were getting value for money, which you never did.

Mr M. O'Brien — On a point of order, Deputy Speaker, the question related to analysis from Credit Suisse talking about a \$2.7 billion value creation and asked the Treasurer how can he justify this rip-off of motorists on a project he never took to an election? I ask you to bring him back to answering the question that was asked.

The DEPUTY SPEAKER — I remind members that points of order are not an opportunity to repeat questions.

Mr Pakula — On the point of order, Deputy Speaker, the preamble to the question went to the fact, as the member for Malvern suggested, that this project did not go to market. The Treasurer is explaining in great detail the process and comparing it to the process that was far less transparent under the previous government. So he is entirely in order to respond to the assertions made by the member for Malvern about this project, in his words, 'not going to market'.

The DEPUTY SPEAKER — I believe the Treasurer was being relevant in terms of going to market, and I rule the point of order out of order.

Mr PALLAS — Under the unsolicited bid processes that the previous government operated there would have been no contestability, no capacity for the state to satisfy the community that it got value for money. If you would like to go to the website of Treasury, you will see PricewaterhouseCoopers advice to the state of Victoria that there is a value-for-money proposition. Might I also add that the question went to who liked and who disliked this proposal. Well, of course the Victorian Transport Association is a big supporter of this proposal. Who else likes it? The Victorian Employers Chamber of Commerce and Industry. Not that the interests of business would concern those opposite, because they are the people who want to sign dodgy contracts, who want to reach agreements in silence and in secret, and now what are they proposing? Are they going to tear up contracts or are they going to do what the people of Victoria expect to happen? In relation to the 50 000 jobs that our 2016–17 budget said we would deliver, we are getting on and doing. That is why this is the fastest growing economy in the nation.

Supplementary question

Mr M. O'BRIEN (Malvern) (11:14) — Treasurer, in a research note to its clients on the West Gate tunnel, Macquarie Wealth Management referred to:

... the surprise increase in CityLink tolls to 4.25 per cent over 2019–29. In a low inflationary environment, this is as much as a 20 per cent real toll increase!

Treasurer, why should CityLink users accept paying 10 years of higher tolls and 10 years of new tolls for your dud tunnel that stands to benefit Transurban shareholders at the expense of Victorians?

Mr PALLAS (Treasurer) (11:15) — There is only one certainty about this: this proposal is the project that the people of Victoria desperately need. We cannot retain our reliance upon the West Gate Bridge. We need to put in place arrangements.

Mr M. O'Brien interjected.

Mr PALLAS — Now he is talking about taking things to an election. These are the people who lied to the people of Victoria about east–west; they said they had no plans for an east–west tunnel. You lied to the people of Victoria and then you hid your dodgy contractual arrangements from them.

Mr M. O'Brien — On a point of order, Deputy Speaker, I would ask you to bring the Treasurer back to the question. I am happy to make available to the house the reports from Credit Suisse and Macquarie demonstrating what an absolute gift he has given to Transurban at the expense of Victorians.

The DEPUTY SPEAKER — There is no point of order. The Treasurer to continue.

Mr M. O'Brien interjected.

The DEPUTY SPEAKER — The member for Malvern seeks leave to make documents available to the house.

Mr PALLAS — This is feigned indignation from the member for Malvern, who signed arrangements that put in place a 4.5 per cent adjustment on tolls. We have done better than him at 4.25 per cent, but let us be clear: the cost of this project in today's dollars is \$4 billion worth of capital works, \$4 billion worth of toll revenue to Transurban.

Ministers statements: employment

Mr CARROLL (Minister for Industry and Employment) (11:17) — I rise to update the house on

the latest employment statistics released by the Australian Bureau of Statistics. The revised labour force data shows that since the election of the Andrews Labor government 284 000 new jobs have been created — since November 2014. This is the highest in the nation in both absolute and percentage terms. It equates to 250 new jobs every day since the election of the Andrews Labor government

Mr T. Smith interjected.

The DEPUTY SPEAKER — The member for Kew is warned.

Mr CARROLL — Importantly, 190 000 of those jobs are full-time, which is the highest growth in full-time employment in the nation and something we should be all very proud of. We have an annual average jobs growth rate of 3.92 per cent. When we had the Baillieu-Napthine-Shaw government —

Mrs Fyffe — On a point of order, Deputy Speaker, the minister appears to be reading from a document. I wonder if he would make that document available to the house?

The DEPUTY SPEAKER — Is the minister reading from a document?

Mr CARROLL — I am referring to notes, Deputy Speaker.

The DEPUTY SPEAKER — The minister is referring to notes. The minister to continue his ministers statement in silence.

Mr CARROLL — Do not just take our jobs opportunities and job strategy from me; take it from the member for Brighton — wakey-wakey over there! Back in 2011 — and I am happy to quote this one, Deputy Speaker — there was a fundamental point —

Honourable members interjecting.

The DEPUTY SPEAKER — I know it is the last question time for the year, and I understand your excitement about going home. Everyone is very excited and I understand that it is pretty funny when the minister knocks the lamp, but I encourage you to control yourselves. The minister to continue.

Mr CARROLL — The member for Brighton back in 2011 said to us:

... the opposition seems to think the government's role is to provide jobs.

I am happy to quote that and happy to table it. We do believe there is a role to provide jobs for Victorians. That is why 284 000 people are proudly in work.

I congratulate the Minister for Police on her statistics released today. The landmark report on crystal methamphetamine was handed down on the now opposition's watch. We are putting Victorians into work. I remember when former Premier Napthine came to office he recruited 11 new sniffer dogs. That was his answer to crystal methamphetamine. While we are putting people to work, they are putting labradors to work. They are a whole frontbench of labradors, and the member for Kew, what is he? He is the young puppy.

Ms Victoria — On a point of order, Deputy Speaker, I am sick to death of the bullying in this chamber, and I ask you to caution the ministers on the other side of the house as to their conduct in this house and the name-calling, which is beyond what the people of Victoria expect from this house.

The DEPUTY SPEAKER — I encourage all members to take heed of the rules of the house.

Taxi and hire car industry

Mr GUY (Leader of the Opposition) (11:21) — My question is again to the Premier. In the gallery today is a lady whose father was a hardworking migrant who worked tirelessly to support his family and himself in retirement. He used to —

Honourable members interjecting.

The DEPUTY SPEAKER — I caution the deputy leader. I caution the Leader of The Nationals. The Leader of the Opposition to continue his question.

Mr GUY — In the gallery today is a lady whose father was a hardworking migrant who worked tirelessly to support his family and himself in retirement. He used his taxi licences to fund his stay in a nursing home. Once your government devalued taxi licences this man did not have enough money to pay for the nursing home fees. Centrelink valued his licences at \$800 000, so he is unable to receive a pension. His taxi licences are worth zero to you but \$800 000 to Centrelink. Premier, how much longer must this lady's father wait for the so-called Fairness Fund to pay for the debt he has now incurred as a result of your destruction of the value of his asset?

Mr ANDREWS (Premier) (11:23) — I thank the Leader of the Opposition for his question. I would just draw to the attention of the Leader of the Opposition and anybody else who has been directly affected by

these measures or anyone with even a passing interest in these matters that the opposition described the compensation arrangements that we put in place as 'a slush fund'. Who said that? The Deputy Leader of the Liberal Party described it as a slush fund —

Mr Guy — On a point of order, Deputy Speaker, I have asked the Premier how much longer this lady's father must wait for the Fairness Fund to pay the debt he has now incurred. I ask you, on relevance, to bring him back to answering a straightforward question.

The DEPUTY SPEAKER — I encourage the Premier to answer the question.

Mr ANDREWS — Individual cases for support and compensation under arrangements that were opposed and then ultimately supported by those opposite are dealt with as quickly as they possibly can be. I am more than happy to follow up on any individual case beyond the correspondence and discussions that have already occurred. I am more than happy to follow those matters up.

But I would say to anybody interested in these matters that those who oppose compensation are no friends of people who are seeking it. Those who describe compensation as a slush fund are no friends of those who would like to access that fund. The hypocrisy of those opposite is on display today, and it is no different from when they come in here pretending to care about victims of crime and they take the Mafia's money. You are a fraud and everyone knows it.

Supplementary question

Mr GUY (Leader of the Opposition) (11:25) — Premier, will you immediately release the criteria for the so-called Fairness Fund so that this family and many other taxi families adversely affected by the government's decisions, including those here in the chamber today, can see for themselves whether payments from the fund are not being made or are being made capriciously? If not, will you please explain to those families present why they are being so poorly treated by you.

Mr ANDREWS (Premier) (11:25) — Each and every application for assistance, support and compensation under the Fairness Fund, opposed by the Leader of the Opposition, is dealt with on its merits —

Honourable members interjecting.

Mr ANDREWS — Well, you opposed the Fairness Fund, so you are no friend of the Fairness Fund; you did not want one.

Honourable members interjecting.

The DEPUTY SPEAKER — The member for Eltham is warned.

Mr ANDREWS — I would again make the point that every case is unique, every case will be dealt with on its merits and payments have been and will continue to be made from a fund that was opposed by those opposite. I will again make the point that if you oppose a fairness fund, you are no friend of people who would make a claim from that fairness fund. You are a hypocrite and everyone knows it.

Mr Watt interjected.

The DEPUTY SPEAKER — The member for Burwood is warned.

Ministers statements: health and ambulance services

Ms HENNESSY (Minister for Health) (11:26) — I am delighted to rise to advise the house about some very significant achievements that have occurred in the health and ambulance services portfolios this year and how our government continues to deliver for all Victorians with the wonderful work and the wonderful support of our health and ambulance services workforce.

It has been a year of record achievement when it comes to health and ambulance services. Our ambulances are arriving faster, with the best quarter one response times on record and the best annual response times in eight years.

In our hospitals we have achieved the best annual elective surgery waitlist on record. More patients than ever before have also had their elective surgery within clinically recommended time frames.

We have spent the last three years making sure that we rebuild our health and ambulance system after the cruel and vicious billion-dollar cuts that were made to our health and ambulance system. None of this would have been possible without our \$1.67 billion investment to meet hospital demand.

This has been a very, very challenging year for our health and ambulance system. From the great challenges of responding to the Bourke Street tragedy in early January to one of the worst flu seasons on record, to achieve this kind of performance for Victorians is something that means that we should hold our health and ambulance system in incredibly high regard.

As we crawl to the end of the parliamentary sitting season we should remember that our health and ambulance services and workforce will be working over Christmas to make sure that all Victorians are safe. They deserve our respect and they deserve our support. I want to place on record my deep appreciation and gratitude for the incredibly hard work that they have done for us this year and for sacrificing time with their families over Christmas to make sure that we keep Victorians safe.

Goulburn-Murray irrigation district

Ms SHEED (Shepparton) (11:28) — My question is for the Minister for Water. The RMCG report finds \$550 million each year is being lost in agricultural production in the Goulburn-Murray irrigation district, and that about 1000 jobs have been lost to the region so far as a direct result of reduced water availability under the Murray-Darling Basin plan. Farmers have been leaving the region in significant numbers since the water buybacks commenced a decade ago. This week dairy farmer and Australian Dairy Industry Council water task force chairman Daryl Hoey has spoken out again about the serious risk to dairy farmers in our region if more water is taken out of the consumptive pool. All signs indicate that the federal government is burying its head in the sand and is intent on rolling out the plan regardless of its impact on river communities. I ask the minister: what steps will the Victorian government take to protect access to water for our dairy industry and other food producers, who account for at least 25 per cent of the total value of Victoria's agricultural production?

Ms NEVILLE (Minister for Water) (11:29) — Can I thank the member for Shepparton for her question. It is a very important question and one that confronts us immediately with the ministerial council coming up next week, but also over the coming months and where we head with it. I completely understand her frustration. She is really reflecting the frustration of her communities, not just in the Goulburn-Murray irrigation district (GMID) but also along the Sunraysia as well in terms of some of the issues we have faced around allegations of water theft et cetera.

We do know from our own socio-economic report and that done by the communities in the Goulburn-Murray region that we have significant pressure because of the significant buybacks that happened during the start of the Murray-Darling Basin plan. In fact we know that dairy in particular was subject to selling off a large quantity of their high-reliability water shares, to a much greater extent than horticulture, although our socio-economic reports show that we are at a pretty significant trigger

point not only for dairy but also for horticulture. So this is an issue right across the basin in Victoria.

At the Ministerial Council for Corporations (MINCO) on Monday and Tuesday of next week we are meeting with stakeholders, and then the ministers are meeting. Firstly, I will be calling for a high-level independent review. We have been doing that consistently; we have been asking the commonwealth to do this because we do need to get to the bottom of what has occurred. We have got multiple reviews going on, none of which go to the issue of improving turbidity confidence. I would be very keen for those opposite to perhaps support that independent call to Barnaby Joyce.

Secondly, I will be telling MINCO — and I am sure the member for Shepparton will agree that the evidence does not yet exist for us to be able to proceed with the recovery of the additional 450 gigalitres that South Australia is seeking. There is no community confidence — every single socio-economic report shows us that 450 could significantly harm our communities.

Thirdly, I will be calling for the work to continue on delivering the projects under the plan that will deliver the 605 gigalitres. That is currently before the Senate, and unless we get that through, our communities will potentially face further buybacks from the commonwealth. There is a legislative component around that, so again we need the commonwealth to get this through the Senate to support that and get the 605 gigalitres and the sustainable diversion limits adjustments and the projects on the ground.

I can assure the member, I can assure this house and I can assure northern Victorians that we are going to be continuing to advocate strongly to protect their water interests. This is significant to the economy of Victoria but also for that region. Unfortunately others signed up to this plan that I do not think has been in the interests of Victoria.

Supplementary question

Ms SHEED (Shepparton) (11:32) — Minister, will you go to the ministerial council meeting of water ministers in Albury next Tuesday and call for a pause in the basin plan while the current shambles is addressed; the results of at least 11 different inquiries, evaluations and reviews are assessed; and a practical way forward is found that meets the needs of the environment and supports the local, social and economic future of the Goulburn-Murray irrigation district?

Ms NEVILLE (Minister for Water) (11:33) — I thank the member for Shepparton for her

supplementary question. Just as I indicated, firstly, we need an independent review with powers to subpoena people and subpoena records. In my view the Ernst & Young report will not give us the answers we need. We are absolutely clear that there are socio-economic impacts of taking any more consumptive water out of that region, and Victoria will be strongly saying that we cannot sign up to that 450 gigalitres unless it can be delivered in a way that is neutral or better in terms of socio-economic impact. I do not think that is going to be possible, but we will not be signing up to that until that is assured. Thirdly, we cannot fully pause the plan because we do need to deliver the 605 gigalitres, the offsets, the infrastructure, and we need the commonwealth to get that out the door. I do not want to risk any more buybacks from the commonwealth government in relation to this.

Ministers statements: education

Mr MERLINO (Minister for Education) (11:34) — It has been an amazing year of achievement and delivery in the Education State. We signed an enterprise bargaining agreement with our government school principals, teachers and support staff without industrial action for the first time in 20 years, treating the profession with the respect it deserves.

Mr R. Smith interjected.

The DEPUTY SPEAKER — The member for Warrandyte is warned.

Mr MERLINO — We reformed our initial teacher education requirements with the introduction of a minimum Australian tertiary admission rank for year 12 entry into undergraduate teaching courses, starting at 65 for this year's year 12s and 70 next year. We want the top 30 per cent of students to become teachers. We have undone much of the damage inflicted by those opposite. They cut \$1 billion out of education. We have invested \$5 billion, and we are seeing the results.

The 2017 NAPLAN national report shows that Victorian students achieved the highest mean scores across Australia in year 3 reading, years 3 and 5 writing, year 3 grammar and punctuation and years 3 and 5 numeracy. This comes on the back of the Progress in International Reading Literacy Study results, an international report, which confirmed that Victoria is well ahead of every other state and territory in this nation, and we are one of the leaders in the world. Despite this, there are some who continually disparage government schools, who say, and I quote, 'There is a culture of mediocrity' in state schools around Victoria. Who said that? It was the member for

Kew, shadow minister number 25. Students and teachers across Victoria are proving the shadow minister wrong. We are leading the nation in education.

Mr R. Smith interjected.

The DEPUTY SPEAKER — Order! The member for Warrandyte! This is your second warning. I will not hesitate to remove you from the chamber.

Energy supply

Mr SOUTHWICK (Caulfield) (11:36) — My question is to the Minister for Energy, Environment and Climate Change. Yesterday the temperature reached 38 degrees, and places like Mountain High Shopping Centre in Bayswater were already asking the tenants to turn off their air conditioners. Minister, you stood by and watched Hazelwood close. Despite all the hype your batteries are still not ready, diesel generators are going to cost a fortune and the Australian Competition and Consumer Commission has reported that Victorian energy costs are now the nation's highest. Can you confirm, on top of all of that, that Victorians will now foot the bill for companies that are being asked to shut off power in order to stop blackouts?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:37) — I thank the member for Caulfield for his question. He is absolutely wrong on all those counts. The facts speak for themselves. Back in 2014 the market operator called for additional supplies of energy for that summer period under the watch of the previous government and at the time when the Hazelwood power station was still in operation. We are seeing the same tools being put in place this time round for the market operator. The market operator's role is to ensure that there are sufficient supplies to meet the demand needs of the eastern market for electricity. They are doing that. Yesterday was an example of them being successful in being able to meet the supply demands, and they have given everyone the confidence that that will continue.

Mr Southwick — On a point of order, Deputy Speaker, I ask you to bring the minister back to answering the question. The question was specifically: will Victorians be paying more as a result of being asked to shut down their supply, thanks to the failure of this government — yes or no? And how much will that be if the minister would like to elaborate and tell us? And if she does not know that, could she just sit down.

The DEPUTY SPEAKER — The Minister for Energy, Environment and Climate Change to respond to the question.

Ms D'AMBROSIO — Thanks very much. Can I just say quite clearly that I do not take any lessons from the member for Caulfield, who actually does not understand the system whatsoever. The fact is that the market operator's role, as they did in the past in 2014, is putting the measures in place to ensure that there is sufficient energy supply to meet the demands for the coming summer. They are doing their job. The question will be about whether there is any activation of those reserves. If that is the case, then of course, as the market operator has made clear, there will be costs that retailers will bear from that.

We are at the beginning of summer. Ultimately the market operator's role is to ensure that we do have sufficient supplies. They have given all consumers, and they have given governments across the eastern seaboard, the confidence that they have that in hand, and we will look towards the summer to see how that goes. Yesterday was a very important day in demonstration of the market operator doing its job. It ought to be allowed to get on and do just that and ensure that we have got sufficient supplies to meet the demand.

Supplementary question

Mr SOUTHWICK (Caulfield) (11:40) — I take from that the answer is yes, that Victorians will be paying more. With the disastrous and half-baked policy decisions the Andrews government has made or allowed to happen in the energy portfolio, Minister, will you today give Victorians a guarantee that there will be no blackouts due to the power shortages this summer — yes or no?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:40) — I thank the member for the supplementary question. The fact remains that the market operator has given assurances and confidence that there will be sufficient supply to meet the demands for this coming summer. We have confidence that they will do that, and we expect the market operator to see through its commitment to all consumers across not just Victoria but all of the energy market.

Mr Southwick — On a point of order, Deputy Speaker, the question was to the minister, not to the market operator. Will the minister give the guarantee — yes or no — that there will be no blackouts this summer? This is very important to every single Victorian and every household and every business. Will we see blackouts under this government — yes or no?

The DEPUTY SPEAKER — The minister has concluded her answer.

Ministers statements: employment

Mr ANDREWS (Premier) (11:41) — I am delighted to be able to update the house, firstly, on November labour force data which has just been released, showing unemployment is down to 5.5 per cent and nearly 320 000 jobs have been created since this government came to office — 320 000 jobs. Compare that to a record of doing absolutely nothing, or nothing good, from those opposite. What a proud day for those workers.

Mr M. O'Brien — On a point of order, Deputy Speaker, I do not understand why the Premier is not telling us that Victoria's unemployment rate has been stuck above the national average for 15 consecutive months — 15.

The DEPUTY SPEAKER — There is no point of order.

Mr ANDREWS — The member for Malvern would know all about being average, I would reckon. Keep taking your points of order, come on. Another one!

Mr M. O'Brien — On a point of order, Deputy Speaker, I just remind the Premier in our four years Victoria created more jobs than any state in the country. He cannot boast that record.

The DEPUTY SPEAKER — There is no point of order.

Honourable members interjecting.

The DEPUTY SPEAKER — This is the last ministers statement in the last sitting week. The member for Hawthorn has a point of order. I would like it to be heard in silence.

Mr Pesutto — On a point of order, Deputy Speaker, were it not for population growth, gross state product would actually be going backwards under the Premier.

The DEPUTY SPEAKER — As the member for Hawthorn would be aware, that is not a point of order.

Mr ANDREWS — Here I was, thinking it was question time. It is audition time, it would seem. *Don't You (Forget About Me)* — that is your favourite song, isn't it? *Don't You (Forget About Me)* over here. Have you got another point of order?

The DEPUTY SPEAKER — With 57 seconds to go, I call the Leader of The Nationals on a point of order.

Mr Walsh — On a point of order, Deputy Speaker, in the absence of the member for Box Hill, I feel compelled to ask you to bring the Premier back to making a ministers statement, because he has strayed a long way from that.

The DEPUTY SPEAKER — I am inclined to agree with the Leader of The Nationals. I call the Premier back to making a ministers statement.

Mr ANDREWS — I could of course update the house on our fishing policy, Target One Million. It seems many people are taking the bait today. Many people are jumping on the hook, it would seem.

But no, what I want to do, apart from celebrating those very, very important employment numbers, is to spare a thought for all of those who will work over the summer period to keep us safe — our Victoria State Emergency Service, our Country Fire Authority, our Metropolitan Fire Brigade, our ambulance paramedics, our members of Victoria Police and so many others who, while others are having a break, a well-earned rest, will work right throughout the day and night to keep us safe. Retail workers will continue to work to make sure that our international guests get the best experience possible. Our doctors, our nurses, our ambulance paramedics will work to make sure that we continue to provide the very best care. We will spare a thought for them this Christmas.

Mr Wakeling — On a point of order, Deputy Speaker, I just wish to draw your attention to a number of questions that I have put to the ministers for environment, police and education which are yet to be answered. These relate to questions on notice 13 426, 13 423, 13 060 and 13 030 and constituency question 13 334. I ask you to draw those matters to the attention of the relevant ministers.

The DEPUTY SPEAKER — We will refer those matters to the ministers for response.

Mr T. Bull — Deputy Speaker, my point of order also relates to some overdue correspondence: constituency question 13 332 to the Minister for Police, asked on 19 October, regarding the allocation of additional police at Lakes Entrance over the summer period; and question 13 385, also to the Minister for Police, asked on 31 October, regarding policing in Omeo in the case of staff absences.

The following were questions on notice: 13 167 through to 13 172 to the Minister for Roads and Road Safety, asked on 17 October, regarding a VicRoads infrastructure program; questions 13 176 through to 13 217 to the Minister for Housing, Disability and

Ageing, relating to the rollout of the national disability insurance scheme; question 13 282 to the Minister for Roads and Road Safety on 18 October, regarding the installation of warning signs for deer on roads in East Gippsland; question 13 285 to the Minister for Emergency Services, asked on 18 October, regarding roadside fuel reduction burning; and question 13 288 to the Minister for Roads and Road Safety, regarding the VicRoads Safer System Roads Infrastructure Program.

Deputy Speaker, I raised these points last sitting week. They were overdue then. They are very important to the people of East Gippsland. I request, with Christmas approaching, that if you could expedite those answers from the relevant ministers I would be most appreciative.

The DEPUTY SPEAKER — I thank the member for Gippsland East. We will follow those up with the ministers responsible.

Mr Watt — On a point of order, Deputy Speaker, I rise to talk about a number of questions on notice that I have asked: question 13 220 to the Minister for Roads and Road Safety and 13 249 to the Minister for Local Government. I raised yesterday that question 13 249 is overdue by almost a month. Given that Christmas is upon us and given that we will not actually sit between now and Australia Day — and the question was specifically about Australia Day and residents in certain municipalities being disadvantaged by their councils not showing some respect for 26 January as Australia Day — I would appreciate if that question could be answered before Australia Day so that I could have some satisfaction. That would be good.

I am a little bit reticent to raise this particular point of order, but nonetheless today is the 30th day since I asked four questions of the Minister for the Prevention of Family Violence. I understand there are personal circumstances in relation to the Minister for the Prevention of Family Violence, but given the fact that there were 75 374 instances of family violence reported between September 2016 and September 2017, I do not think it is unreasonable to think that, even in the absence of the minister, the government might be able to find an answer to those four questions around domestic violence. My questions were about support services for victims of domestic violence. We know that during the summer period and during the Christmas period instances of domestic violence can be difficult and increased, but in particular access to services can be difficult over the summer period. I would ask that you have these questions answered in a timely manner — and I am reticent because I understand the minister's personal circumstances.

The DEPUTY SPEAKER — Thank you, member for Burwood. I understand your concern. Those matters will be referred to the ministers that you have referred to. I understand that letters have already been written to the ministers in relation to the points of order you raised yesterday, and we will seek a response for you.

RULINGS BY THE CHAIR

Questions without notice

The DEPUTY SPEAKER (11:51) — Order! In question time yesterday the member for Malvern took a point of order in relation to the responsiveness of the Treasurer's answer to the second substantive question. I have reviewed the transcript and consider that the answer was responsive. The member for Croydon took a point of order about the responsiveness of the Minister for Roads and Road Safety's answer to the fourth supplementary question. I have reviewed the transcript and consider that that answer was responsive.

CONSTITUENCY QUESTIONS

Brighton electorate

Ms ASHER (Brighton) (11:52) — (13 836) My question is the Minister for Water. My question is: when will the government complete meaningful flood mitigation work around the Elwood Canal? As the minister would know, because I have raised this with her previously, houses in proximity of the Elwood Canal flood when it rains. Constituents have now written to me saying that in view of the dire warnings issued, whilst their homes did not flood in December this year, they of course still sandbagged their homes and experienced a whole range of stress associated with impending flooding. They are the people who have used the term 'meaningful flood mitigation'. I am in possession of a confidential plan called *Elster Creek Catchment Action Plan* from October 2017, and many actions in this require Melbourne Water to act in 2018. A good first step for the minister would be to commit to these actions. So when will these residents of mine be relieved with flood mitigation?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) (11:53) — (13 837) My question is to the Minister for Roads and Road Safety, and it concerns the intersection of Pound Road and Shrives Road in Hampton Park. I ask: what stage has been reached in the Andrews Labor government's \$7.5 million project to upgrade this notorious intersection? I was so pleased to kick off construction on this much-needed project earlier this

year. It followed a really long and hard-fought campaign with the local community to ensure that action was taken. Naturally it was only Labor who was willing to act and get on with the job. The Liberals wasted four years and refused to lift a finger to fix this congested and dangerous intersection. Soon give-way signs will be replaced with a two-lane roundabout that will ease congestion and prevent accidents. It is yet another example of how only Labor governments deliver for our community.

Gippsland East electorate

Mr T. BULL (Gippsland East) (11:54) — (13 838) My question is to the Minister for Public Transport. The information I seek is the progress of the air-conditioning upgrade on V/Line's Gippsland line N-class carriages. I first raised this matter via a question on notice last year, and on 21 March I was advised, 'An upgrade to the air conditioning on one N carriage is being trialled in the third quarter of 2016'. Through an adjournment debate later on I asked the minister to reveal the findings of the trial, and on 28 April 2017 was told, 'The upgrade program will commence shortly across the entire classic fleet'. I then sought start and finish dates for this upgrade and was advised, 'Air conditioning upgrades for the carriages are expected to commence in late 2017 and be completed in 2018'. We are now in late 2017, and it should have started. I would like to know how the upgrade on the Bairnsdale carriages is progressing.

Bentleigh electorate

Mr STAIKOS (Bentleigh) (11:55) — (13 839) My question is to the Minister for Public Transport. My question is: how have patronage numbers changed on the 823 bus since the recent route change?

Evelyn electorate

Mrs FYFFE (Evelyn) (11:55) — (13 840) My question is to the Minister for Public Transport. What plans does the minister have to review bus services in my electorate, in particular along Clegg Road, Wandin North? There is a disconnect between the townships of Wandin North and Mount Evelyn. Residents of each township have to travel into Lilydale and then come out again if they wish to access either of these two townships. Residents along Clegg Road are even more increasingly isolated and are forced to rely on taxis and private cars to reach the shops or services of either township.

Yuroke electorate

Ms SPENCE (Yuroke) (11:55) — (13 841) My constituency question is for the Minister for Health. What information can the minister provide on initiatives the government is undertaking to encourage breast cancer screening for women in the Yuroke electorate? Data from BreastScreen Victoria indicates that 3759 women in the Yuroke electorate were not screened for breast cancer between 2014 and 2016. With a screening average of only 53 per cent during this time, the Yuroke electorate recorded a rate of screening lower than the statewide average.

A statistic that we all know too well is that one in eight Victorian women will be diagnosed with breast cancer in their lifetime. However, life-saving breast screening technology can now detect cancers early, before noticeable symptoms occur. I thank the minister for her work in this area, and I look forward to hearing from her about what the government is doing to improve breast cancer detection in my electorate.

Melbourne electorate

Ms SANDELL (Melbourne) (11:56) — (13 842) My question is to the Minister for Planning, and it relates to Campbell Arcade, which is the underpass from Degraeves Street to Flinders Street station. As part of the Melbourne Metro project there is a new planned underpass from Town Hall station to Flinders Street station, but this will have an impact on the heritage of the existing Campbell Arcade. My question is: why hasn't this impact been considered in the environment effects statement or subjected to any planning or heritage assessment?

Campbell Arcade was built for the 1956 Olympics. It is a rare example of art deco design, with a distinct 1950s colour scheme. Now it is an art space. The walls are lined with creative work. You can pick up the latest zine from the Sticky Institute or grab some independent Aussie fashion from The Cats Meow. But the current Metro Tunnel plans show the arcade's eastern wall could soon be demolished. Yes, we need an underpass from Town Hall station to Flinders Street station, but the failure to properly consider heritage in its planning must be rectified.

Macedon electorate

Ms THOMAS (Macedon) (11:57) — (13 843) My question is to the Minister for Roads and Road Safety. My community in Gisborne have been calling for a pedestrian crossing on Aitken Street for some time now. Aitken Street is the main thoroughfare through

town for cars and other vehicles, and it is also a popular strip for pedestrians who want to grab a bite to eat or shop at one of the local retail outlets. I understand that funding for a pedestrian crossing is now available. Can the minister advise when work will commence on this much-needed project?

Bass electorate

Mr PAYNTER (Bass) (11:58) — (13 844) My question is for the Minister for Police. Minister, how do you intend to keep the community of Phillip Island safe over the new year when we do not have an operating police station? The completion of the Cowes police station has been pushed back to mid-2018, which means that over the summer period and including the major upcoming public holidays of Christmas, New Year's Day, Australia Day and Easter there will be no permanent police presence on the island. It is expected that the population on Phillip Island will increase to over 60 000 people. With families, children and locals working, visiting and holidaying on the island, what will you do to ensure their safety at all times?

The San Remo police station was built for a maximum of six officers and is not suitable to house the police from the Cowes station let alone the additional numbers needed to deal with the summer crowds. This situation is one that you alone have caused. The Andrews government is losing the fight on crime, and our communities are feeling vulnerable as a result.

Yan Yean electorate

Ms GREEN (Yan Yean) (11:59) — (13 845) My question is to the Minister for Roads and Road Safety, and I ask: when is the relocation of the historic Plenty Methodist Church due to occur, from the corner of Yan Yean Road and River Avenue? I was pleased to join the minister for the sod turn of the Yan Yean Road duplication last Friday. The duplication requires that this historic church be moved. Unfortunately, though, there has not been agreement reached on where this should be. The Plenty Historical Society and the Plenty community hall committee are very willing and want to manage this beautiful old church on the site of the Plenty War Memorial Park. However, VicRoads have advised that Nillumbik Shire Council is dragging its feet on this occurring. It would be a great risk to this church if it had to be relocated to a temporary site before its final site, so I hope the minister can resolve this.

PUBLIC SECTOR FUNDING AND EMPLOYMENT

Debate resumed.

Mr STAIKOS (Bentleigh) (12:00) — Before we were interrupted by question time I was highlighting the very, very clear differences when it comes to public education between this side of the house and that side of the house and highlighting their inaction — indeed their neglect, their cuts — when it comes to public schools, particularly in my electorate of Bentleigh.

Statewide over three budgets \$2.5 billion is currently being spent on building, upgrading and rebuilding schools across the state. In contrast, the last government spent on average around \$200 million a year and did not fund one single new school. That is why last year not one new school opened despite the fact that in some parts of our state — like over in Wyndham — a primary school is born every month. We are the fastest growing capital city in Australia, and of course the former government did absolutely nothing to keep pace with that growth in terms of critical infrastructure — and that includes schools.

Even in an electorate like mine, which is not a new area — it is not considered a growth area; it is certainly not an outer suburb — we are currently talking about building a new secondary school. The tragedy of this is that the site where we are intending to put this new secondary school is within a stone's throw of the old Murrumbeena High School, closed by the Kennett government. That is how short-sighted Liberals are. They close our public schools and they cut to the bone when it comes to education, and then it is always Labor governments that come to pick up the pieces.

But the cuts to our schools were not just in infrastructure. I think one of the most shameful actions of the former Baillieu-Napthine government was when it cut the education maintenance allowance — an allowance that provided funding to the most needy school students in our state. What sort of people would cut funding to the most needy school students, schoolchildren, across the state? Those people opposite — that is exactly what they did. When we came to government we introduced the Camps, Sports and Excursions Fund and we boosted funding to State Schools Relief, because we believe that no child should go without.

Then of course we remember that pre-election promise made by Ted Baillieu where he said to our teachers that he would make them not the worst paid in Australia but the best paid in Australia. How did that go? He deceived our teachers, and of course that enterprise

bargaining agreement (EBA) became one of quite a number of acrimonious EBA negotiations that characterised that government of four years. What did we do? We settled the teachers EBA with not one day of industrial action, because we value our teachers whether they are in government schools or non-government schools. When it comes to education I think the people of Victoria absolutely know which side they can trust.

Then we think back to what was happening with health in our state over those four miserable years of the Baillieu-Napthine government. That government over four years cut \$1 billion from our health system — \$1 billion. They waged war on our paramedics. We ended the war with our paramedics. We funded our ambulance service properly, and today we have the best ambulance response times in eight years — because we worked with our paramedics and we respected their work.

Remember what they did to our nurses; I remember that well. My opponent herself was a former nurse, but the truth is that she betrayed nurses. That is why outside the Bentleigh electorate office on several occasions there were a number of demonstrations by our nurses, many of them local nurses. I can tell you that since I have been the member for Bentleigh, not one demonstration has taken place outside that office because this government values our nurses. The former government wanted to cut nurse numbers. What we did was we enshrined nurse-to-patient ratios in law. That is how much we value our nurses and the care that they provide to their patients.

With transport, my opponent in Bentleigh keeps saying let's go back to basics. What does that mean? Before we removed level crossings? Is that what he means? Because certainly I have not seen much support from members opposite for the level crossing removal project in my electorate. What a fantastic project. This project not only provided very important, long overdue infrastructure but also created a lot of jobs.

With all of these government contracts we are making sure that 15 per cent of workers are apprentices, cadets or trainees because we are all about giving people opportunity. They are all about ripping opportunity away; we are all about giving people the dignity of work — not just for apprentices but also for Indigenous workers. I think there are 100 Aboriginal workers currently working on the elevated rail project on the Dandenong line, and that is something that we are very, very proud of.

This has been a government that has been about opportunity, that has been about education and that has been about jobs. We heard today from the Premier that since this government came to office we have created 320 000 jobs — that is a record — and unemployment is at a record low 5.5 per cent. We are proud of all of these achievements, because when this government achieves, it achieves for the people of Victoria. I could probably speak for an hour or two about the cuts of the former government and what Victorians can expect if that miserable lot ever find their way back to the Treasury bench. I commend the motion to the house.

Mr CARBINES (Ivanhoe) (12:06) — I am pleased to follow the member for Bentleigh in relation to these matters and in particular the very disturbing commitment that has been made by the Liberal-Nationals coalition that they will undertake a cost audit if they return to the Treasury bench at the next election. We remember the sustainable government initiative under the Baillieu-Napthine governments, which was just a stalking horse and smokescreen for cuts. That is all it was. In particular it was cuts to services in my electorate. When we talk about a cost audit, it is not about just dollars and cents, as is often the case with the Liberal-Nationals when they are in government; it is the cost to families, it is the cost to communities and it is the cost to opportunities for people to be able to make a contribution.

Some of the very significant projects and programs that we have operating right now in the Ivanhoe electorate are providing the most exciting time for public servants to be engaged in government. There are great opportunities that people have been working for many years to deliver — projects that have been talked about for ever but never delivered — and the opportunities for the professional development and engagement of the public service here in Victoria on these projects is significant. The only threat to their opportunities to continue to put their expertise to good use for the people of Victoria is the cuts that have been foreshadowed by those opposite. We have seen that in particular in relation to the projects in my electorate. I just want to touch on a few of those but also to note that I represent an electorate that has a very significant proportion of people who work in the public service and the public sector. We have not only the Austin and Mercy hospitals in my electorate but the Warringal Private Hospital and the Austin repat facility as well. Many people who work in the Ivanhoe electorate are involved in health services, including as paramedics.

We also have a very significant range of public, private and independent schools and a significant number of people who live locally work in that sector. We have a

very high proportion of public sector workers in the Ivanhoe electorate. They have a very big commitment to and stake in who governs Victoria because it affects their commitment and their ability to contribute to the community, to their families and to their livelihoods.

We on this side of the house put people to work and provide amazing opportunities for people who have devoted their working lives to the betterment of Victoria, to the place where they live and to the great opportunities that they have had on several projects. I will touch on some of those because they are also providing opportunities for young people to get into the workforce and retraining opportunities that we have seen with the automotive transition task force. Those programs are overseen by a member in the other place, the minister responsible for TAFE, who has been out to the Rosanna level crossing removal project. It is part of a \$395 million upgrade of the Hurstbridge rail line to remove level crossings at both Grange Road in Alphington and Lower Plenty Road in Rosanna. The duplication of the Hurstbridge line between Heidelberg and Rosanna, another tunnel and another bridge are all part of the project.

We were out there with automotive workers who have transitioned across to the Level Crossing Removal Authority. We stood there with those workers, who were rubbished and belittled and had their careers destroyed by those people opposite when their federal counterparts in Canberra demolished the automotive industry. It is a Labor government, under the Premier, that has provided transitions to work on these projects and ensured those people were treated with respect and dignity and given opportunities to retrain. Now they are out there removing level crossings across Victoria, including at Rosanna. That is a tribute, I think, to the commitment that this side of the house makes to providing in very difficult circumstances — this is complicated work that requires great attention and a great level of purpose — those opportunities to people who could easily fall through the cracks.

It is not only that, but also in relation to our multicultural communities we are making sure they have apprenticeships, job opportunities and training opportunities. We are seeing that happen at both the Level Crossing Removal Authority and the north-east link project where we have had a range of meetings with Melbourne Polytechnic to provide opportunities to engage their people and students.

Right across my electorate we have school projects underway: the \$11.5 million redevelopment at Viewbank College — my old school — which will be concluded next year, and at Rosanna Golf Links

Primary School a nearly \$7 million redevelopment will conclude next year. This is the school my daughter will be attending for prep next year. As a regional deaf facility, as a school that caters for some 550 students, it is the only school, after four long years, that the Baillieu-Napthine governments decided to put any money towards starting a redevelopment of, but of course they did that in the dying days of their term. What happened is we then came into office and had to increase the funding for the project because it had sat there collecting dust for so many years that it was undercosted and undervalued. We had to step in and get that right.

Can I say also that we work in partnership with the Catholic education sector. Just up the road we are contributing \$3.5 million for 10 new classrooms for St Martin of Tours Primary School — another 500-plus students there — along with the Catholic Education Office and the local community. We have also allocated \$2 million to start the project for extra classrooms at Ivanhoe Primary School. We have also completed a million-dollar master plan for Banyule Primary School, where there are over 650 students. The first part of the project to build the new gym is now underway. The master plan has been costed and we will be pursuing further funds for that in the next budget. For Olympic Village Primary School, a half-a-million-dollar master plan has been completed to build a new school at Olympic Village in West Heidelberg.

The only time you see Liberals in West Heidelberg is around election time, when they breeze through the mall and create a bit of a kerfuffle. You see that at about that time. That is what happens every four years. The only other time you see them, of course, is when they are cutting services and when they are selling off public housing to developers. We have seen that right across West Heidelberg during their time in government. What you see under our government at Altona Street, at Kokoda Street and at Tarakan Street is that we are opening new housing for people in my community.

We are committed to continuing that work. The community legal service in West Heidelberg, established in part by John Cain, the former Premier of Victoria and constituent of mine in the Ivanhoe electorate, had \$200 000 allocated to it just last week by the Attorney-General to continue our work to meet demand. Unfortunately that is to represent families, particularly women, suffering from family violence. Continuing those projects is critical.

You put all of this at risk when you use as a stalking horse for cuts a cost audit, as has been announced by

those opposite. But it is not, as I said, about the cost in dollar-and-cent terms; it is the cost to communities and families. It is the costs that are irreparable to generations of people when their government is not in their corner, investing in their livelihoods and investing in their opportunities.

Can I say also that today the Minister for Local Government and member for Kororoit was in Ivanhoe announcing a \$750 000 capital grant for a new Ivanhoe library. The library has been there since the 1960s. There is no disability access. It is over three floors. This is a magnificent project that we need to work together on. These are the opportunities that the Andrews government is providing on the ground to local communities, and I am looking forward to seeing that project delivered, as a past chair of the Yarra Plenty Regional Library service.

For Fairy Hills Kindergarten there is a \$350 000 capital grant to again provide access for people with disabilities. We have students starting there in 2019, but at the moment there is no disability access at Fairy Hills Kindergarten in East Ivanhoe. That \$300 000 grant, announced by my colleague in the other place, Minister Mikakos, will see some further contributions from Banyule City Council, allowing us to provide accessibility for all at Fairy Hills Kindergarten. It is a really critical project.

But these things cannot happen unless there is a commitment from the government and a commitment from everyone in this place to invest in local communities. You do not get that when people are going home worried about their job. You do not get that when people are concerned about their families. You do not get people putting their hand in their pocket or volunteering in their community if they do not feel the government is supporting them as well. That is how you leverage other resourcing and commitments in the community. That is what we are committed to doing on this side of the house.

People need to understand, and I think they do, that if you are not in hi-vis and hard hats out in the Ivanhoe electorate, then you cannot move; you are just not involved. I would say to those opposite that the best they can do is drag someone from Kew to represent them at the next election. They can drive over the Chandler Highway bridge, a \$110 million duplication that we have invested in that is providing jobs for people. I hope that candidate notices that when she drives across from Kew to learn something about the Ivanhoe electorate — the commitment of the people in the Ivanhoe electorate, the volunteers and the public

sector workers and those people who make our place a great place to live. They have our backing.

Ms WARD (Eltham) (12:16) — I also rise to support this motion. What members in the house have recognised is that our coalition colleagues are nowhere to be seen, as they were not to be seen during the four years that they were in government. I have to tell you that any working family, anybody in the outer suburbs, anybody who is struggling to make ends meet, anybody living in public housing, anybody who needs a hospital, anybody who needs a school, anybody who wants to use public transport, anyone who relies on roads would shiver to hear that the Liberal-Nationals coalition propose to conduct a cost audit if they are elected in 2018. When you hear words like ‘cost audit’ and ‘the coalition’ together in the same sentence —

Ms Thomas — Be very afraid.

Ms WARD — Indeed, member for Macedon, be very afraid. It sends shivers up people’s spines, because the very people who rely on government, the very people who need government, are those who cop it in the neck every time the coalition come into government. They are the ones who find their supports and services slashed when those opposite are in government. The fact that that is one of their first policy announcements as we lead into next year, the fact that that is one of the first things they have said they will do — a cost audit — shows you what their priorities are. Their priorities are to again replicate the mistakes of their past which they created throughout 2010 to 2014, when they absolutely decimated services in this state and when they took money away from people and made their lives harder.

One of the interesting things that comes from a lack of investment in community is an increase in crime rates. When you cut TAFE, when you do not create more police roles, when you cut services to hospitals, when you cut mental health services, when you cut hospital services, when you cut education, crime rises. It is great to see today that we are talking about the decrease in crime that is happening in this state, work that this government is doing —

Ms Thomas — Well done to the Minister for Police.

Ms WARD — Absolutely, member for Macedon. Well done, Minister for Police. But well done to the Andrews government — and well done to the Andrews government because of the incredible investment that is going on. It is investment that is absolutely important. It is investment that matters to people’s lives and it is investment that leads people to a productive life, a

meaningful life, not one that has to rely on crime in order to survive.

I will use the Greensborough TAFE as a case in point. Those opposite closed that TAFE in 2013. They destroyed my TAFE in the outer north-eastern suburbs. I have to say that we hear a lot of babble from those opposite about, 'You don't care about the regions'. Well, we do care about the regions, and we also care about the outer suburbs. I have to say that I see no evidence from those opposite that they support the outer suburbs whatsoever. They tried to destroy Greensborough TAFE and it would have been sold off and there would have been a development. There would have been people living there, and guess what those people would have needed? The same that everyone else in the north-eastern suburbs needed: a TAFE. Because they would have had kids, just like those families in St Helena, those families in Eltham North, those families in Diamond Creek, those families in Eltham, those families in Montmorency, those families in Briar Hill, those families in Greensborough, those families in Watsonia — they needed a TAFE, and they ripped it apart and they sent my people elsewhere.

I find it ironic that those opposite think they have the solutions to our road problems when what they were doing was sending kids from Eltham who were going to Greensborough TAFE to Prahran. Well, that helps with your road problem, doesn't it? How smart was that? What brain surgeon came up with that idea? I have to tell you that closing Greensborough TAFE was one of the many terrible decisions that were made by those opposite because they do not know how to govern. They only know how to slash and burn.

I tell you what, Acting Speaker Dimopoulos, these are the things that help to combat crime. It does help to create opportunities for police. It does help to have more cops on the beat. It does help to build more cop shops, like we are doing in Mernda, for example, but it also helps to create employment. Where did employment go when they were in government? Employment went backwards. Do you know what the worst part of that was? Youth unemployment went backwards. The worst youth unemployment rate in the Australian mainland was under the coalition government. The worst unemployment rate for young people was under those opposite.

That is how you start to combat crime; you create opportunities for young people. Youth unemployment is dropping. We have created over 200 000 jobs in this state since we were elected. Those opposite could only create 40 000 full-time jobs in the four years they were in government — that is 10 000 jobs a year. And what

have we created? We have created more than 50 000 full-time jobs a year each year we have been in government. This is a good record and one that we are proud of. And do you know how we have achieved that? Not through cost cutting, not through cutting and slashing and burning, but by investing.

Ms Thomson — By investing.

Ms WARD — By investing; exactly, member for Footscray. We have invested in the people of this state because we care about the people of this state. We care about people who need services and who need government. And do you know what? Pretty much everybody in this state needs government. Everybody in this state needs to use a road. They need to access the hospitals, they need to access a school, they need to access a TAFE and they need to access public transport. They need to access all the services that government provides. You only have a functioning society when those services are supported by a government, and the only government that supports all those services is a Labor government, and we saw for four years that it did not happen under a Liberal-National coalition government.

The coalition do not support services; they cut them. They do not respect them. They do not respect public servants, they do not respect nurses and they do not respect paramedics. They do not respect anybody who relies on the public purse, other than themselves. The only people paid out of the public purse that they respect are themselves. That is all they respect and it is all they look after, because they did not look after our paramedics; they were at war with our paramedics. They did not look after our nurses; they were at war with them. They did not look after our teachers; they were at war with them as well. These are people who cannot actually work with anybody. They cannot work with the community.

Ms Thomson — They don't want to.

Ms WARD — They don't want to, that is right, member for Footscray. We do not want to see a return to this state where we have people who are cutting, cutting and cutting. They cut without care and cut without any consideration for the hurt that their cuts create — and they create deep hurt. They do not care about how much they hurt and damage people. It is disgraceful that you would want to stand for this place and think that another person's life is not important or does not matter, that their need to go to TAFE does not matter, that their need to have a good education at school does not matter, that their need to have good vocational education training does not matter, that the

need to have career changes and support when there is a transition going on in their workspace, like we saw in the auto industry, is not cared about.

Where have the Liberal Party been for auto workers? They have been completely missing in action. The federal Liberal Party were quite happy to throw away the auto industry, to chuck it on the junk pile and not care whatsoever about what that meant for those workers, their families or the broader economy. They did not care. And how have they stepped in? They have stepped in half-heartedly. It has been this government that has stood up for auto workers, it has been this government that has been creating opportunities for auto workers and it is this government that will continue to do so. That those opposite think an audit is the first thing that they need to do when they are elected is an absolute disgrace, and they should hang their —

Ms Thomson — To cut.

Ms WARD — To cut; exactly, member for Footscray. We know that the word audit is a euphemism for cut when it is said by the Liberals. I would love to know what the National Party thinks about this, because when you are cutting services, you are hurting rural and regional communities. You are ripping out their community health service support, you are ripping out their high school support and you are ripping out their TAFEs. You are creating so much damage that it takes years to repair, which I am pleased to say is exactly what this government has done.

Ms THOMSON (Footscray) (12:26) — It is an absolute pleasure to follow on from the member for Eltham, who I think very eloquently spoke about the effect of an audit of public sector workers, which in fact is code for a cut. We are not seeing the members of the opposition participate in this debate, and you have got to ask the question, why? You would think that they would actually defend their arguments and would get up and say, 'No, this is what we mean by audit' or 'No, this is what we mean by cuts'. But they are not even prepared to stand up and participate in this debate because they know what they are going to do when they get in, if they ever get in again with the current leadership — they are going to cut, and they are going to cut where it matters and where it hurts. Do we say this just because we are playing games? No. We say it because their four-year record in government proves it. There is nothing that they did in government that demonstrated anything other than that they were prepared to cut the vital services that Victorians depend upon.

In my own electorate I have Victoria University TAFE, which lost \$290 million thanks to the Liberal state

government. TAFEs lost over a billion dollars over that four-year period thanks to that Liberal government. That is not what Victoria needed at that point in time and it is certainly what Victoria does not need now.

The member for Eltham talked about the transition of workers from automotive industries. Let us be very clear about this: unless we absolutely invest in retraining and unless we actually work with each individual worker who is facing that job loss and give them a future that they can count on, we have let them down. Because they are not responsible for losing their job. They did not create the circumstances that led to the closure of the car industry. We have a responsibility to make sure that they are looked after and that their families are looked after. But did the Liberal government care about that? No, they did not. Certainly the federal government did not care when they taunted the automobile industry and said, 'Get out, we don't care. There's no more handouts coming from this government'. There is no country around the world that does not support their auto industry, except us apparently, under Liberal governments.

We saw the closure of a sector that not only was providing jobs in the auto industry but was allowing some of those small component manufacturers to actually diversify into new industry areas because they had a constant stream of money coming through the auto industry to support them. They now cannot afford to innovate; they are not able to continue. A number of those will be closing, and with that there will be the loss of jobs. But do the Liberal Party and the National Party care about that? No, they do not. Because if they cared about that, they would have made sure that TAFEs were supported. They would have made sure that there was a program in place to support those leaving the auto industry — something that we put in place.

More importantly, the infrastructure programs that we have put in place ensure local content and encourage those who are participating in those projects and winning the contracts to actually employ those who are coming out of the auto industry — and it is happening. People who were actually in the auto industry are getting jobs on those projects, and more importantly other employers in manufacturing are able to match up with those employees coming out and are offering them jobs because of the work that we are doing to support auto workers. But where are the Liberal and National parties? They are absolutely silent. They could not care less about the auto industry and the loss of workers' jobs at all — they could not care less.

Let us have a look at health. What did they do in the health sector? They did nothing. They did not put

money towards the health sector at all. In my area we are going to see the completion of the Joan Kirner Women's and Children's Hospital in an area where birth rates are going through the roof. There are stories today about the birth rate in Victoria and the birth rate in the western suburbs. We will have the women's and children's hospital in Sunshine to support those women and those children. It is a much-needed piece of infrastructure that should have happened four years ago, but it just did not happen.

Footscray Hospital, which tends to the needs of thousands of people every year, will now be rebuilt. It has a staff that is second to none, a staff that is dedicated to the people they serve. However, they have been working in facilities that do not meet the standards expected in a First World country. It will be an Andrews Labor government that will rebuild a new Footscray Hospital for the people of the western suburbs. The people of the west know that, when it comes to government, the only people who invest in them and in their community is a Labor government.

You would not even know that there was a Maribyrnong River to cross with the Liberals in power. They certainly showed no interest in the western suburbs whatsoever when they were in government. I get that now. I get people coming up to me, saying, 'I have never seen so much money being spent on us in the west before. This is fantastic. This is great'. They will point to what is going on in one of their schools, and the work that is being done to rebuild or renovate their schools. I have had a number of opportunities to talk to those school communities, hear what they need and know that this government is meeting those needs.

The Melbourne Metro rail tunnel is a crucially important project that could have been started and was ready to go under the Bracks-Brumby government, but the Liberals and The Nationals failed to follow up on it when they were in government. Now we are four years delayed in producing the metro tunnel, which will link the western suburbs, Ballarat and Geelong to the Parkville precinct. This is so important for people of the west. When they have to go for cancer treatment or have to go to university if they are students and do not have cars, it is so difficult to get there and yet it is so close. Why should they have to take two different modes of public transport to get to Parkville when they are probably only 8 kilometres away? It is ridiculous. We will be able to have access to the Parkville precinct by getting on a train. How good will that be for the people of the west.

Then there is the West Gate tunnel, the project that the Liberal-National Party hate. It is a project that will

relieve the transport woes of the inner west. For people in my electorate, that means 9000 trucks off their streets. Did the Liberal Party and The Nationals in the former coalition government care at all about what the people of the inner west faced by way of trucks going through their streets? No, not at all. They could not care less. They are about cutting services. They are not about ensuring those services are where they need to be.

We all remember the ambulance strike. We all remember what was written on those ambulances as they went to pick up patients in need. We remember them very well. We on this side of the house met the ambos. We actually went and talked to them and told them, 'We value what you do. What you do for our community is crucially important. You keep people alive who otherwise would die. You are vital to what we need'. We have made sure that they have been supported, that they have got the budget and the equipment that they need to do their jobs. We have seen the result of that in ambulance times coming down. We have seen the results.

Everywhere that this government has put money into the budget, we have seen the results of that. We have seen better results coming out of our education system. We have seen better results in our health system. We have seen cuts to hospital waiting times or surgery waiting times because money is going in to make sure it happens. This is only possible if you put the money into it. It is only possible to ensure you are getting better results if the money is going where it is needed. We know that if the Liberals and The Nationals get back into government, we will see the turnaround again for the worst. We will see hospital waiting times go up. We will see ambulance response times increase. We will see the outcomes in our educational system worsen. Those opposite are not fit to govern. They are not fit to govern Victorians. They are not certainly not fit to govern the people of my Footscray electorate who deserve better from governments that represent them. They are not fit and are certainly not ready to govern this state.

Mr EDBROOKE (Frankston) (12:36) — It is my pleasure to rise this afternoon and speak on the motion referring to the 'cut and burn' strategy of the Liberals. I condemn any notion that a cost audit would be in the best interests of Victoria if the Liberals, heaven forbid, won the next election. All the rhetoric and denials from those opposite will not change the history of the Liberals and The Nationals that we have seen quite recently of their cutting public sector service jobs while making sure they keep their own. It is a certainty that the only job the Liberals care about is their own job.

I would like to focus for a moment on 2014. We were on the eve of a possibly catastrophic fire season. In September we had the Morwell mine fire going on. Now I was at the bottom of that mine with a crew of very dedicated and committed people working extraordinary hours in unique conditions and under quite an amount of duress, I might add. Now what could be the worst thing you would say to your community and firefighters in your community on the eve of possibly one of the worst fire seasons to date? Would it be stupid, insane or crazy, with a growing population, to say we are going to slash 164 staff? That is what the Liberals did on the eve of a fire season. They slashed 164 staff just as we were preparing to go out and battle these fires.

Almost 10 per cent of the firefighting organisations' paid workforce was cut in a massive internal restructure called Creating Our Future Together. It was meant to cut \$16 million a year from the Country Fire Authority (CFA). Before those opposite — there is only one of them here, which really shows their interest in this subject, and they should be more interested in their community — say, 'Oh, we did not cut \$16 million', your own minister, Peter Ryan, confirmed the cuts. We still hear people in this chamber today saying, 'Oh, we didn't cut \$16 million'. I was there. I was on the ground. I saw it.

Mr Wakeling interjected.

Mr EDBROOKE — Rubbish. You speak rubbish. You are a liar. Those cuts included 71 roles in fire and emergency services management, and 16 positions that have already been axed.

Mr Wakeling — Tell us about the volunteers!

Mr EDBROOKE — If you would like me to speak about volunteers, I can because I am one. I would give you a very, very damning recommendation. The cuts included 71 roles in fire and emergency services management, and another 59 from the business services, including 20 from operational training and volunteerism.

That was because at that time volunteers and staff were facing training cuts; they could not get training. So when you talk about volunteers, take a look in the mirror. You did nothing but cut from these people. You sit there in your ivory tower, and you need to look at what you actually did in four years. What was your legacy, member for Ferntree Gully? Can you tell me?

Mr Wakeling interjected.

The ACTING SPEAKER (Ms Spence) — Order! The member for Ferntree Gully! The member for Frankston, please direct your comments through the Chair.

Mr EDBROOKE — Here we go. You are all alone. We did not see one Liberal at the coalmine fire, because they were hiding. Nothing speaks more to people in Frankston than just looking back over that four years. In education, I could speak about cutting TAFE for the next 20 minutes, but what is worse than making cuts to education, cuts to primary schools and secondary schools in your electorate where you see the damage of these cuts? In the 2014 election campaign the Liberal candidate, although he knew the government were making cuts, did not even know what the education maintenance allowance was; he could not tell the schools what he was actually cutting.

But what is worse than cutting? I would have to say that it would be a shadow education minister who, after the terrible history of the Liberals in the education sector, comes out in his new role as a shadow education minister and proudly states that we have, and I quote, 'a culture of mediocrity ... that must change in state schools around Victoria'. I would say there is a culture of mediocrity on the opposition benches. You should be going to schools and telling teachers that they are not up to scratch. These people work and work to make the lives of kids better as well as getting good statistics and educational outcomes — and yet that is what we hear from the shadow education minister. It is his Marie Antoinette moment: 'Let them eat cake'.

I make the point that the shadow education minister probably should have had his mum or his former teacher edit a recent article published in the *Age*, because the tenses were not right — and that was picked up by the media. I would love the shadow education minister to come to my schools and explain that comment to my teachers who work so hard and are supported so well by this government. In fact we have provided capital funding to more than two-thirds of our primary schools in Frankston, which is a record. Compare that to what the funding was in 2010 to 2014 under a Liberal government: donuts, absolute donuts — nothing.

We can talk about cuts, but we have got to talk about what the Liberals are proposing for the future too. From a local perspective I can say that there must be a bunch of people engineering brain farts in a factory somewhere; it is unbelievable. We have recently heard about the 55 intersections that they are going to remove. The one in Frankston is at the intersection of Frankston Freeway and Cranbourne Road. We are going to stop all the level crossing removals — this is the plan,

apparently, to cut the level crossing removals — and remove this intersection. So we spend \$50 million to \$60 million removing this intersection and yet commuters are stopped at the next level crossing which is 200 metres up the road, then they stop at the set of lights at Hastings Road, then they stop at Golf Links Road at a set of lights, then they stop at Robinsons Road at a set of lights — who makes this rubbish up? This is unbelievable.

I would like to spend a couple of minutes talking about the health sector and our local police in Frankston as well. We know that only the meanest of scrooges would actually cut a whooping cough vaccine. The cuts in this sector caused people to be waiting more than 24 hours on stretchers to see a doctor in emergency departments. I believe the Liberals cut the 24-hour mental health hotline and they cut 200 jobs from the department of health. I do not know if there is a rhythm here or not, but it seems to me that all the Liberals do when they get into government is cut services. I think it is as plain as the nose on your face. When you do not go to war with paramedics you end up with the best quarter one response times on record in Victoria. That happens when you respect the workforce, when you work with that workforce and do not wage war with every single union in Victoria.

We have just heard the latest crime statistics are out, and it is fantastic news. It does seem very basic to a lot of people, I know, that when you invest in police, when you invest in resources for those police and support those police with good legislation, you get good outcomes. We know that from 2010 to 2014 the number of police employed did not go above the rate of attrition, and we are dealing with that issue right now. We know that crime, as a result of that, rose in most areas, and it is fantastic to be able to announce to the Frankston community today that we have a 6.1 per cent decrease in crime. I am not sure, standing here, how many years it would be since we have had a decrease in crime to that extent, but I would be thinking probably a decade. The investment from the Andrews government, unsurprisingly, is working already.

If I can go back to education once more, our schools, our parents, our communities and our teachers know that it is in the Liberals DNA to cut. For their kids and for their community, they know that the outcomes are not good when we have a Liberal government. They do not shy away from telling me this. To be part of the Frankston community you have to look at how you are going to change lives for people in some of the disadvantaged areas, and that is not through making cuts like we have seen.

These people have no vision for the future; they brought no projects to Frankston. Now we have got record funding in Frankston and things are moving along. We cannot afford to go back to the previous government's mandate of cut and burn whenever they can. They devastated many communities in just over their four years in government, and we know that if they got in it would only take four years for them to do it again and we would be playing catch-up when we got back in. The Victorian community realise this, I am sure, and they need no reminding of the east-west case and the secret side letter and the debacle surrounding that. Of course it was taken to an election, it was an election commitment, and the people voted that down. They did it for a reason; it was because they had no confidence in the Liberal government — and neither should they in the future.

Mr NARDELLA (Melton) (12:46) — I rise to support the motion before the Chair that the Liberal-Nationals are to establish a cost audit which poses a grave risk to services and jobs. Under the Kennett government, if people remember, Bob Officer put together a commission of audit that did a range of things here in this state. I want to remind honourable members what a Liberal-Nationals government actually does to the state of Victoria when they are in office. Let us have a look at the programs and the services that are cut under a Liberal-Nationals government. What they do is they go through line by line what the budget is and what should be taken out of it, without any regard, no consideration whatsoever, to how that is going to affect people — families, children, members of the community who are sick, and isolated and rural communities. They do not care, because for them it is about the bottom line.

If you look at the four dark, lonely years of the Shaw government and what it did not achieve in those four years, certainly in my electorate one set of traffic lights was provided at Ferris Road — \$150 000, not even out of the budget but out of the growth areas infrastructure contribution money. That was the only thing they did in those four dark years. Then you look at what the government did in education under Kennett: 326 schools were closed here in Victoria. The vast majority of those schools were in country and rural areas. The National Party was quiet; its members would not say a word against the Liberals. They had Pat McNamara as Deputy Premier. He had a white car. They had other ministers both in this house and in the other house who had white cars, while their communities were being devastated.

Bulla Primary School had 35 kids. They closed the school. The member for Tullamarine at the time, Bernie

Finn, would not stand up for his constituents. They closed the school in November 1998. Do you know what happened on 5 January 1999? It reopened as a private school with 15 kids. It was okay to have 15 kids; that was viable, but when you have got 35 state school kids, that is unviable. That is what the Kennett government was all about. They sacked 7000 teachers. They sacked all the school cleaners — every single school cleaner — in 1993, just before Christmas. What a great Christmas present that was for them and their families. They had to try to get contracts back from those schools, but they did not care. That was the Christmas present that these people are on about, and that is what this cost audit is going to do.

Let us talk about public transport: 16 000 people were sacked out of public transport. Rural services —

Mr T. Bull interjected.

The ACTING SPEAKER (Ms Spence) — The member for Gippsland East!

Mr NARDELLA — The honourable member for Ovens Valley is here. Ovens Valley —

Mr T. Bull — Gippsland East, you fool.

Mr NARDELLA — Gippsland East. Let us talk about Bairnsdale, the train line that was closed under the Liberal-Nationals Kennett government. He never stood up for his community and never will as a National Party member. They closed Bairnsdale — why? Because they said that the bridge could not handle the trains. We came in in 1999 and we had to reopen Bairnsdale — not because the National Party was there, not because they put pressure on us, but because it was the right thing to do to look after these communities. We repaired that bridge, and guess what? The trains went back to Bairnsdale. They closed eight country rail lines all in National Party and Liberal Party constituencies. That is why they lost Mildura. I remember Bilstein; he was there. He supported the Liberal Kennett government that said, ‘Yes, we’ll close the Mildura line’. That is all they know to do — close rail lines and cut services.

They cut conductors from trams. They cut the 300 transit officers who were protecting people on public transport. I remember when they were out the front protesting in their uniforms, and yet the Kennett government — the Liberals and The Nationals — did not want safety on public transport. It was all about cutting services.

They went out just before the 1999 election and Robin Cooper as Minister for Transport signed a letter — they

are good at signing letters just before an election — to sell off the V/Line tracks, and what did we have to do after 1999? Because they had been run down and because they were getting dangerous we had to buy them back and re-invest in the V/Line tracks, yet the National Party, which is supposed to represent country Victoria, stood silent —

Mr T. Bull — On a point of order, Acting Speaker, on relevance, it is very, very difficult listening to the member talk about morals and ethics.

The ACTING SPEAKER (Ms Spence) — There is no point of order. Take your seat.

Mr NARDELLA — Then you talk about the eight country hospitals under the National Party’s watch, under Kennett, that they closed. There was not a crocodile tear amongst them because they had the white cars. They had the drivers and they were happy being ministers and being toadies to Jeff Kennett at the time. All those communities ever wanted was their country hospitals to remain open so that those services could be used locally.

Then we come to police. I remember when they promised 1000 police officers. They said, ‘We’re about law and order. We’re about protecting the community. We’re about making the streets safe’. They promised 1000 police in 1996. Do you know what they did? They cut 800 police from our streets and out in the divvy vans. They took away their divvy vans. They cut 800 police from our streets, and that is what a committee of audit is all about.

Remember local government? My good friend the late Pat Power was the shadow Minister for Local Government. What did they do? They amalgamated all the councils, from 211 down to 77, and they sacked every single councillor and put in their mates. They put in their mates as commissioners on \$80 000 a year, and then they put deputy commissioners into \$60 000-a-year jobs to look after their own mates, their Liberal Party and National Party mates.

Some of them came in here after that. The Honourable Jeanette Powell was a commissioner. The Honourable Hugh Delahunty, the member for Lowan, was a commissioner. All they ever did was look after their own. They never looked after their communities. They never cared about their communities. When these cost audits are put in place it will be about affecting the people with the least voice, the people in our community who have not got the opportunity to have their say. Because that is all they do. They just look

after themselves. Once they have got the white cars, once they have got their ministerial offices —

Mr Wakeling — On a point of order, Acting Speaker, I do appreciate that this is an opportunity for all members to speak, but I think the time has come for this member to sit down. He is a thief and he is a crook, and the last thing he should be doing is standing up in this house and lecturing this side of the house —

The ACTING SPEAKER (Ms Spence) — Order! No, member for Ferntree Gully, you have no point of order.

Mr NARDELLA — I ask him to withdraw.

Mr Wakeling — I withdraw.

Mr PEARSON (Essendon) (12:57) — I am delighted to join the debate in relation to the very disturbing news that if in the event that the coalition win the next election they will conduct a cost audit. There have been two coalition governments elected at a state level in my lifetime. There was the Kennett government elected in 1992, and there was the Baillieu government elected in 2010. What is interesting is that in both cases commissions of audit were commissioned. Bob Officer did the original report back in 1992. One should bear in mind that in the course of the 1992 election campaign, Jeff Kennett, who was then opposition leader, said that no Victorian would be worse off. We saw something similar in 2010, which led to the almost Orwellian term the ‘sustainable government initiative’. If the member for Box Hill were here, I am sure he would appreciate, given the fact that he loves quoting George Orwell in this place, the term ‘sustainable government initiative’. It resulted in 3600 public service job cuts, and was backed up by a further 600 job cuts in the 2012–13 budget.

What is concerning when you have these levels of cuts occurring is that the state government represents about 25 per cent of the state economy. Of course there are instances where you do not want the public sector going in and overheating an economy, resulting in the private sector being gouged, but equally you do want the state government and the public sector to make investments so that the private sector can itself have the confidence to invest. What you saw particularly over the four years of the Baillieu-Napthine governments was a retreat, a withdrawal, from making those sorts of investments in this state, and as a consequence of that the economy stagnated — it just did not go anywhere. That is why you had such a low level of economic growth and activity.

I remember talking with people in the business community during that time and saying to them, ‘How is the state government going?’, and ‘What is going on?’, and the response invariably was, ‘We are not hearing anything. Nothing is going on’. They used to say that *Seinfeld* was a show about nothing, well, the Baillieu-Napthine governments were like governments about nothing. They did nothing.

I find this quite extraordinary, because I understand Ted Baillieu was going to be the minister for sport and recreation under the Kennett government if they had been elected in 1999. He spent 11 years in opposition and he finally won an election —

Sitting suspended 1.00 p.m. until 2.02 p.m.

The ACTING SPEAKER (Ms Williams) — We will continue with the motion, and I believe the member for Essendon has the call.

Mr PEARSON (Essendon) (14:02) — Thank you, Acting Speaker, and what a delight it is to see you in the chair this sunny summer afternoon, the very last sitting day of the year. I would like to take this opportunity now to put on the record my heartfelt thanks, having worked with you over the course of the last 12 months — it has been a joy — as I have with my other colleagues here on this side of the house.

As I was indicating before the break, in my lifetime there have been two coalition governments elected at a state level here in Victoria, and in both cases one of the very first acts that the incoming administration did was to commence a commission of audit. We saw Bob Officer do a report after the Kennett government was sworn in in 1992 —

Mr Foley interjected.

Mr PEARSON — And there was obviously the more recent Michael Vertigan report as well. The minister does make a good point. I think that Bob Officer was merely responding to the instructions given by his client. He has been an efficient and effective consultant when acting on the directions of his client. As we know, Acting Speaker Williams — and you are a lawyer by trade — the instructions you get from a client can make a very big difference in terms of the advice you provide or the actions that you take. In both cases we have had instances where an incoming conservative administration has been elected and they have sought to cut.

When you have got a state public sector worth around 25 per cent of gross state product, the impact of those cuts or the decision not to spend money, not to give the

private sector some level of confidence, is a sluggish economy. That is what we saw over the course of the 57th Parliament when the economy basically stagnated. I remember speaking with people in the business community in that period of time, and they were all at sea. They had no idea what the government was doing, what plans to work on. There was no pipeline of activity.

There was not that confidence. Confidence is a really important component of consumer behaviour, because if people feel there is a steady stream of work before them, they might take on a second mortgage to start a business, they might extend their home, they might go out to the pub on a Friday night with their family. But if you are not sure if there is going to be a job for you in six or 12 months time, if you do not have the confidence that there will be that level of economic activity that would justify your expenditure, then you are more likely not to spend. You withhold money because you are just not certain of the future. That is what we saw happen under the former government, and the economy stagnated.

Instead what we have been seeing over the last three years under this government is a level of confidence and a significant level of investment, and the economy is growing. Between 2007 and 2014 the average annual capital expenditure by the state government of Victoria was around \$4.7 billion; that was the average. In the current financial year we are looking at around \$9.6 billion, more than double the long-term average. It is really important that you make those sorts of investments because we have got a population growth coming here. Melbourne grew by 147 000 people last year, and we are continuing to see those high rates of population growth. We need to respond. We need to invest, because you still want to make sure that people can come to live here.

It is also about recognising that efficient and effective transport linkages are a great instrument of social justice and wage equality, because if you have got good transport linkages, then people can turn around and live on the urban fringe, have a modest mortgage on a modest home but participate in secure, long-term, well-paying jobs in the CBD. I think PricewaterhouseCoopers did a study last year where they looked at the postcodes of Victoria. What you see is most of the really well-paid, attractive jobs are within the four inner postcodes of Melbourne and then they start to dissipate. You will see pockets where you have got a bit of economic growth. You also have instances where wealth is repatriated from those postcodes to the fringe or to the regions where people live. You have got to have that level of confidence to be able to invest so

people can feel like they can look to their future with a degree of confidence.

When you have got a government coming in and basically saying, 'We're going to indiscriminately cut just because we have got this ideological aversion to the public sector', then that sends a really bad signal to the rest of the market, because if you start feeling like your job is under threat, you stop spending money, if you are worrying about the future and you are worrying about your capacity to continue to work, then you will cease spending money.

I note that before the global financial crisis hit our savings rates were remarkably low, yet after the global financial crisis saving rates went up quite considerably. That was in part because people were basically trying to save money because they were worried and frightened about the future. The government doing what it has done over the last three years has sent a really powerful signal to the community that we are here and we have got a long-term pipeline of projects. We are not reaching our debt limit. I think debt is going to stay at around about 4.5 or probably 5 per cent of gross state product, which is entirely reasonable, because you do not want to have a lazy balance sheet. You want to put your balance sheet to work to grow the economy, and as a consequence of that you are then in a position to make sure that people continue to seek to invest and to have a degree of confidence in the future.

It is interesting that apart from the member for Hawthorn no member opposite has chosen to rise to speak on this motion. I think that speaks volumes. If those opposite did not believe that they would have a commission of audit in the event that they won the next election, they would be up here saying, 'We're not going to do that. That was the old way. We're not like that. We don't do that these days', but they are not doing that. They are absent. Why are they absent? Why have they vacated the field? Why have they made the choice today that they do not want to make a contribution on this?

Mr Richardson interjected.

Mr PEARSON — As the member for Mordialloc says, why is the member for Kew not here talking about these sorts of issues? I think it is clear that those opposite do not want to be on the public record about a commission of audit, because that is exactly what they will do. As soon as you put those opposite under a level of scrutiny, they run, because they do not want to be scrutinised when it comes to slashing and burning the public sector, because we know that they do not believe

in the public sector and they have no interest in growing the state.

Mr DIMOPOULOS (Oakleigh) (14:09) — It is with a heavy heart to some extent but also with pleasure that I speak on the motion moved by the Minister for Industry and Employment. I speak with a heavy heart because I know that if those on the other side ever got in again, their cost audit would wreak devastation, as others have said, on the Victorian community but also on the Victorian economy, because what they do not see is the link between what we are doing and economic growth and the strength of this state's economy. Where the pleasure comes in, as I said at the outset, is in speaking on a motion that is so important.

Mr Richardson interjected.

Mr DIMOPOULOS — Thank you, member for Mordialloc. I think the member for Eltham said that when we talk about cost audits — which is a decent phrase in accounting parlance — when it comes to the other side it is a stalking horse for significant things that are detrimental. It is almost like a Trojan Horse for effectively stripping back the public service and stripping back services, and I want to apply that test to their character in terms of what they did when they were last in power and in fact even to what they are doing in opposition now, because when someone says to you, 'It's just a cost audit. We just want to do the right thing in accounting terms and go through the public sector and see where there are efficiencies to be gained', then that is reasonable. That is fair enough, but not when it comes to that side, because their character has proven time and time again that they are absolutely hell-bent on stripping back the public service.

I want to start with taxis, because that is exactly the area where they started the decline of the taxi industry through the Fels inquiry. They started it and then completely, as we saw today, washed their hands of any responsibility for the fall of the taxi industry. I use 'fall' as a qualified term, but their character was found wanting today. Their character was found wanting back when the Fels review commenced under the previous government. Then they came into the chamber today and paraded victims, effectively, of the taxi industry and asked us to look them in the eye and apologise, when they, the opposition, were the government that commenced the Fels inquiry and therefore commenced the decline of the value of the licences.

My understanding is that the licence values declined from \$500 000 under the Baillieu government to \$250 000. So half the value of the licences was slashed in their term of government because of the uncertainty

created by their mismanagement of the review of the industry and the Fels inquiry. This is not me making these figures up. This is based on a study of the figures from the last sales of the licences, as traced by the Taxi Services Commission. We are talking about \$500 000 down to \$250 000. They presided over that demise. To add insult to injury they come in here and parade the victims of the taxi industry and ask us to apologise to the victims, when as the Premier said, those who oppose compensation are no friends of those seeking it. That is exactly what they did. It was put on the public record countless times by the Deputy Leader of the Liberal Party, the then shadow Minister for Public Transport, as well as the Leader of the Opposition. Both of them are on the record countless times saying that they oppose the levy that this government introduced through the Parliament in order to provide the funding mechanism for the compensation package. They have opposed that on the record — no disputing it — but not one of them had the honesty or the integrity to come out and say, 'Yes, we did'. They did not say that at all today, and they looked at us.

The second injustice and deception that goes to their character today and over the last three years in opposition was that they supported this bill. They supported the Commercial Passenger Vehicle Industry Bill 2017 in both houses. The obnoxious spokesperson in the other place, Mr Davis, went around protesting outside Mr Dalidakis's office, outside my office, with dozens of taxi licence holders. He used the anger and the emotion of those people and said, 'What they're doing to you' — in other words, us — 'is unfair. You deserve more compensation'.

Then of course we see the Leader of the Opposition in a double-page spread in the biggest Greek newspaper in the country, *Neos Kosmos*. We know many of these licence-holders are of Greek heritage. He had a double-page spread and he got asked a question by the journalist about eight months ago, 'What do you think a reasonable compensation package is, Mr Guy, for the taxi industry?'. He said, 'I think about \$250 000'. So I have a question for the Leader of the Opposition. This government, as proud as I am of it, does not have a majority in the upper house. Why didn't his people in the upper house, including Mr Davis, move a motion when the Commercial Passenger Vehicle Industry Bill was debated in the chamber? Why didn't they move an amendment to the compensation scheme? They didn't, and in fact they do not agree with it — they agree with zero, as the Premier said today. So my question is not necessarily about a different policy position. My question is about a lack of integrity — to go out there, organise rallies of the taxi industry, tell them they are not getting enough, then when it comes to the crunch in this

chamber, in the Parliament of Victoria where you can actually effect change — in actually not doing it. We do not have the majority; they could have done it. They could have got the Greens and the others and done it.

That is a test of their character. So when they start talking about cost audits that is a very, very serious reminder to Victorians about their real intentions. It is about stripping back the public service. It is absolutely about stripping back the public service, and it is also the lack of consistency in what they say and what they deliver.

Moving on to the public service, when those opposite were last in government I was working in the then Department of Justice. I remember I had to make recommendations to people more senior than I was about which staff in my team should be supported to be let go. That was the kind of terminology. It was called the sustainable government initiative. I remember countless tearoom conversations between good, hardworking public servants delivering frontline services in the courts of Victoria, laughing about the Orwellian language of the sustainable government initiative. There was nothing sustainable about it. It was another example of the inauthentic language and the lack of the integrity of the other side.

We had to let go of 10 per cent of our staff. I remember the then government was saying, 'It's not going to affect frontline service delivery'. Yes, it absolutely did. Where I worked in the courts we were frontline service delivery, and it did absolutely impact us. It compromised the frank and fearless advice of the public service. People were worried about losing their jobs. It actually led to a gross loss of experience.

I remember an article, I think it was in the *Age*, during the Baillieu period, where the headline was, 'Cost blowout of almost \$1 billion on consultants and contractors'. So where is the cost audit there? You sack 4200 public servants, and then you ramp up the bill to taxpayers for contractors and consultants. They could not even get the economics right.

And then of course what does cost audit mean? As I think the member for Bentleigh and others have said, what would cost audit mean in my community? Would it mean that we would not proceed with the level crossings? We expect to complete all nine on the Cranbourne and Pakenham line by the election, thankfully, but what about the other 25 that are still in progress after 2018? What does a cost audit actually mean? It means a lack of service, a lack of investment in combating congestion, a lack of investment in combating elective surgery waiting lists, a lack of investment in combating blown-out ambulance

response times and a lack of investment in the public and the civic domain. This is exactly where governments should invest — in health, in education, in transport and in law and order. We have invested enormously in law and order.

For the other side to be calling for a cost audit of a government that has invested so proudly but has also done so with the backdrop of budget surpluses over the forward estimates of four years, growing employment and the fastest growing economy in the country is absolute theatrics. It is actually an opposition looking for relevance in an area that they think they know best, which is cutting. So I am proudly supporting this motion by Minister Allan.

Ms GRALEY (Narre Warren South) (14:19) — It is a pleasure to rise this afternoon to speak on the motion put by Minister Allan. If there was ever a more appropriate quote to describe those opposite, the Liberal-Nationals coalition, whenever they are in government, whether it be Bolte, Hamer, Kennett, Baillieu or Napthine — I can recall them all and they were all the same with the same old story and same old characters — it is, 'You know the price of everything but the value of nothing'. History shows us that when Liberal conservatives in Victoria are on this side of the chamber, when they are in government and have got hold of that Treasury bench, the first thing they just love to do is cut. They just love it. They get excited about it, actually. I have seen those old state accountants over there, those people who brag about what small businessmen they have been and how they are in there at the coalface employing people and balancing the books, but the thing that gets them really excited is cuts. They just love running that line through Victoria's financials, and they just love cutting and cutting and cutting.

We know for sure — just from the roll call that I did before of previous governments — that they will do it again, because they always do. I heard from the member for Hawthorn earlier, 'This cost audit really wasn't what we were saying. The shadow minister in the other place wasn't really referring to cutting costs. He was referring to something else'. It was such a pathetic attempt to camouflage what they are really up to. Because you know when they start talking with the words they just love to use — efficiency, productivity and all those go-to phrases — they just mean cutting services, slashing public service jobs and making other people work much harder for less money.

The ripple effect of when that happens under a Victorian government is that it not only affects the person who loses the job and does not get services but it

also affects everybody around the family table that night, because that person comes home without a job and without the money to send their kid off to sport or have that family holiday at the end of the year. These cuts will come if they are elected and come over to this side of the chamber, where the purse strings are. They just cannot resist cutting. And do you know what? I have seen so many examples of the fact that all this talk about productivity, efficiency, managing the books and balancing the budget is all a lot of hogwash.

When we were in opposition I had this fantastic example in my own electorate. Before we left government we promised to upgrade Hallam Road, and we actually promised and funded, in the previous Brumby budget, the upgrade of the Hallam railway station to premium. I have got to say that is a really busy railway station. Nearly 1000 people go through that every morning to get to work and school. What they effectively did is they spread the building of this major thoroughfare, this big road which is surrounded by shopping centres, residences and businesses — it is a major thoroughfare; it is a really busy road — over a number of budget cycles so that after four years of being in government, that dithering do-nothing very slow government, it was not finished.

In fact when we were elected in 2014 the Minister for Roads and Road Safety, the member for Narre Warren North, and myself, the minister for Narre Warren South, went down and opened that road. So these people opposite are the last people who should lecture us on how to deliver anything. They did not deliver one road from start to finish in four years in one term of government.

Then what happened to the upgrade of the railway station? Well, that was fully funded and plans were being made and people were excited. I put out a few flyers about it; we were all very thrilled. Money disappeared — just disappeared — only to find that —

Honourable members interjecting.

Ms GRALEY — And do you know what the excuse was? That the money was needed somewhere else. I will tell you where that money turned up. It was taken away from the people of Hampton Park and Hallam, and I will tell you where it ended up — it ended up down in New Street, Brighton. Its number in priority was 253 on the level crossing removal list, but no, that was a bigger priority for the Baillieu-Napthine government than assisting good, hardworking people to get to work every day instead of them standing in the rain without a toilet and in really uncomfortable circumstances for many of them. I had many pregnant

women contact my office saying that they were waiting to go to work and there was no toilet at that station and they were holding on for all life, actually.

This was the way that good, hardworking people were treated by that government. We saw it over and over again, that people that were in better, well-off areas, in more salubrious suburbs, were favoured by the previous government. In fact money taken away from electorates like mine was used for the pet projects of those opposite.

I have only got a short while to go but I do want to mention education in my role as Parliamentary Secretary for Education. I have got to say I know that when we are in government we invest in education, and it makes an enormous difference to children's and families' lives. I have seen it happen. Down at the Hampton Park Primary School — which was also supposed to be funded while we were in opposition, but no, that did not happen either — they actually have brand new buildings which are just about to be opened now. Not only that, that Gonski funding that they did not fully fund last time the Libs-Nats were in power — they did not fully fund the Gonski funding; they left a big, black hole for us to fill when we came into power — is making an enormous difference to the achievements of those students. We are seeing an improvement in their results. They are improving in their reading, their writing and their arithmetic.

I saw only yesterday, I think it was an opinion piece in the *Herald Sun*, that said, 'If the system fails, then kids will fail too'. Well, I will tell you when the system fails: it fails when you take \$1 billion out of the education budget, because that is what happened last time. It fails when you fail to build a new school, despite Melbourne's population increasing by 100 000 people a year — 100 babies are being born every week in the City of Casey in my electorate. It fails when you take away those extra supports like in that sneaky, nasty little way that the education maintenance allowance was withdrawn from Victorian families. That means that kids cannot get uniforms, cannot go on camps, cannot go on excursions — all those things that make school such a valuable experience. It was an unconscionable withdrawal of money from families that so needed it and set their kids up for failure. That is what it set these kids up for: failure.

So if the government — to the member for Kew if you were here — fails kids, then kids will fail. But if the government has an agenda where it invests in building an education state, it invests in school infrastructure, it invests in school programs and it makes sure that our teachers are well paid and get the professional development they need, our kids will succeed. This call

for a cost audit, even though you are backtracking on it — I can hear it coming — is exactly what you have done before and it is exactly what you will do again if you are in government. You will cut, you will cut and you will cut. I commend the motion put by the Minister for Public Transport, and I say to all Victorians, especially Victorians who have got children in our public school system, and in our private school system: beware of those opposite.

Ms GREEN (Yan Yean) (14:29) — I take great pleasure in joining the motion proposed by the Minister for Public Transport, the manager of government business in this place. She knows full well, being the Minister for Public Transport, what a legacy was left from those before.

Mr Battin — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms GREEN — I am not surprised that those opposite do not want to hear about our concerns if they were to get back into office, about the cuts that they would make. The greatest predictor of future behaviour is past behaviour. What occurred under the leadership of Ted Baillieu — of Tedward Scissorhands — was he cut ribbons on Labor's projects with one hand and cut budgets with the other. What they were left with when they got in in 2010 — and I respect that the community had made a decision and they put them into office — we left them quite a pipeline of things to cut ribbons on: the South Morang rail extension, and the Plenty Road duplication up to The Parkway on the boundary of Mernda and South Morang. But once that pipeline of projects had concluded, what we saw — well, concurrently with that pipeline of projects that they were able to cut ribbons on — was they cut budgets to ribbons.

As the member for Narre Warren South has said, they cut the education budget to ribbons. They cut the Doreen secondary college. We had funded land in the 2010 budget to buy land for a standalone secondary college in Doreen, which was much needed in the 3754 postcode. The community of Mernda and Doreen, the population there, doubled on the watch of those opposite and on the watch of the Leader of the Opposition, who was then the Minister for Planning — and he actually represented the Yan Yean electorate in the other place as a member for Northern Metropolitan Region. As the planning minister and as the local member he could not say for 1 minute that he did not understand what was happening on the ground in the Yan Yean electorate. From 2011 to 2014 the population

of Mernda and Doreen doubled. It went from 17 786 in 2011 to 37 757, with a 152 per cent increase in Mernda.

What we saw was not any proportional increase in spending and support for projects in my electorate. When my opponent — I cannot remember which one it was then — they put up fresh meat —

Mr Richardson — The Leader of the Opposition?

Ms GREEN — No, it was not the Leader of the Opposition, it was Jack Gange, actually — Jack Gange of the Silver Top taxi family — who wanted to develop his land, the family's land, and get it out of the green wedge between Diamond Creek and Eltham. We know that the taxi industry had put some money in there. They knew what they wanted out of the Leader of the Opposition. But what they promised at the 2010 election, they actually kept. They kept their promises in the Yan Yean electorate. They made zero promises in a growing electorate — zero promises — and they delivered in spades.

Then they gave my community a bit of an extra slap: over \$60 million was cut from bus services and over 1000 bus services per week were cut. They closed the Greensborough TAFE campus. With a growing population we lost a TAFE campus. Just at a time when new communities needed local jobs and local training, those mean-spirited people on the other side of the chamber cut that TAFE campus. They put not one dollar into any arterial road or any VicRoads road. They cut the roads budget and not one new road came into the electorate.

I mentioned the doubling of the population in Mernda and Doreen, and it remains one of the youngest postcodes in the state. It beggars belief that you would cancel a standalone secondary college, but the only reason we had any expenditure on schools at all was the collapse of a private college, Acacia College. The former government said, 'Gee, we had better do something', and miraculously they found the money that they had taken away from Doreen secondary college and said, 'Let's make it into a primary school'. So they put a primary school on that site when what was needed was a secondary college. Then when Acacia College collapsed they said, 'Oh, whoops', so they pinched some capital from another growing, adjacent suburb. They pinched money from stage 2 of a school in the member for Yuroke's area and said, 'We are now going to build a P-12 in Cookes Road, Doreen'. The only reason the former government did that — stole from another community — was a concerted campaign from mothers and fathers in the 3754 postcode. They and their children

will never forget that they had to fight for a local secondary college.

I am pleased that we have funded and completed Hazel Glen College. It is a P-12 but only up to year 9 now and it already has over 2000 students and is heading towards 3000. I do not believe that is an optimum size for a school. That is the legacy you leave when you do not fund education in a growing suburb. We have also funded Mernda Central P-12 College, which includes a swimming pool, it include stadiums and it includes outdoor playing fields for community youths, and it is the same with Mernda Park Primary School. We have built several new children's centres and we are building more schools, like Yarrambat Park Primary School in Doreen and Beveridge Primary School.

We know that the former government made cuts across the board: cuts to public transport, cuts to roads, and cuts to the health budget. There was nothing substantially done to deal with the growing need for hospital beds, and I am really pleased that we have funded almost 100 additional beds and additional operating theatres at the Northern Hospital. We know that if those opposite were to be on the government benches, that is what would happen.

I recall I would raise matters on behalf of my community. Time and again I pleaded with them for public transport, for roads and for schools. The then member for Polwarth, Terry Mulder, would sneer and laugh and giggle, as would the then Minister for Education, the member for Nepean. They would sneer and say, 'Well, it is our turn now. You had your turn'. It is never about the individual MP, it is about communities, and governments should govern for the whole of the state.

I commend this motion from the Minister for Public Transport, who knows this full well. She inherited a portfolio that had not ordered any trains, trams or buses and had only proposed cuts. They had not done anything to deal with the increase in demand on V/Line or on our metropolitan services. I am really proud that we have put in additional bus services and we are building the Mernda rail extension, which is going like the clappers. We are upgrading the Hurstbridge rail line, removing level crossings and looking at an expansion of services. We have introduced route 343 and a whole new bus network around Mernda, Doreen and Whittlesea.

I just really hope that the community will not be hoodwinked by those opposite. We are only a year away from the election and we know that leopards do not change their spots. They will cut again and they will

not deliver what the community needs. I am in full support of this motion and I commend it to the house.

Mr RICHARDSON (Mordialloc) (14:39) — It is a pleasure to rise on the motion before the house and to talk about the seriousness of it as we head into what is 344 days until the next state election. This is a serious moment for our state when we look towards the make-up of the 59th Parliament. We have recently had an election two states to the north of us in Queensland. The now former leader of the Liberal National Party, despite not forming government, was honest enough with the Queensland people to talk about the cuts that their previous government had made and the damaging effects that this had on the Queensland people. He put that forward and was honest. He looked down the barrel of the camera and said that as the then Treasurer, 'I was part of a government that made mistakes and we did not get it right'.

If we contrast that with the Victorian coalition and their approach, we have not had one word about the damaging effects of cuts to education that put our state back and put our kids further behind. That undermined the vision of allowing every child the best opportunity to succeed. We had a government that made such substantial cuts to health that the record they boasted was more prison beds being created than hospital beds. It shows the priorities that the previous government had, and it would show a lot of ticker for those opposite to come out, maybe do a full-page expose in the *Age* or the *Herald Sun* — you know, an opinion piece — and ask for forgiveness from the Victorian people for the damaging cuts that they made which put our state back.

One of the most frustrating decisions and one of the most frustrating cuts was the Melbourne Metro rail tunnel. The Brumby government left \$50 million of planning money in the forward estimates in the budget to get that planning work underway. It was not until I had been a candidate for five or six months, having been preselected in November 2013, that members opposite started to talk about that vital tunnel for our state. The level of detail and approach to that was to completely change the structure of the project, to completely undermine Infrastructure Australia's priority listing for the project and to set us further behind. We could be talking about a completion date in the early 2021-22 cycle. We could now be talking about metro 2, but metro 2 has been pushed well beyond 2026, even to 2030. The rail link to the airport is further behind. When partisan politics and a lack of continuity and future vision for our state gets in the way, we see the undermining of our state's interest.

It should be the case that an infrastructure agenda is rolled out and continues on. A few years ago Infrastructure Australia estimated that the backlog of projects in Victoria could be worth as much as \$100 billion and that it could be close to \$400 billion across our nation. With over \$50 billion worth of infrastructure priorities underway now, we are dealing with the population growth and the challenges that come with our success and people looking for work. We get a lot of people coming to our state for work and opportunity. We are also seeing jobs growth in the CBD and in the inner 10-kilometre ring — about 60 per cent of the jobs are created in the CBD. People are moving out, 20 kilometres and beyond, even out to the outer stretches of the south-eastern suburbs beyond Pakenham, because of affordability, because of housing challenges and stress, and they are travelling further to get to jobs. To get them home safer and sooner to their families, that infrastructure agenda is absolutely critical. We did not have a pipeline of works during the 57th Parliament — that was the hallmark of the 57th Parliament where everything was under review — but we have put that back into our state. Population growth does not stop and that opportunity does not stop. That was been a lost opportunity.

Think also about the little things, like the cutting of Free Fruit Fridays — taking fruit from kids. That is a wonderful line to put on a DL. Why would anyone out of the then Premier's unit have thought that that was a smart thing to do? But what are the ethics behind thinking that was the right policy? Other decisions included cuts to health. With our growing health budget and ageing population, undermining our ambulance system and sending it into crisis, how could anyone acting in the state's interest think that that was a good equation for Victorians?

In isolation you might think, 'What does a commission of audit mean?'. Context is important and past behaviour is generally a sign of future behaviours and undertakings. We heard the same rhetoric come out of the Baillieu government when it was elected, and we saw substantial cuts to vital services. We had an undertaking from the then Prime Minister, Tony Abbott, that there would be no cuts to the ABC and no cuts to education or health, and then he committed the same sort of stuff — a commission of audit. We have heard this term 'commission of audit'. It is not a 'commission of opportunity' and not an assessment of how far we have come as a state and how we can do better. No, the language is very important. The ethics of that approach, a commission of audit, are very critical and underpin their intentions. A commission of audit is nothing more than a slash and burn.

When the shadow Treasurer comes in here, you do not hear him talking about missed opportunity. For all the sledges he might use against the government when he gets stuck in from time to time, he does not talk about lost opportunity, he does not talk about what the coalition, the opposition, would do for some of those things that he prosecutes. What else would he use the surplus for? It is about tax revenue and it is about big spending. That is it. That is the window into the shadow Treasurer's mind, the person who would hold the purse strings again if the coalition is elected on 24 November next year. That tells you a great story about their intentions going forward.

My community has seen investments in schools like Yarrabah School, which had not seen any funding for many years, and its growth has been substantial recently. What does that mean for their \$20 million rebuild? With the funding forecast over the forward estimates, what does that mean for the second and third years? Will that be undermined? Will money be taken away? That is not all funded in one year; it is spread over four years. What does it mean for other projects, like the Beaumaris Secondary College campus that the Liberals turned their back on? They walked away from that project. They were not going to put a school on that site. It took the election of a Labor government. What does it mean for the increase to our police service, with 3000 more additional officers? What does it mean for the more than 450 paramedics, and the 282 that have been delivered as part of that 450 allocation? What does it mean for the extra firefighters that we are allocating to keep our state safe in the most critical of times? What does it mean? We have seen that cut agenda before, and we have seen the effect on the public service.

If you just scrape back the people who underpin our state and you make those cuts, all you are doing is cutting corners. What we saw under the previous government as well were cuts to the public service, that sugar hit of extra revenue or lowering of the amount of money on the budget papers, and then we saw an absolute surge in consultants a few years later. There is not the intellectual know-how and there is not that fearless and frank advice from public service. They are gutted. All that intellectual property that you built up over years is lost and your state is undermined. What do you see? We saw the previous government hit absolute paralysis. There was nothing in the drawer, no projects for them to come out with. In a very quick fix, a last-minute quick fix, with the change of Premier from Baillieu to Napthine, they saw the need to do one big project, to put forward one big project in one go. The months were running out; an election was dawning on us. We saw what was then the east-west link committed to. That is a failure of a system where

long-running infrastructure priorities are missed and opportunities are missed for our state, and it ends up costing more.

If the Leader of the Opposition was fair dinkum, he would pick up the phone to Malcolm Turnbull, the Prime Minister, and put forward the dud deal that Victorians are getting on infrastructure. When he was talking about the locked box of east–west funding, when he said he would take his car up to Canberra and go and tell Tony to put it in a locked box for the east–west link, not once has he gone back and prosecuted on behalf of Victorians. This could be a bipartisan moment for the Leader of the Opposition to stand with our Premier and say to Malcolm Turnbull, ‘Enough is enough. Nine per cent is not good enough’. We should not accept that. We are the fastest growing state, we have 25 per cent of the population, and 9 per cent is not good enough. Be it at a state or federal election, I will be prosecuting that in my community. I will be telling my community that when the Liberal-Nationals had the opportunity to say anything when Tony Abbott came in in 2014, they squibbed it, and the Leader of the Opposition has not done anything since.

You can go through your commission of audits, you can go through a pursuit of a reckless ideological base that looks towards small government, but we use government for the betterment of the Victorian people, and we will always do that.

Ms BLANDTHORN (Pascoe Vale) (14:50) — I will not say it is a pleasure to rise to speak to this motion, because this motion brings up the inaction and adequacy of the four years of the Baillieu-Napthine-Shaw shambles that purported to be a government. The motion:

That this house notes:

- (1) the Liberal-Nationals coalition have confirmed they will undertake a cost audit if they win the 2018 election;
- (2) the devastating cuts and job losses in the public service when the Liberal-Nationals were last in government;
- (3) the grave risk to services and jobs following a Liberal-Nationals cost audit —

is an important discussion for us to be having today. We really should ask ourselves what the first part of that motion means:

the Liberal-Nationals coalition have confirmed they will undertake a cost audit if they win the 2018 election.

It is quite clear to those of us on this side of the house what that means because those opposite have form. We have seen them previously rip apart the social fabric of our community. We know that what they mean when they say ‘cost audit’ after the 2018 election is that they will cut, cut, cut and that they will slash and burn. We know this because we have seen it all before. We have seen it over generations, but most recently we saw it in the 57th Parliament, when we saw the chaos that was the Baillieu-Napthine-Shaw government unfolding.

We also know it because today, while speaker after speaker on this side of the house has stood up and challenged those opposite to defend themselves, none of them — except perhaps the member for Hawthorn — have attempted to defend themselves. If we are wrong, and if what we are saying here, that this is cut, slash and burn, is wrong and they genuinely mean an audit with a transparent process and perhaps are looking for better efficiencies, if that is what they really mean, then they would stand up and say so. But we know that that is not what they really mean. We know that they have failed to take the opportunity to stand up and say that. They are silent because they know that what those of us on this side of the house are saying is the truth.

If we go to the second part of the motion, that the house notes ‘the devastating cuts and job losses in the public service when the Liberals ... were last in government’, I think this again speaks to the first part of the motion. It tells us what we know: that what this audit is really about is slashing and burning. I would like to particularly talk about the chaotic situation that arose under the previous government, the self-indulgent mess of the government, if you can even call what it was a government at all. In particular it is in relation to education, in relation to health and in relation to jobs, because those three things are bread and butter. They are the things that are most important to people. We know that people in our communities want to lead happy, healthy and fulfilling lives, and that to do so they require an education, they require good health and they require the dignity of work for themselves and their families.

If we turn to education first, this is perhaps the area that I have been most passionate about in this term of government. The reason for that has been the mess that I inherited in relation to local schools in my electorate. If you look at the schools across my local area, they were certainly amongst the most disadvantaged. Most of them were graded at a red or orange standard by the education department, despite the fact that \$1 billion was cut from education over that four years. There were

so many red and orange schools and so many of them fall within the geographic area that I represent.

Westbreen Primary School had been earmarked by the previous Labor government for a rebuild. The school had been promised money for a rebuild, but the incoming government denied them that rebuild. The coalition government gave them \$1 million for a patch-up, which was literally a patch-up. It was a few panels put on the outside of the buildings to make them look pretty, but the actual facilities themselves were literally falling down. The school was bursting at the seams. Westbreen Primary School is one of the most disadvantaged and multicultural schools. On virtually every socio-economic indicator you could list, they were certainly facing difficulties, and yet the previous government did nothing to assist them.

With Pascoe Vale Primary School, the previous government had commissioned at least two reports and found significant problems with the original building of Pascoe Vale Primary School, which is well over 100 years old. The drought had meant that its foundations were moving one way and the roof was moving another; it was close to falling down. There was old-style concrete plaster literally falling from the roof onto the desks of the children. Luckily no-one was hurt. The previous government commissioned two reports that told them this, and yet they ignored them. Pascoe Vale South Primary School had leaks throughout its buildings and rotten panels of wood on the outside of the building. It also was falling down.

Coburg North Primary School was bursting at the seams. The local area had experienced an absolutely rapid population growth. There were not enough classrooms. There were not enough spaces for the number of students that had come to that school. Newlands Primary School also had urgent maintenance issues. The list goes on. For schools across my area, despite the investments of this government, there are some that are still marked red and orange, and this is simply not good enough.

If you contrast that to what this government has done in education, even with just those four or five schools for the moment, we have already put \$5 million into Westbreen Primary School. We have fixed the maintenance issues that Pascoe Vale Primary School had in relation to the foundations of the building. Pascoe Vale South Primary School has had over \$3 million for its rebuild. Coburg North Primary School has been allocated nearly \$7 million for a rebuild and Newlands Primary School has been allocated nearly \$1 million to deal with those urgent maintenance issues.

If we look at the state overall, there has already been \$2.5 billion invested in new schools, upgrades and early childhood projects, which means 56 new schools, 275 school upgrades and modernisation projects, 23 new early childhood centres and 34 early childhood centre upgrades. In the last budget there was \$1.3 billion allocated: \$270 million for new schools, \$240 million for school upgrades, \$44 million for special schools and \$58.4 million to support additional students with disabilities. There is simply no comparison between what those opposite mean when they say that they invest in education and what this government means when it says it invests in education. It is quite clear that under the previous government there were cuts — they slashed and burned, schools were left red and orange — and that under this government we are slowly, school by school, turning them into the types of facilities that our students are deserving of.

In the education space, just briefly as I am running out of time, I think there are a couple of other areas that the previous government cut that need to be identified, that need to be called out. One in particular was the dumping of the education maintenance allowance. This was a program that absolutely supported those students across my community who came from disadvantaged backgrounds. This program assisted those families in supporting those children to get the education that they deserve. Yet those opposite had so little regard for this program that they simply cut it. This government, again in contrast, has put \$15.5 million into the State Schools Relief program to assist more families through our affordable school uniforms program, and 150 000 items of clothing, books and stationery have already been delivered to those families that are in need.

Another example, and I think the member for Mordialloc touched on this one, was the scrapping of Free Fruit Friday — literally stealing the food out of the lunchboxes of the children —

Mr Edbrooke — Who does that?

Ms BLANDTHORN — That is right, member for Frankston, who does that? Many of my school communities have absolutely benefited from school breakfast clubs, which serve 50 000 meals each week across 500 of Victoria's most disadvantaged schools. I personally have witnessed that program unfolding, again at Westbreen Primary School and at Glenroy Central Primary School, with families absolutely dependent on these types of programs.

Other members have also touched on the area of health, and it is clear that the previous government again made

cuts, with more than \$1 billion in cuts to health during their four years in office. Labor has increased health investment, and it will spend \$3.4 billion more in 2017–18 than the Liberals did in their last year in office — an increase of over 20 per cent.

In particular I would like to call out, as others have before me, the dispute that went on with our hardworking paramedics under the previous government, and we particularly remember them at this time of year as they are particularly busy servicing our communities. They too were left without the conditions and wages that they were entitled to. This government has done a lot of work to address those matters and also to upgrade their facilities, as they so deserve. Certainly the Broadmeadows ambulance station in Oak Park is one of the busiest in Melbourne, and it is most deserving of that support.

Ms COUZENS (Geelong) (15:00) — I rise to speak on this motion to highlight the do-nothing opposition and what they did while they were in government, which was to not only cut services right across the state but in particular in Geelong. Of course the lazy MP for South Barwon delivered absolutely nothing to the Geelong region — and when I say ‘region’ I am talking about the seat of Lara, the seat of Bellarine, the seat of Geelong and of course the seat that is currently held by the member for South Barwon. It is really concerning that the opposition has now confirmed a cost audit. It would take me hours and hours to talk about all the cuts and the impacts of that in the Geelong region, but there are a number of key areas that I want to focus on in this contribution today.

I will start with the \$70 million cut to V/Line, which had a major impact on communities in Geelong. Labor has put new services in, and of course it is building new trains which are creating jobs. But those opposite in their four-year term in government did absolutely nothing, except cut jobs and cut the services that people rely on to get to work every day. Where was the member for South Barwon when those cuts were happening? He was nowhere in sight.

We saw major cuts to education, and for Geelong and the Geelong region that was really significant. We had schools that were experiencing flooding whenever it rained. The principals and teachers were there on weekends sweeping out stormwater because those opposite while in government had refused to do any maintenance, and those schools greatly suffered for it. We have heard today from many in this place about the experiences that their electorates had with their schools, with buildings that were falling down, and Geelong was no different.

In fact I am fairly confident that the current Minister for Education has indicated that Geelong was one of the worst in the state. I think the member for South Barwon has got a lot to answer for, particularly given that we have now funded schools in his own electorate — Roslyn Primary School and of course Armstrong Creek, the new primary school that was required given the huge growth in areas like Armstrong Creek and the new estates there. There was no commitment by the previous government to build schools. We are about to open the primary school in the new school year. We have significant plans already underway for the secondary school and of course the second primary school as it is required, so that planning has all been done. However, under the previous government and those opposite, nothing was done around schools — absolutely nothing. I know when the Minister for Education and I went out to Roslyn Primary School, the parents out there were absolutely delighted with what we had to offer. Roslyn Primary School has had a major redevelopment, replacing a lot of the old buildings that were there, and the people are very happy.

We also have to look at what happened with the first home buyers grant, which we have reintroduced and in fact in regional areas increased it to \$20 000, plus some improvements in stamp duty. The previous government axed the first home buyers grant, which had a significant effect on young families who were trying to get into the market. I know the member for Lara experienced the same in his electorate, where young families were really scratching to pull together enough money to get into their first home. I am really proud of the fact that we have reintroduced the grant and have doubled it so that families can get their first home.

The other significant matter for Geelong was the cuts to police numbers. That was very significant for Geelong. The police numbers there declined fairly rapidly. The crime rate went up, as we all know, and the police were really struggling to keep up with demand and to keep things ticking over. However, we increased the police numbers, and as we see in today’s figures, Geelong’s crime rate has gone down by 10 per cent, which is very significant.

An honourable member interjected.

Ms COUZENS — Yes, 10 per cent — which we are very happy to report. A lot of that is because of not only the work of our valuable police officers but the work of our police minister, who has made a significant commitment to increasing the number of police officers on our streets, on the front line, and has done significant work since getting into government. The recent announcement of just over 3000 police

officers to go through the police academy over the next couple of years is really significant and will have a big impact for Geelong.

We also saw the war on paramedics in Geelong, particularly paramedics who were union members. There was the union thuggery argument that those opposite put forward, in particular the member for South Barwon, who was an absolute disgrace in his approach to those paramedics. These are people who keep us safe, save our lives and do all those things — many of us would not even contemplate what they have got to face. What did the member for South Barwon do? He rang headquarters every time they had a banner up on their ambulance to report them for having these signs on their ambulances. It was pretty pathetic.

Mr Pearson — He was a snitch.

Ms COUZENS — Yes, he was a snitch. That union bashing did not serve the opposition well in the seat of Geelong — or Lara or Bellarine for that matter. One of the first things we did was to deal with that war on paramedics and show them the respect they deserve.

We also saw the \$60 million cut from the Country Fire Authority and the Metropolitan Fire Brigade — significant cuts that impacted on community safety. Those firefighters were under extreme pressure to work towards making the community safe under extreme conditions. Those opposite also denied them the presumptive legislation. Although they had indicated they would not do that, they then reneged on it.

We also saw unemployment under those opposite rise from 5.8 per cent to 6.6 per cent. Job losses grew across the Geelong region. They ignored the workers at Alcoa who lost their jobs at the closure of Alcoa, but they also did nothing to support the Ford workers after the closure announcement was made. Workers in Geelong have suffered greatly under those opposite, but what we did was to put together a very comprehensive package to ensure that those Ford workers when they were made redundant last year were looked after and directed to other employment, skills and training. There was a whole range of things put in place to protect those workers from potential unemployment, and that has been very successful. The Automotive Transition Taskforce, which was initially set up prior to the Ford redundancies, continues today because we want to monitor what is happening with those workers. But those opposite did not care at all about unemployment or about workers losing their jobs. Where was the member for South Barwon when those Ford workers were given the terrible news that in a couple of years time they would not have a

job? He was not around, he did not care and he still does not care, as far as I can see.

The only things that the member for South Barwon opened were commitments made by the previous Labor government. They opened nothing in Geelong during their term.

Mr Richardson — Not even the front door.

Ms COUZENS — That's right. We saw nothing in health. People who relied on our public health system were experiencing long waiting lists because those opposite did absolutely nothing in health while they were in government. They have made no commitments to health and still have not, as far as I can see, particularly in Geelong. What they did was enter a dodgy contract with private hospitals in Geelong, which stitched up our public hospital.

Ms SHEED (Shepparton) (15:10) — I am pleased to rise and speak on this motion. I think it is fair to say that over the years I have often heard it said that Labor governments spend all the money — overspend — and that Liberal coalitions have to come in and balance the budget. But it seems to me that in more recent years we have been in a situation where we have had a budget surplus and indeed there has been very significant investment across many areas.

The Shepparton district I think suffered for many years from neglect, and it has been pleasing over the last three years to see a level of investment that we have not seen for a very long time in our district. When I stood for Parliament it was very apparent to me that the community were not being listened to and that the people representing us had lost touch with what the issues were and what we needed. They were really very clear: the community were asking for the redevelopment of our hospital — better health services and closer to home. They wanted better passenger rail services, the bypass had been on the agenda for many years, we could see high youth unemployment at that time and there was a real mismatch between young people coming out of school and being ready for employment, and that has continued.

I am pleased to have been able to advocate strongly in this place on all of those issues, and to see that we have been granted funding for the first stage of the redevelopment of Goulburn Valley Health is really very gratifying, at \$170 million. We have been funded up to probably, when you count all the bits and pieces for rail, close to \$50 million for things to happen. The bypass got \$10 million in this year's budget to start planning works and maybe get some initial works done,

and we have been working very hard all this year on a Shepparton education plan, which is really designed to address the poor outcomes that we have been seeing and the very significant falling enrolments in our secondary schools across particularly Shepparton and Mooroopna. So a lot of work has been done over the last three years, and that has been terrific.

The thing that I have noticed really strongly — and so have the broader community — is that when the government invests in your community other people develop a confidence to invest. Not only are we seeing the spin-off of investment in our region — and we will see a lot more of that; we have not even got the crane in the sky yet for the hospital — but we have also had the benefit of the courthouse which the last government funded. The evidence of what that sort of activity in a country town produces is really important, right down to the coffee shops. You have got 100 or 200 workers working on a very big building, the biggest building Shepparton has ever seen — it is unfortunate in some ways that it is a courthouse, but that will be overtaken by the hospital when we get that up — and the flow-on benefit to accommodation, food, coffee, you name it, really stimulates the economy of a country town.

It is very often that I am stopped in the street and people say to me, 'Shepparton is doing really well; things are really looking up'. I feel really pleased about that, and I hope that we will see a lot more happen. In the *Shepparton News* just recently there was an article headed 'Have we got a housing boom?', and while local government does not claim that it is one, there is no doubt that there has been a lot more housing being built in Shepparton and, similarly, there have been more commercial properties being built. All of that shows a confidence that we previously had not seen.

However, I have to say there are some things that do not change. It does not really give me much pleasure to raise the same issue in this place time and time again, but the state of our passenger rail services is really appalling. I see that the minister is in the house while I raise this issue. I want to read an email that I received just this morning from a constituent of mine. It is probably a bit difficult to follow, but it is important that I get this on the record:

Well, today I travelled on the Shepparton train, 6.30 a.m. It was hot and smelly and no food or drinks.

Tonight, 4.30 train (remembering it was a very hot day), no food or drinks — 2½ hours, no drinks. The train was hot and overloaded, people having to stand. One carriage was locked; it was a better class carriage than what we got to travel on. They had it locked. I asked why they locked it — 'Aircon not working. It may start up when we get going. Then we will move people in there'. They never did — just another lie from

V/Line. I watched one lady who was on the verge of collapsing as her body was overheating. It's time the government did something before we have a death on our train this summer.

They say a child in a locked car is death and parents can be charged. I wonder if V/Line will be charged if there is a death if they overheat and die. Shepparton trains are so old. It's okay to board; the carriages feel cool. Then put 60-odd people in the carriage, then all the bodies change the temp and it's like being locked in a car. Many people travel on the train to attend doctors in Melbourne for heart et cetera. Hot trains don't mix with people that have heart problems.

Please do something before we have a death, and please have the law changed for overheated and crowded trains so V/Line can be charged if there is a death. I am sick of these trains. They are hot in summer, cold in winter. They only have drinks and food when they want, and half the time the toilets don't work and they smell.

My God — what an indictment of Shepparton train services. Unfortunately that is true. I wrote a letter to the *Shepparton News* about six years ago myself complaining about the lack of air conditioning on a really hot day. The windows could not even be opened. We have got trains that were built in the late 1950s and 1960s running on our line, and they are not fit for purpose.

What is being done about it? We have had funding put our way for planning, there has been the regional network development plan and the current budget has allocated funding for stabling of trains at the Shepparton station and for a passing loop, all envisaging that more trains may go backwards and forwards, but really we have not seen a sod turned or a shovel in the ground on any of that yet. Even the waiting rooms that were predicted and funded a year before we have not seen any sign of happening.

I really worry about how we are going when it comes to advocacy on trains. Will we see something happen, or is it just going to drag on interminably? It is really very worrying from the point of view of my constituents. My office gets emails like this so often, probably weekly. You just have to look at the social media on our All Aboard campaign, our Facebook page or our Shep Rail page to see that people are really struggling with what they have to put up with.

Talking about decentralisation as a way to deal with Melbourne's overpopulation and the stress on all the services here is one thing, but people are not going to go and live in regional towns where there are not adequate services and where there is not adequate connectivity. All the time I talk about Bendigo, Ballarat, Geelong and the Latrobe Valley. Those four regions were selected, developed and invested in and regional rail took off. Who was advocating for Shepparton for all those years? I am at a loss to

understand how for so long we were left off the agenda. We are the fifth major regional city in Victoria and yet we still struggle to get anything like decent services.

If you get on a train at any time, will there be a buffet car or will there not be? Who knows? It seems to be a totally random decision. It is considered to be a long-haul trip, and trains absolutely should be provided with buffet cars with drinks and a capacity to move through the carriages, and that is not happening. If you get on a train, you do not know what you are going to get. You cannot even prepare for a trip like that.

For months I have been telling constituents that we are heading in the right direction, that there is movement in this space, that we are getting things done, that there is a lot more happening now than was happening before and that we are being listened to in a lot of areas. But I have to say that when it comes to seeing real change in relation to rail, and even small change just in relation to the provision of basic needs on a train service, we cannot be guaranteed that we will get that.

These are the sorts of issues that require funding. We have not got it over the last 20 years. We are in a four-year term where we are getting some, but I really fear that if we do not see a major investment in rail for our region in the forthcoming state budget, then it may never happen.

Mr HOWARD (Buninyong) (15:20) — I am pleased to add my comments to the motion before the house, which recognises that if the Liberal-Nationals come to power again, we will see another period of cuts, as has been indicated by comments that have been made in recent times. The reason I am so pleased to speak on this is it reminds me of why I am in this house.

In the 1990s when the Kennett government was in power I was a secondary school teacher, and for the most part early on I was very happy in the service. But during the period of the Kennett government we saw cuts taking place to important services. I saw so many teachers who were teaching with me being made redundant because Jeff Kennett decided that he did not want to spend so much on teachers so they were not required any more. This is something that I never thought would happen, but on the third round of Kennett government cuts and redundancies in education I determined that I had seen enough and I agreed to take a package because of my frustrations with what was happening. I thought I could do something different to stand up to these cuts and that I would put myself forward to stand for the Labor Party at the next election, which I did, and of course we saw the Kennett government defeated.

It seems the standard practice of conservative governments — of Liberal-Nationals governments — is that when they come to power they want to make cuts. They do not like to spend on those things that the community sees as important. They do not like to see spending on education, on health and in so many other areas that are important to our community, and they just make cuts. Of course we saw that when the Baillieu government was elected in 2010. The first thing they did when they came to office was to say, ‘No, we can’t be spending so much on education. We can’t be spending so much in a range of other areas’ — in ambulance services and so on. In terms of some of the projects that Labor had proposed, they cut those too.

I remember, for example, the Eureka Stadium in Ballarat that the Labor government had proposed ahead of the 2010 election. We said, ‘Wouldn’t it be fantastic if you could get AFL football to Ballarat, upgrade the stadium and commit some money to make it a great facility, not just for AFL football but for a range of other uses?’. When the Baillieu government was elected that plan was axed, and the people of Ballarat were disappointed by that.

We saw nothing happen on that project until Labor was re-elected in 2014 and, in line with promises we had made ahead of that election, we got on and built the Eureka Stadium, which opened last year. We saw the Western Bulldogs football club play on Ballarat soil last year. The Minister for Sport was there. So many people from Ballarat and across the state were there too, including some from Adelaide who came to see Port Adelaide facing up to the Bulldogs in that game. This is a great thing for Ballarat because Labor committed to a project that provides not only great sporting facilities but great facilities to improve economic development and improve so many opportunities for people in Ballarat.

In this term I have been delighted to see the Labor government commit to education and to see schools like Ballarat Secondary College gain substantial funding: \$6 million on what is now the Woodmans Hill site and \$9 million on the site where I taught at Wendouree, which has changed its name. There are so many other projects. It has been great to go to Phoenix P-12 Community College to see that the government continues to fund its upgrades and to see that education is looking great.

At the other end of the spectrum, only last week I was out at another kindergarten in my electorate, the Mount Pleasant Kindergarten, where I was able to turn the first sod on an upgrade to the facilities. The week before that I was out at a kindergarten across the other side of town where the government is building the new Bonshaw

kindergarten. The prefabricated kindergarten had just arrived on site to replace the Sebastopol West Kindergarten. It is great to see new kindergartens being built and upgraded as needed across my electorate and so many other facilities.

If we look at fire services, we know that although the former government said it supported fire services, it could not commit the funding that was necessary and still made cuts wherever it could. I have been pleased to see that we have been upgrading fire stations and we are committing to the Buninyong fire station, which will get underway next year. I was pleased this week to open the Lucas temporary fire station ahead of the formal Lucas fire station opening very soon and to see so many projects getting underway in my electorate. Only last month I was with the Minister for Health at the opening of the cath lab at Ballarat Base Hospital. We are committing funding to open the new centre that will enable so much heart work to be done.

We have done a fantastic job as a government. What I want to see highlighted is that people do not forget what happened under the Baillieu government, that they do not forget what happened under the Kennett government and that we do not go away from a situation where communities like mine have gained so much over the period of Labor governments, whether that be in schools, health or public transport.

Just briefly I want to say that it is sensational to see that we have great trains on our Ballarat line, with the new trains operating along the line, along with the upgraded tracks that only Labor could do. We know that they were so badly funded under the Kennett government, whereas over the years under Labor we have seen the challenges of public transport being met. New challenges have been created though by making it so popular, and of course a new challenge is meeting the growing demand for services, including on the Ballarat line. We certainly do not want to go back to having a coalition government that will see those good projects put at risk, particularly the advances in education, health, public transport, fire and ambulance services and so many other things that we are reminded about and that other members on this side of the house have spoken about, including things in their electorates.

I want to see the people of the Buninyong electorate and the broader Ballarat region continue to move ahead, and that can only happen under Labor. We know that under a coalition government, with the proposed cuts that we have already talked about, this simply will not happen.

Debate adjourned on motion of Ms HALFPENNY (Thomastown).

Debate adjourned until later this day.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

Council's amendments

Returned from Council with message relating to following amendments:

1. Clause 37, after line 7 insert—
 - (a) **insert** the following definition—
 - “*business day* means a day other than—
 - (a) a Saturday or a Sunday; or
 - (b) a day appointed under the **Public Holidays Act 1993** as a public holiday or public half-holiday;”.
2. Clause 61, line 26, omit ‘Guidelines.’ and insert “Guidelines.”.
3. Clause 61, after line 26 insert—
 - (3) If a council requests a supplementary valuation to be caused by the valuer-general under subsection (1), the valuer-general must give the supplementary valuation to the council within 10 business days after the supplementary valuation is returned to the valuer-general.”.
4. Clause 71, lines 17 to 18, omit all words and expressions on these lines and insert—
 - (3) For section 13N(3) of the **Valuation of Land Act 1960** substitute—
 - “(3) If a collection agency requests a supplementary valuation to be caused by the valuer-general under subsection (1), the valuer-general must give the supplementary valuation to the collection agency within 10 business days after the supplementary valuation is returned to the valuer-general.”.

Mr EREN (Minister for Tourism and Major Events) (15:29) — I move:

That the amendments be agreed to.

Mr M. O'BRIEN (Malvern) (15:30) — This is the third opportunity I have had to debate matters relating to this state taxation bill. It is a bill in which we consider yet another new tax from this Labor government, notwithstanding the clear promise made by the member for Mulgrave, the now Premier, the night before the state election. He was interviewed on the steps of Parliament House for Channel 7 nightly

news by Peter Mitchell, who said — and I will not quote exactly, but I will paraphrase accurately because I have used this so many times — to the now Premier words to the effect of ‘Mr Andrews, the polls suggest that tomorrow you will become Premier. If you are Premier, do you promise Victorians that you will not introduce any new taxes or increase any taxes?’. The member for Mulgrave straightened his shoulders, looked down the barrel of the camera with all the sincerity he could muster, and said, ‘I make that promise, Peter, to every single Victorian. No new taxes and no increase in taxes’.

What does this State Taxation Acts Further Amendment Bill 2017 do? It increases land tax by \$200 million in 2019–20. This is a big tax hike from the Premier, his Treasurer and this Labor government. It is another broken promise from a government that has broken tax promises time and time again. We are now up to 12 new or increased taxes in defiance of the commitment and the promise made by the Premier to the people of Victoria — the ‘dirty dozen’ of new taxes under Labor.

There was another one this week — the city access tax. Woe betide those people who live in the western suburbs, Geelong or western Victoria who dare to want to come to Melbourne between 7.00 a.m. and 9.00 a.m. Under this Premier they will pay a city access tax in addition to a toll. What a disgrace.

This bill is opposed by the coalition. We set out very clearly why we oppose it. We oppose it because it is not fair to local councils to take away their power to value property in their municipalities. It is not fair to those experienced and hardworking professional council valuation staff who are all now facing the sack because Labor and the Greens have voted to put them out of a job. I spare a thought for those valuers who are now facing Christmas knowing that with the passage of this bill — thanks to Labor and the Greens — that they are facing the loss of their jobs.

We are talking about jobs on a day when the latest unemployment figures show that Victoria, for the 15th consecutive month, has an unemployment rate that is higher than the national average. Victoria has an unemployment rate that is 1.1 per cent higher than New South Wales. There is nothing to be proud of in this government’s employment record, and there is nothing to be proud of in this bill.

The amendments before the house that were moved in the other place relate to some requirements around supplementary valuations. It is an attempt to put in a

regime where supplementary valuations are required to be undertaken within 10 business days.

This is — I would not even call it 30 pieces of silver — the one piece of silver that the Greens are hiding behind for selling out councils and selling out Victorians. Remember, the Greens opposed this bill in the Assembly —

Mr Hodgett — Backflip.

Mr M. O’BRIEN — Then they did a backflip. They did a backflip with a pike. They rolled over and the Treasurer tickled their tummy, and the Greens have now jumped into bed with the Labor Party to do over councils, council valuers and those who pay land tax in this state. This minor trinket of a set of amendments delivers absolutely nothing. What is apparent now is that the new guard of the Greens have decided that they want to cuddle up to Labor. They do not want to oppose Labor; they want to be with Labor. That is why under the new leadership of the Greens political party we now see the Greens supporting the Labor Party, because of course when it comes to the crunch Labor and the Greens agree on one thing: they have never seen a tax they did not want to hike. When it comes to putting new taxes on Victorians — Victorian households and Victorian businesses — Labor and the Greens are as one, because they love taxes. They love spending other people’s money.

We have just seen the Auditor-General identify a 38 per cent cost blowout in Labor’s level crossing removal program — a cost blowout of over \$3 billion. It is no wonder the government wants more tax money, because they have got to pay for their own incompetence. Here is a quote from the Treasurer when he was asked about this outrageous blowout on level crossing removal costs. He said level crossing removals were an illustration ‘of why governments should never about the cost of a project until they sign the contracts’ — what an admission of incompetence; what an admission of deceit. What the Treasurer is now inviting every Victorian to say is that whenever the Treasurer talks about numbers in the future, if the contract has not been signed, do not believe him, because we have seen incompetence on every major project. Letting a Labor government be in charge of infrastructure is like giving scissors to a child with running shoes on; it is dumb, it is dangerous and it is only going to end with somebody being hurt. We know that when it comes to infrastructure projects and this Labor government, it is the Victorian taxpayer who ends up getting hurt more than anyone else.

While this trinket of a set of amendments is not even worthy of opposition from the coalition, this bill is worthy of opposition. The coalition opposes this bill. We oppose Labor's broken promise. We oppose Labor's \$200 million tax grab on land tax in 2019–20. We oppose the fact that everyone who pays land tax in this state will now be paying a higher land tax every year on a less accurate basis. This is a disgraceful bill, because this is another broken promise from a government that cannot be trusted to keep any promise and is more interested in ripping money from hardworking Victorians than treating them with any respect in the way in which they are spending that money.

It is a sad way to finish off this parliamentary sitting and this parliamentary year to have to see the passage of another Labor tax grab — another Labor broken promise. We have had three years of it. We should not be surprised if we get 12 more months of it. But then, thank goodness, Victorians will have the chance to wipe the slate clean and get a decent government back in charge.

Motion agreed to.

LABOUR HIRE LICENSING BILL 2017

Statement of compatibility

Mr DONNELLAN (Minister for Roads and Road Safety) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter), I make this statement of compatibility with respect to the Labour Hire Licensing Bill 2017.

In my opinion, the Labour Hire Licensing Bill 2017 (bill), as introduced to the Legislative Assembly, is compatible with human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill establishes a licensing system for labour hire service providers in order to improve the transparency and integrity of the labour hire industry. It also introduces various other measures aimed at holding providers of labour hire services to account for their conduct, as well as protecting vulnerable workers from being exploited.

Pursuant to the licensing scheme established by the bill, in order to lawfully provide labour hire services a person will need to be licensed by the Labour Hire Licensing Authority. Only applicants considered to be compliant with certain workplace laws and 'fit and proper' according to prescribed statutory criteria will be eligible to be licensed by the authority, and it will be an offence to provide labour hire services without a licence or to enter into an arrangement for labour hire services with an unlicensed provider.

The bill also establishes a register of licensed labour hire providers with certain information to be made publicly available and establishes the office of labour hire licensing commissioner to administer and enforce compliance with the scheme. The bill provides for the appointment of inspectors and their powers, including powers to inspect premises and obtain evidence.

Human rights issues

Right to privacy and reputation

Section 13(a) of the charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. Section 13(b) provides that a person has the right not to have their reputation unlawfully attacked.

Obtaining, using and sharing the personal information of applicants

Division 1 of part 3 of the bill sets out the process for applying for a licence to provide labour hire services. An application for a licence must include prescribed particulars, such as the full name, address and date of birth of relevant persons, as well as the consent of each relevant person for the authority to obtain information from third parties for the purpose of verifying information about that person. A 'relevant person' in relation to an application will be the applicant, each proposed nominated officer for the licence, each officer of the body corporate (if the applicant is a body corporate) and each person who makes decisions affecting the business providing labour hire services (if the applicant is a natural person). Under clause 47 of the bill, in considering an application for a licence, or a variation or renewal of a licence, the authority has the power to conduct inquiries and require a relevant person to provide further information or consent to the disclosure of information. The authority may also have regard to other information, including information provided by another regulator, for the purposes of being satisfied of any matter in relation to the application.

Although the right to privacy is relevant to the provisions governing licence applications, applicants who are seeking to participate in a regulated industry have a diminished expectation of privacy. The information that will initially be sought by the authority is only information that is necessary for, or relevant to, the determination of the application. Following the establishment of the licensing regime, persons who involve themselves in a business providing labour hire services should be aware of the regulations that will now apply to the industry. Further, each relevant person is required to provide consent for the authority to obtain information from, or disclose information to, third parties for the purpose of verifying information about the person. As such, relevant persons are likely to have a relatively limited expectation of privacy regarding the information obtained and reviewed by the authority in assessing applications.

Given that there is a reduced expectation of privacy in this context, and that the relevant persons will have given their consent for their information to be checked or verified, in my opinion there will be no interference with the right to privacy

where the relevant information is obtained, reviewed and shared within the confines of the relevant provisions.

Once a licence has been granted, clauses 43 and 44 of the bill require a licence-holder to notify the authority within 30 days of any change in the information that was provided to the authority under part 3 or any change prescribed by the regulations. A change prescribed by the regulations must be a change of such significance that notification of the change to the authority would constitute grounds for the cancellation of a licence (such as a contravention of the act or a relevant person no longer being a fit and proper person). Failure to comply with either of these notification obligations may result in a civil penalty being applied under part 6.

Licence-holders also have a number of ongoing reporting obligations. Clause 34 states that licence-holders must provide certain information to the authority annually, such as the number of workers supplied to hosts during the reporting period and prescribed information in relation to those workers, the kinds of temporary work visas held by workers, as well as other prescribed information, such as notifiable incidents under a workplace law and workers' compensation applications made by workers.

The circumstances in which the mandatory reporting obligations apply are clearly set out in the bill and are aimed at ensuring the licensing scheme operates in a responsive and protective manner. The information required will be confined to information relevant to a person's fitness to hold a licence and will enable the authority to assess whether a licence should be suspended or cancelled in light of the most current information. For the reasons set out above, to the extent that these provisions could be considered to interfere with a person's privacy, the interference would not constitute an unlawful or arbitrary interference.

A secrecy provision in clause 103 makes it an offence for the commissioner, acting commissioner and persons employed or engaged by the authority to disclose information acquired under the act concerning the affairs of any person to anyone, except in certain, confined circumstances. Such information may be disclosed to particular persons (such as VCAT, police officers and relevant regulators) in any legal proceedings under the bill or a prescribed law, in connection with the performance of a duty or the exercise of a function under this bill or a labour hire industry law, or where the information is relevant to a complaint, investigation or inquiry under a relevant law. The provision therefore balances the right to privacy of individuals with the effective enforcement of this bill and relevant workplace laws.

Publishing personal information

Clause 48 requires the authority to establish and keep a register of licensed labour hire providers that will record information about licence-holders, licences and decisions of the authority. The register will be accessible by the public to search and take copies from, and will include prescribed particulars such as the name and contact details of licence-holders and each nominated officer, and details of any condition to which the licence is subject.

The authority must also publish certain information on the authority's internet site upon receiving an application for a licence or for renewal of a licence. Further, pursuant to clause 49, the authority may publish on an internet site the names and business names of applicants, licence-holders and

former licence-holders in respect of licences that are cancelled, suspended, refused, that the authority refuses to renew or that the applicant has withdrawn.

The publication of information on the register and the authority's internet site will allow potential recipients of labour hire services to access information about labour hire providers in order to make informed decisions about appropriate providers and to comply with their obligation under clause 15 to use only licensed providers. This serves the important purpose of promoting transparency and ensuring compliance with the licensing scheme, which in turn protects workers.

Not all of the information disclosed in the register and on the authority's internet site will be of a private nature. However, the publication of information about applicants will involve identifying individuals and may negatively affect the reputation of those individuals. Nevertheless, I consider that any interference with the right to privacy and reputation resulting from these provisions will be neither lawful nor arbitrary. The particulars which are to be published are clearly set out in clauses 48 and 49 and their listing is therefore a known condition of any person seeking to be licensed as a labour hire provider. The collection and publication of information on the register and authority's internet site is necessary for and tailored to ensuring compliance with the licensing scheme and promoting transparency, and accordingly does not constitute an arbitrary interference with privacy.

Compliance and enforcement powers of inspectors

Part 5 of the bill provides for the powers of inspectors to monitor compliance and investigate potential contraventions of the bill. Clause 67 requires a licence-holder to keep all documents relating to the business available for inspection at all reasonable times. Licence-holders whose licences cease to be in force must, for six years after the licence ceases to be in force, make all documents relating to the business of providing labour hire services available for inspection in a form and at a place where they can be readily inspected. An inspector may require a person to produce documents relating to the business of providing labour hire services. Such a requirement must be made by written notice, giving the person at least 14 days to comply. Failure to comply with this notice is an offence.

Clause 70 permits an inspector, with the written approval of the authority, to apply to the Magistrates Court for an order requiring a person to answer questions or supply information relating to a licence-holder's business of providing labour hire services. Following consideration of evidence, if a magistrate is satisfied that such an order is necessary for the purpose of monitoring compliance with the regime, the magistrate may grant an order requiring supply of information and answers. Inspectors have a similar power in relation to embargo notices, which they may issue to secure against interference evidence that cannot readily be removed. Clause 80 enables an inspector, with the written approval of the authority and for the purpose of monitoring compliance with an embargo notice, to apply to the Magistrates Court for an order requiring the owner of the thing, or the occupier of the premises where it is kept, to answer questions or produce documents, or any other order incidental to or necessary for monitoring compliance with the embargo notice or with clause 79.

The bill also provides for the entry, search and seizure powers of inspectors. Inspectors may exercise powers of entry to any

premises with the consent of the occupier, or where entry to the premises is open to the public. Prior to obtaining consent, the inspector must show their identity card to the occupier, inform the occupier of the purpose of the search and that the occupier may refuse to give consent and ask the occupier to sign an acknowledgement that the inspector has complied with these requirements.

In the case of certain premises connected with the business of providing labour hire services, inspectors may, for the purpose of monitoring compliance and only during normal business hours, enter and search those premises without consent, inspect documents, require a person at the premises to produce documents or answer questions, and make any still or moving image or recording. However, this power does not extend to places of residence or any premises where the licence-holder or person with information is not present at the proposed time of entry.

For premises that are not those at which the business of providing labour hire services is being conducted, where an inspector believes on reasonable grounds that there is evidence on those premises of a contravention of the bill or regulations, inspectors may apply to a magistrate for a search warrant. Where an embargo notice has been issued, clause 81 permits inspectors to, with the written approval of the authority, apply to a magistrate for the issuing of a search warrant permitting entry to where the embargoed thing is kept, for the purposes of monitoring compliance with an embargo notice.

Pursuant to clause 84, an inspector exercising a power of entry under a search warrant may require the occupier of the premises, or an agent or employee of the occupier, to provide information, documents or reasonable assistance to the inspector. Failing to comply with such a requirement without reasonable excuse is an offence.

In my view, while the exercise of these compliance and enforcement powers may interfere with the privacy of an individual in some cases, any such interference will be lawful and not arbitrary. As noted above, the purpose of the inspection powers is to enforce compliance with the bill and relevant licence conditions, to ensure that labour hire services are provided in a safe and transparent manner, and the rights of vulnerable workers are protected. Licence-holders and others involved in the business of providing labour hire services will have a diminished expectation of privacy in the regulatory context, and it is reasonable that they can be required to produce information and permit entry to business premises for compliance purposes.

In the case of persons who are not involved in the provision of labour hire services, inspectors' powers to require third parties to answer questions or provide information are limited to those individuals who have control over relevant documents and information, or bodies that are likely to hold relevant information, and only for the purpose of monitoring compliance. If it becomes necessary for enforcement purposes to require any other third party to answer questions or produce information, the bill only provides inspectors with these powers where a magistrate has first made an order. Further, clause 89 protects the confidentiality of information provided to the inspector by making it an offence for an inspector to give such information to any other person unless authorised, and clause 91 preserves the privilege against self-incrimination in relation to the provision of information to inspectors.

I note that the provisions above may also engage the right to freedom of expression under section 15 of the charter, which may include a right not to impart information. However, in my view, these provisions enable appropriate oversight and monitoring of compliance with the bill, and are reasonably necessary to protect labour hire workers. Therefore, to the extent that the freedom of expression is engaged, these provisions fall within the exception to the right in section 15(3) of the charter, as reasonably necessary to respect the rights of other persons.

Right to protection against self-incrimination

Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

The right in section 25(2)(k) of the charter is relevant to clause 91, which applies to the enforcement powers of inspectors provided by part 5 of the bill. Clause 91 provides that it is a reasonable excuse for a person to refuse or fail to give information or do any other thing that the person is required to do under part 5, if the giving of the information or the doing of the thing would tend to incriminate the person. However, this protection does not apply to the production of a document that the person is required to produce under part 5. This is therefore a limited abrogation of the privilege against self-incrimination because a document required to be produced may contain evidence that would tend to incriminate the person with respect to certain offences under the bill. However, where evidence or documents are produced in proceedings for a pecuniary penalty order against a person for a contravention of a civil penalty provision, clause 100 provides that such evidence is not admissible in subsequent criminal proceedings against that person on the basis of the same conduct (except in respect of the falsity of the evidence).

The privilege against self-incrimination generally covers the compulsion of documents or things which might incriminate a person. However, the application of the privilege to pre-existing documents is considerably weaker than that accorded to oral testimony or documents that are required to be brought into existence to comply with a request for information. I note that some jurisdictions have regarded an order to hand over existing documents as not engaging the privilege against self-incrimination.

The primary purpose of the abrogation of the privilege in relation to documents is to facilitate compliance with the scheme by assisting inspectors to access information and evidence that is difficult or impossible to ascertain by alternative evidentiary means. Taking into account the protective purpose of the bill, there is significant public interest in ensuring that labour hire providers are operating in compliance with the provisions of the bill and the regulations.

Any limitation on the right in section 25(2)(k) that is occasioned by the limited abrogation of the privilege in respect of produced documents is directly related to its purpose. The documents that an inspector can require to be produced are those connected with a licence-holder's business of providing labour hire services, and for the purpose of

monitoring compliance with the bill or regulations. Importantly, the requirement to produce a document to an inspector does not extend to having to explain or account for the information contained in that document. If such an explanation would tend to incriminate, the privilege would still be available.

Further, clause 67 of the bill creates an obligation for licence-holders to keep all documents relating to the business for compliance with the scheme and to produce them to an inspector upon request. The duty to provide those documents is consistent with the reasonable expectations of persons who operate a business within a regulated scheme. Moreover, it is necessary for the regulator to have access to documents to ensure the effective administration of the regulatory scheme.

There are no less restrictive means available to achieve the purpose of enabling inspectors to have access to relevant documents. To excuse the production of such documents where a contravention is suspected would allow persons to circumvent the record-keeping obligations in the bill and significantly impede investigators' ability to investigate and enforce compliance with the scheme. Any limitation on the right to protection against self-incrimination is therefore appropriately tailored and the least restrictive means to achieve the regulatory purpose.

For the above reasons, I consider that to the extent that clause 91 may impose a limitation on the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the charter.

Right to property

A number of provisions in the bill provide for the seizure of documents and things and may therefore interfere with the right to property. Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Seizure powers of inspectors

Where a licence-holder or former licence-holder produces for inspection documents relating to a labour hire business, the inspector may seize and retain possession of the documents if they are considered necessary evidence for any proceedings under the bill, or if doing so is necessary to prevent their concealment, loss or destruction, or their use in contravention of the bill. The bill also provides that inspectors may, for the purpose of monitoring compliance, enter any premises with consent and examine and seize any thing found on the premises believed to be connected with a contravention of the bill or regulations, provided the occupier consents to the seizure. In the case of certain premises, the bill provides that an inspector may enter and seize or secure against interference any thing believed to be connected with a contravention of the bill or regulations. Further, seizure of items may occur in accordance with a search warrant issued by a magistrate where there are reasonable grounds to believe that on the premises there is a thing connected with the contravention of the bill or regulations.

In each provision that permits inspectors to seize or take items or documents, the powers of inspectors are strictly confined.

For instance, before items are seized with consent, inspectors must first produce their identity card for inspection and inform the occupier that they may refuse to give consent and that anything that is seized may be used in evidence. Where a magistrate issues a search warrant, only things named or described in the warrant, or things that are of a kind which could have been included in the search warrant are permitted to be seized, and the rules in the Magistrates' Court Act 1989 that govern the use of search warrants will apply. Entry and seizure without consent or warrant is only permitted in the case of premises at which the business of providing labour hire services is being conducted, a relevant worker is or has been performing work, and where information relevant to the conduct of a labour hire provider is located. In addition, the powers of inspectors are appropriately circumscribed to only permit seizure of material necessary to investigate breaches of the bill.

If an inspector retains possession of a document or item seized from a person, they must comply with a number of requirements set out in clause 82 of the bill. These requirements ensure that a person is provided with a certified copy of any documents seized from them, and that inspectors take reasonable steps to return the document or thing to the person from whom it was seized, if the reason for its seizure no longer exists, or within three months unless the relevant proceedings have not been completed or an extension is granted by a magistrate.

I therefore consider these provisions to be compatible with the right to property under s 20 of the charter.

Embargo notices

Where a search warrant authorises the seizure of a thing that cannot, or cannot readily, be physically removed, clause 79 of the bill provides for an inspector to issue an embargo notice prohibiting a person from selling, leasing, transferring, moving, disposing of or otherwise dealing with the thing or any part of the thing. Performing a prohibited act in relation to a thing, where the person knows that an embargo notice relates to the thing, is an offence. Further, the bill renders any sale, lease, transfer or other dealing with a thing in contravention of clause 79 void.

To the extent that the restriction on selling, leasing, transferring, moving, disposing of or otherwise dealing with the thing that is subject to an embargo notice constitutes a deprivation of property, any such deprivation is for the purposes of ensuring that enforcement action under the bill is not frustrated due to disposal of evidence. These restrictions can only occur in clearly circumscribed circumstances, and monitoring of compliance with embargo notices is subject to the supervision of the Magistrates Court. Any such deprivation will therefore be lawful and will not limit section 20 of the charter.

In my opinion, for the reasons outlined above, any interference with property occasioned by the bill is in accordance with law and is therefore compatible with the charter.

Presumption of innocence

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right in section 25(1) is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is

required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Clause 67 of the bill makes it an offence for a person, without reasonable excuse, to refuse or fail to comply with a requirement to produce documents relating to the business of providing labour hire services. Clause 74 of the bill makes it an offence for a person at a premises where an inspector is exercising a right of entry for compliance enforcement purposes to, without reasonable excuse, refuse or fail to comply with a requirement of an inspector. This includes a requirement to produce a document located at the premises or to answer any questions put by the inspector. Further, clause 84 of the bill makes it an offence for the occupier of a premises, or an agent or employee of the occupier, to, without reasonable excuse, fail to comply with a requirement of an inspector exercising a power of entry under a search warrant. These requirements include giving the inspector oral or written information, documents, and reasonable assistance.

By creating a 'reasonable excuse' exception, the offences in clauses 67, 74 and 84 may be viewed as placing an evidential burden on the accused, in that they require the accused to raise evidence as a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused is pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution who must prove the essential elements of the offence. I do not consider that an evidential onus such as these provisions limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

For these reasons, in my opinion, clauses 67, 74 and 84 do not limit the right to be presumed innocent.

Hon. Luke Donnellan, MP
Acting Minister for Industrial Relations

Second reading

Mr DONNELLAN (Minister for Roads and Road Safety) (15:40) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

One of the responsibilities of any government is to protect the most vulnerable members of the community.

The Victorian inquiry into labour hire and insecure work demonstrated clearly that our existing laws are failing to allow us to do so.

That is why I am introducing a bill to establish a licensing system for providers of labour hire services.

The Labour Hire Licensing Bill 2017 is the culmination of more than two years work that began in October 2015 with the appointment of Professor Anthony Forsyth to examine the practices of labour hire companies, insecure work, sham contracting and the abuse of visas to avoid workplace laws and undermine minimum employment standards.

Professor Forsyth's inquiry received almost 700 submissions and held 17 days of public hearings across Victoria, speaking

to 221 individual witnesses. The Inquiry report was tabled in Parliament in October 2017.

The Forsyth inquiry found that the labour hire industry is a significant employer of Victorian workers and a major contributor to the Victorian economy. There are various legitimate and sound commercial reasons for Victorian businesses to utilise labour hire arrangements.

However, as Members will be aware there have been a number of high-profile cases demonstrating that lack of proper regulation in the labour hire industry means that vulnerable workers have little protection from exploitative behaviour.

In addition to these well-publicised cases, the inquiry established that many situations of exploitation go unreported. This is often because the victims are too scared to come forward, they don't know where to go for help, or they worked on a temporary visa, and have returned home.

The inquiry found considerable evidence of exploitation of workers associated with the labour hire industry. It identified a problem with 'invisible' labour hire agencies and arrangements, operating almost entirely outside existing regulatory frameworks. It found that labour hire workers are treated less favourably than direct-hire workers, ranging from differential treatment in respect of rostering and health and safety to outright exploitation.

The inquiry also found that some operators exploit loopholes in current laws that allow them to avoid their legal obligations with impunity.

Current federal workplace relations laws have not been effective in stamping out exploitation, because so many labour hire providers operate in the black economy, out of the view of regulators.

Licensing labour hire providers will bring much-needed transparency to the labour hire industry. Importantly, businesses and undertakings that use labour hire must ensure that their labour hire provider is licensed. This will result in a direct and significant drop in available business for unlicensed providers. These providers will be forced to either clean up their act and transition into the regulated economy, or leave the industry.

The bill in detail

The labour hire licensing system that we are introducing will apply across all industries. Whilst much attention has been given to unscrupulous operators in the horticultural, cleaning and meat sectors, it is apparent that there are problems across many other industries as well. It would be remiss of the government to protect the workers that pick the fruit, but not the workers who transport those fruit to market.

The government is all too aware of the behaviour of some labour hire operators in avoiding their legal obligations. A sector-based scheme would inevitably create loopholes due to difficulties in defining where the sectors start and finish, and the activities they encompass.

A universal scheme will better facilitate co-operation with Queensland and South Australia, the two states which have recently passed similar licensing schemes.

A person will be a provider of labour hire services if in the course of conducting a business, they supply a worker to perform work in and as part of a host's business or undertaking. This covers the 'triangular' labour hire relationship, where there is no direct contractual relationship between the host and the labour hire worker. Instead, the worker is engaged by the provider, either as an employee or as an independent contractor.

The bill provides for two additional scenarios in which a person will be a provider of labour hire services and require a licence, even though there may be a direct contractual relationship between the worker and the host.

These are where accommodation providers procure or provide accommodation to workers and also recruit workers for third parties, and contractor management services, which are akin to labour hire.

The regulations may deem certain activities to be working in and as part of a business or undertaking. They may also exclude classes of persons or activities from the operation of the scheme. We are consulting with stakeholders as to these regulations, to ensure that the boundaries of the scheme's application are clear.

The scheme will be administered by an independent Labour Hire Licensing Authority. It will be headed up by a Commissioner, appointed by the Governor in Council.

A person or body corporate will be able to apply to the Labour Hire Licensing Authority for a licence. To obtain a licence, providers will be required to: provide information about their business and key personnel; demonstrate compliance with a fit and proper person test, workplace laws, labour hire laws, and (where relevant) minimum accommodation standards; and declare that they will comply with laws relating to taxation, superannuation, occupational health and safety, workplace laws, and migration laws.

Importantly, the bill does not impose any additional workplace laws, tax, superannuation or health and safety obligations on labour hire businesses. It merely requires an applicant or licensee to comply with existing legal obligations.

Persons with an interest in the protection of workers or the integrity of the labour hire industry will be permitted to object to a licence application. If a licence is granted despite an objection, the objector may request a review of that decision in the Victorian Civil and Administrative Tribunal.

A licence will be valid for up to three years, and the authority may impose conditions on the licence. Licences may be varied, suspended or terminated.

If an application for a licence or licence renewal is refused by the authority, the applicant can seek a review of the decision by the Victorian Civil and Administrative Tribunal.

There will be a public register of licensed providers so that hosts will know whether a provider is licensed or not.

An inspectorate, housed within the authority, will investigate compliance with the Act. Inspectors will have powers to enter premises and require production of documents.

Penalties will apply where a person provides labour hire services, or advertises such services, without holding a licence.

Penalties will also apply where a person (a host) enters into an arrangement for the provision of labour hire services with an unlicensed provider. This means that hosts must ensure that they use only licensed labour hire providers.

These two contraventions of the Act are civil penalty provisions. They attract financial penalties of up to 800 penalty units for an individual, and 3200 penalty units for a corporation. On current penalty levels, that equates to \$126,856 and \$507,424 respectively. Most contraventions of the requirements of the scheme constitute civil penalty provisions. However, these are supplemented by a number of criminal offences relating to conduct directed at the commissioner, authority and the inspectorate.

The authority will also be empowered to develop a voluntary code of practice for the labour hire industry. This was one of the recommendations of the Forsyth inquiry.

Licence fees, application fees and renewal fees will be set in the regulations to the act. It is anticipated that the fees will be scaled according to the business turnover of the applicant.

The bill provides for a transition period of six months, in which businesses who provide labour hire services must apply for a licence. Persons who apply for a licence within the transition period are able to continue providing labour hire services until their application is finally determined.

Members may question why Victoria is establishing its own labour hire licensing system, given that we have referred most of our workplace laws to the commonwealth. The Victorian inquiry recommended that Victoria advocate for a national approach to labour hire licensing, and we have done so. But it has become clear that the current federal government has no intention of protecting workers and developing a national labour hire licensing scheme. On 22 May this year, the then federal Minister for Agriculture, the Hon. Barnaby Joyce, dismissed calls for a national labour hire licensing scheme, stating that state governments should be able to regulate the labour hire industry because, and I quote, 'states have got to have a purpose to exist'.

The Queensland and South Australian governments have also moved to establish their own systems of labour hire licensing.

There are many similarities between Victoria's licensing system and the systems in the other states, in order to provide for a harmonised licensing model. For example, all three models have universal coverage, and require that host employers only use a licensed provider. All three systems facilitate recognition of each other, and work will be undertaken in coming months to facilitate this.

The Victorian Labour Hire Licensing Bill 2017 is an important step towards providing protection for vulnerable workers. It will also provide a more even playing field for the legitimate labour hire operators who now cannot compete against the fly-by-nighters who plague the industry. Under our model, those businesses who only survive by operating illegally, or on the fringes of the law, will lose their customers, as hosts will have no option but to use legitimate, licensed, labour hire providers.

There is still much more work to be done. The labour hire inquiry made 35 recommendations in total and we are methodically working through the implementation of other important measures. And the Victorian government will continue to advocate for national laws to address the shame that is the exploitation of vulnerable workers.

I commend the bill to the house.

Debate adjourned on motion of Mr T. BULL (Gippsland East).

Debate adjourned until Thursday, 28 December.

PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017

Statement of compatibility

Mr WYNNE (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this Statement of Compatibility with respect to the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017.

In my opinion, the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017 (the bill) will enable the declaration of distinctive areas and landscapes, and implement a stronger planning framework to protect areas that contain a concentration of unique features of state and/or national significance. This includes, for example, environmental, landscape, natural resource, cultural and heritage, and state significant infrastructure values that are under threat or pressure of continuing urban development. The bill, amongst other things, requires the development of a statement of planning policy for a declared area and amendment of a declared area planning scheme to incorporate the Statement. Revocation of declarations and certain specified amendments to planning schemes will require ratification by Parliament.

The bill enables the declaration of distinctive areas and landscapes of significance to the people of Victoria. A declaration together with the associated statement of planning policy and planning scheme amendment to incorporate that statement will ensure that the unique features and special characteristics of a declared area are protected and conserved for future generations. More specifically, a declaration will enhance the conservation of environmental values including habitat, ecosystems and biological diversity, and recognise the connection and stewardship of traditional owners in relation to land in a declared area. The bill also ensures integrated decision-making by requiring that a statement of planning

policy for a declared area include a long-term vision and framework plan.

Human rights issues

Freedom of movement

Section 12 of the charter provides for the right for every person to have the freedom to choose where to live, to enter and leave and move freely within Victoria. Clause 4 of the bill allows for the declaration of distinctive areas and landscapes and the establishment in statements of planning policy of protected settlement boundaries for townships designated for future growth. A protected settlement boundary and associated framework plan will identify preferred locations for different land uses including areas for urban development and other land uses such as open space or commercial development.

To the extent that a protected settlement boundary could be perceived as limiting the freedom to ‘choose where to live’ any such limitation is reasonable and justified because this is consistent with Victoria’s planning system that includes planning schemes for the control of land use and development. Planning schemes ensure the protection and conservation of land in Victoria in the present and the long-term interests of all Victorians. Planning schemes also contain planning policies, zones, overlays and other provisions that affect how land can be used and developed. Any such limitation, therefore, is considered to be proportionate since there is no other less restrictive means reasonably available to achieve the purpose that a protected settlement boundary seeks to achieve. The other aspects of the charter right including ‘to move freely’ and ‘to enter and leave’ are not limited on the basis that the bill itself does not restrict or prohibit access to areas that have been declared distinctive.

As a result, I am of the opinion that any limitation of the rights under section 12 of the charter is reasonable and justified in accordance with section 7(2) of the charter given the importance of the role of the Planning and Environment Act 1987 as the primary planning legislation that provides the legal framework for Victoria’s planning system and ensures the protection and conservation of land in the interests of all Victorians.

Cultural rights

Section 19(2) of the charter provides that an Aboriginal person must not be denied the right, with other members of their community, to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The bill does not limit any of these cultural rights. The bill supports the protection of these rights by requiring consideration of state significant historic and cultural features in determining whether to declare an area as a distinctive area and landscape. Specifically, the declaration criteria proposed to be used by the minister when considering a declaration refer to the following cultural features:

iconic places, precincts or landscapes of cultural heritage significance that are exemplars of Victoria’s past;

places or objects that have particularly strong relationships to important historical events that have significance for the broader Victorian community; and

features (both tangible and intangible) that are associated with Aboriginal living tradition, sites of Aboriginal cultural sensitivity, and cultural traditions in the form of story or unique testimony.

Property rights

Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with law. To the extent that ‘deprivation’ includes any substantial restriction on a person’s control, use or enjoyment of their property, section 20 of the charter might be relevant to the provisions of the bill in clause 4 which provide for the declaration of an area as distinctive. Such a declaration will be supported through a statement of planning policy that will be incorporated into the relevant planning scheme which may ultimately impact on how a person may use or develop their land.

The circumstances and procedures by which a person’s control, use or enjoyment of their property may be restricted are clearly set out in clause 4 of the bill. I am satisfied that, to the extent that this could be said to amount to an effective deprivation of property under the charter, such deprivation will occur both in accordance with law and for a legitimate purpose, namely the protection of distinctive areas and landscapes and prevention of inappropriate development that may be detrimental to environmental, landscape, cultural, heritage and amenity values.

As such, this clause will not amount to a limitation of the property rights referred to in section 20 of the charter.

The Hon. Richard Wynne, MP
Minister for Planning

Second reading

Mr WYNNE (Minister for Planning) (15:43) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

The Distinctive Areas and Landscapes Bill is a landmark in the management of the peri-urban areas around metropolitan Melbourne and Victoria’s regional cities.

The bill provides for the protection of state significant valued assets located in the peri-urban region of Victoria’s major regional cities. This will ensure greater certainty about the long-term sustainability of areas that contain distinctive values.

The bill is a landmark because it will protect the iconic and historic Macedon Ranges region. It will protect the natural beauty of the ranges and preserve cultural, environmental and rural values.

The bill enables the declaration of distinctive areas and landscape and the development of a tailored statement of planning policy for that area.

The bill protects the environmental values and character of the growing Macedon Ranges region. This is essential for a number of reasons.

First, the region’s proximity to Melbourne and its popularity for tourists and new residents means that we must put in place stronger protections for the natural environment, state significant water catchments, agricultural land and heritage townscapes.

Second, the level of growth anticipated in the region presents a unique set of challenges that warrant stronger state-led planning policy.

Third, the bill provides protection for townships that contribute so much to regional Victoria’s economy through tourism and associated industries. In particular, the bill will secure the sustainability of each township in the Macedon Ranges in the long term, taking into careful account the projected needs for employment and population growth.

The bill paves the way for other important, distinctive areas and landscapes across Victoria to have access to the highest level of planning protection. As an enabling tool, the bill means we can protect other state significant assets and areas of outstanding natural beauty in other areas of Victoria that are also under threat from development.

The bill strengthens existing planning controls and ensures that the significance of these distinctive areas is elevated in state policy.

It is instructive to remember the example of the urban growth boundary and the green wedges that were introduced 15 years ago. The UGB provides a permanent, long-term, strategic limit to Melbourne’s outward expansion. The Distinctive Areas and Landscapes Bill will allow settlement boundaries to be applied to specified townships where a growing population threatens to encroach into valued natural and rural landscapes.

In effect, the bill brings the UGB mechanism to the Macedon Ranges to protect state significant assets from growth on all ‘fronts’. This means we can ensure that peri-urban growth doesn’t compromise the valuable landscape.

Settlement boundaries around townships will provide long-term certainty. The boundaries can be applied to direct development to preferred locations in high-value heritage townships.

It is important to note that the bill is not intended to lock down the Macedon Ranges region or other regions. Rather, the bill elevates the economic role of these areas by safeguarding their values and facilitating appropriate growth and investment opportunities.

Under this legislation, any future proposed amendment to long-term settlement boundaries must be ratified by Parliament. This is what occurs with the UGB and the green wedges. In addition, a statement of planning policy must be finalised within two years after a distinctive area and landscape is declared. This timeline provides certainty to communities.

The bill has been developed in collaboration with the Macedon Ranges Shire Council and the region’s Registered Aboriginal Parties including the Wurundjeri, Dja Dja Wurrung, and Taungurung Elders who have strongly

supported the protection of their cultural and heritage values in the Macedon Ranges region.

The bill, as proposed, will allow the government to better recognise those iconic, distinctive landscapes that communities value, creating a legacy for future generations of Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr T. BULL (Gippsland East).

Debate adjourned until Thursday, 28 December.

GAMBLING LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed from 13 December; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Ms THOMAS (Macedon) (15:44) — It is my pleasure to rise this afternoon to speak on the Gambling Legislation Amendment Bill 2017. This bill amends the Gambling Regulation Act 2003 to prohibit static betting advertising within 150 metres of a school, on public transport infrastructure, and on public roads and road infrastructure. This is an important step to reduce gambling-related harm in the Victorian community by addressing the normalisation of gambling in sport and exposure to betting advertising, particularly for young and vulnerable Victorians.

Normalisation of gambling in sport increases the likelihood of people gambling at risky levels. Children, adolescents and existing problem gamblers are most at risk. Research shows that three-quarters of children aged between eight and 16 think gambling is a normal part of sport, and two-thirds can recall at least one sports betting brand. Betting advertising on roads, public transport and near schools increases the exposure of vulnerable groups to this advertising. The amendment complements the Victorian Responsible Gambling Foundation's many campaigns and initiatives to counter the growing culture of betting advertising.

In August 2016 the Andrews government announced a proposal to ban betting advertisements on public transport and around schools. These places were chosen as they are difficult to avoid as part of day-to-day activities, particularly for children. The proposal was subject to extensive consultation with industry and community stakeholders about the level of betting. When the government consulted publicly on this proposal we received resounding community and stakeholder support. The ban on public transport infrastructure includes trains,

train stations, buses, bus shelters, trams, tram stops, taxis and ferries, so while a prohibition on betting advertising rates was not proposed in the public consultation, the decision to include rates was a result of the consultation process and concerns that had been relayed to the ministry and government by the general community and Victorian members of Parliament. It was clear through the consultation that the ban should be extended to include roads.

Roads were also considered as a priority due to the significant proportion of static betting advertising that occurs on roads; indeed it is about 35 per cent static advertising. The extension of the ban to include roads is consistent with targeting places that are difficult to avoid as part of day-to-day activities. The prohibition on roads will apply to arterial roads, freeways and tollways, as well as traffic control signs, embankments and noise walls. The ban will not apply to advertising on cars and trucks travelling on a public road.

In addition to a number of corporate bookmakers, the Outdoor Media Association (OMA), a peak body for out-of-home advertisers, opposes the prohibition on betting advertising; however, one of the OMA's significant concerns about the impact of the prohibition on existing contracts has been resolved through transitional arrangements that are included in this bill. Those transitional arrangements mean that any contracts signed prior to the announcement of the ban, which was on 17 September 2017, will be permitted to run up to a maximum of two years following the announcement. The major exemptions to the prohibition include racecourses, sporting stadiums and grounds, and a building occupied by a wagering service provider or a building where their products or services are sold.

I did want to stop and use this opportunity to talk about an issue that was of great importance in my local community. I want to acknowledge Paul and Mary Reid of Kyneton. Both are long-time, very active Labor Party members but also have always held very strong opinions when it comes to gambling and gambling advertising. Mary led a community protest in Kyneton to get a sign taken down at Kyneton racecourse. I am discussing this in the context of the bill because, whilst racecourses are exempt, the example in Kyneton demonstrates that if communities feel strongly enough about an issue and if communities are powerful in and of themselves, they do not always need legislation to achieve what they want to achieve.

Residents in Kyneton decided that they wanted the Bet365 sign removed from the prominent position it held at the entrance to our racecourse. Whilst Kyneton racecourse is used for race meetings, it is also a very

popular place for recreation for people of all ages. So what happened at Kyneton is a successful community campaign was waged. More than 300 people signed a petition. Others were involved in an online campaign, and as a consequence of this members of the committee met with the Kyneton and Hanging Rock Racing Club and the racing club agreed to withdraw the 5 metre by 2 metre betting advertisement from the river walk.

This was a really great outcome, notwithstanding that racecourses as I mentioned are exempt under this legislation. This just goes to show that there are still real opportunities if communities are aggrieved about a certain decision that has been taken by an organisation, there is always the opportunity to sit down and negotiate an outcome that everyone can live with. So I do commend Paul and Mary for their work on that. I know that they, along with other members of my community, will really welcome this bill, and I commend the minister for bringing it to the house.

A number of people have used the opportunity of this bill to talk about the significance of horseracing to our community. In particular I wanted to point to how important it is in my community in the electorate of Macedon. The Kyneton and Hanging Rock Racing Club is a very successful and very old racing club that continues to attract really great crowds to some of its signature events that are held both in Kyneton and at the historic Hanging Rock racecourse. It has been a great pleasure to be able to welcome the Minister for Racing on a number of occasions to my electorate and to join with me to announce some of the fantastic commitments that this government has made to country racing clubs. I do not think you could find a person who, one, is more passionate about racing but, two, and of particular concern to me, is more passionate about country racing.

Country racing is an excellent day out. It was really such a pleasure to attend the Kyneton Cup race day this year. The Kyneton Cup, I might say, is conveniently located on the Wednesday between the Melbourne Cup and Oaks Day, so there is no excuse for anyone in this chamber not to attend the Kyneton Cup in 2018 and really cap off a fantastic week of spring racing.

The thing about the Kyneton Cup that I enjoyed the most is not just how much the locals enjoyed it but also how many people travelled from far and wide to watch some really first-class class racing, to enjoy wonderful hospitality and of course to participate in fashions on the field. I do have to say I used to attend the races quite a lot, and for some time I was a member of the Victoria Racing Club in order to accompany my mother, who was a great lover of horseracing, to the races. But I have

not been for a number of years; it sort of dropped off. I also grew up going to the races in Wodonga. I have got to tell you that fashions on the field at country racing has changed a lot since I was at the Wodonga racecourse as a schoolchild, and I am glad to say that. It is a good thing. Indeed at Kyneton racecourse on the day it was amazing to see the fabulous fashion and millinery that was on display.

I did want to end very quickly by also commending the Minister for Racing. As people in this place know, I did grow up in Wodonga. The member for Benambra hardly makes a peep in this place, so I thought I might point out that it was fantastic to see our minister deliver a \$271 000 boost for key race day attractions and infrastructure at the Wodonga racecourse, a racecourse that I have attended on many, many occasions. It is brilliant to see that the Andrews Labor government is not only getting right behind country racing but also taking real action to control and minimise the harm that can be done by gambling. I commend the bill to the house.

Ms VICTORIA (Bayswater) (15:54) — I move:

That the debate be now adjourned.

What we can clearly hear in the house is, I would like to say, debate around a government bill that we have spent an awful lot of time on over the last day or so. There are many on this side of the house who have not had the opportunity to speak on bills that have not yet concluded their debate — for example, the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017, the scalping bill that will apply not only to sporting but also major events. There are further speakers on our side, and of course having the minister at the table would be a great opportunity, if we were to go into consideration in detail, to be able to ask the minister some very poignant questions. There was of course an understanding between the Leader of the House and the manager of the opposition business. Of course the manager of opposition business is not in the house today due to personal reasons, so he is not here to speak on that himself. But I believe a commitment was given that we could take the bill into consideration in detail and, as I have said, there are other speakers on our side who wish to speak on this bill.

There are so many questions that we have. We have questions that people like the Ticket Brokers Association of Australia have put to us. I have had submissions from several theatres about consumer protection, which is very important. But we also have questions about the procedures around the seizure and return of the tickets and the rights of the buyer, not the scalper, and whether or not they have to supply, for

example, their name and address. The bill, I believe, in several clauses actually disagrees with itself and is not clear on that. I would be very keen for the minister to be able to have the opportunity to clarify that for the sake of the consumer. If they are approached by an authorised ticketing officer or a police officer and are asked to provide their name and address, one part of the bill says that it is a requirement and another part of the bill says it is not. Of course we would like clarification around that, because these are the sorts of things that do end up in court. We could actually mitigate a lot of those sorts of legal circumstances if we had clarification.

There is also the disposal of seized tickets. That is not entirely clear either, and we have questions around that. There is no exact time frame around the declaration of an event or a series of events, so we would very much like those sorts of things to be clarified. There are things around, for example, authorised ticketing officers not having the authority to commence proceedings when offences have been made against part 9A. We want to know why they were specifically excluded from a very specific group of people who have been noted as being authorised to commence proceedings, but there is one distinctive group who have been left out.

We also want to have a look, as I said, at things the Ticket Brokers Association of Australia want clarification around. They are legitimate and legal brokers. They are not Viagogo; they are not these dodgy international companies that nobody can track down and nobody can hold to account. These are small businesses going about their business, and they want some clarification around a lot of these issues. By stifling debate on this and not allowing us to go into consideration in detail, which I believe an agreement was reached about, we are not giving them the opportunity to continue on in their small business in a fair way. They have traded in a certain way for a long time. They are not prices gougers. They are not out to rip anybody off. They provide a legitimate and worthwhile business. This is something that we would like clarification on.

I got some answers back from the department on certain things that I asked about, for example, on section 182J, but I do not believe the answers that they sent back are totally satisfactory. So again consideration in detail would be important to be able to help clarify that further. I am sure the minister would have been delighted, although he has disappeared from the chamber, to be able to clarify those sorts of things. It is his bill, and I am sure he would have liked the opportunity to be able to do that, as he would have also been happy to talk about the destruction of tickets that

have been forfeited to the Crown. The bill says they can be disposed of in any way that the minister sees fit, including destruction. I want to know what the alternatives are. As I said, we have other speakers, and I think consideration in detail is certainly something this house should consider.

Ms ALLAN (Minister for Public Transport) (15:59) — I just want to make a couple of points on this procedural motion around the adjournment of the Gambling Legislation Amendment Bill 2017. My first point on this adjournment is that we have the member for Eltham, who I understand is very keen to make her contribution on the legislation.

Ms Ward interjected.

Ms ALLAN — I want to hear what she has got to say, and I reckon the chamber wants to hear what she has got to say. Do you know what I reckon? I reckon it will be a good contribution too. So I am looking forward to the contribution from the member for Eltham on this piece of legislation, and it is very disappointing that the member for Bayswater is trying to gag the member for Eltham from making her contribution to this debate. It is very, very disappointing that the member for Bayswater is wanting to address this. It is very disappointing.

The other point I would like to make is I hear that the member for Bayswater is very keen to go back to the bill around the ticketing of major events, the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017, and I am very happy to inform the house that we have got a few more speakers on that too. I think the member for Bayswater was indicating that there are people on her side who are wanting to make a contribution to that bill as well, and you know what? So do we. We have a few more people who would like to talk in greater detail about this bill. So I hope the member for Bayswater is not going to pre-emptively try and gag that debate as well.

The final point I wish to make is about the observations that the member for Bayswater incorrectly made around arrangements on the consideration in detail stage. I indicated on the record my position on this. It was put to me that the opposition was keen to see this bill go into consideration in detail, and during the government business program debate on Tuesday afternoon I indicated to the house, and it is on the record for all to see, that if time permits towards the end of the week, we would look at how we can accommodate that.

Ms Victoria interjected.

Ms ALLAN — It's your motion. You moved this motion.

Ms Victoria — Absolutely. Let's consider it in detail.

Ms ALLAN — Are you trying to gag me too now? Goodness me, it is the gagging member for Bayswater. She is trying to gag all of us.

Ms Victoria — On a point of order, Acting Speaker, really, are you going to let her get away with that? I am not gagging a motion. What I am saying is let us consider it in detail.

The ACTING SPEAKER (Ms Kilkenny) — What is the point of order? Is there no point of order?

Ms Victoria — No, the point of order is the minister is not being relevant.

The ACTING SPEAKER (Ms Kilkenny) — Thank you. The minister on a point of order?

Ms ALLAN — On the point of order, Acting Speaker, the motion moved by the member for Bayswater is to adjourn debate. The impact of adjourning debate is to stop the member for Eltham from speaking. That is a gag. I think if you look up the definition, that is a gag. So the member for Bayswater can try and re prosecute all she likes, but she is definitely trying to gag debate. I am simply indicating she is also misrepresenting my position, and it would be a terrible thing for the record not to be corrected on the incorrect statements that the member for Bayswater has said.

I was referring to *Hansard* from Tuesday's sitting where I indicated to the house for all to see and for the record to stand that if time permitted we would look at taking this bill into the consideration-in-detail stage. Unfortunately, as it is turning out — sadly, because the member has moved this procedural motion — we could have had all this time. But no, the member for Bayswater has tried to get in a bit early and move this gag motion.

It may not be that time permits us an opportunity to go into consideration in detail, so I would like to absolutely —

Honourable members interjecting.

Ms ALLAN — And I would hope that if the member for Bayswater has an opportunity at some future point in time she might correct the record; she might apologise for misrepresenting the position of the

government in the house. I can only hope. I can only hope that she might do that.

Ms Victoria interjected.

Ms ALLAN — But as we are hearing, she is saying she would never apologise to me. She is happy to let misinformation and wrong information stand on the record. She can have that. I am very happy for the member for Bayswater to be incorrect on the record if she chooses to. I would certainly hope that the member for Bayswater is also not trying to engage in some intimidatory behaviour across the chamber. We know she does not like that at all. I am keen to hear the member for Eltham speak, and let her speak, I say.

Mr BURGESS (Hastings) (16:05) — On the motion, it is always interesting to follow the Leader of the House and listen to her try and rewrite history. It is a regular occurrence. To say on one hand that she was going to get to this debate, that if we had time we were going to get to consideration in detail, but that it was the member for Bayswater that was standing up and taking up time is so disingenuous that certainly anyone reading *Hansard* really needs to read it in detail to understand exactly what the Leader of the House gets up to. She does it regularly. She will get up and she will verbal people and she will make an argument that really does not exist. Hopefully she is coming back — good — because she does this on a regular basis. She has already contradicted herself by saying that there was no agreement but then, harking back to Tuesday, that clearly there was an agreement and that she was making the point that we would do it if we had time.

Now, there was plenty of time. It is just a matter that certainly the government is trying to filibuster so that we do not have time to do this. There are all sorts of reasons why we should be going into consideration in detail on this bill. There was an agreement that has been renegeed on, which is not unusual for the Leader of the House and not unusual for the government.

An honourable member interjected.

Mr BURGESS — Absolutely; it is standard play for these people. The minister was sitting at the table. We were all ready to go into consideration in detail, but of course they backflipped and renegeed again — but that is exactly what we expect from this government. There was a commitment from them that they would go into consideration in detail — part of the democratic process. They promised to do this as part of their movement into government, but of course they have done almost anything but that while they have been in government.

We have got people that want to speak on this. We have got people that need to understand this bill. We have got ticket brokers, we have got theatres and we have got consumers that need to understand this legislation. This is a piece of legislation that is there to protect the consumer in some ways, but in other ways it can be quite tricky. If we do not get the opportunity to — do what it really amounts to — cross-examine the minister to see, firstly, if he even understands what the bill is about, and I am sure that is why it is being hidden; the minister has run off like he normally does when it is time to answer any questions —

Honourable members interjecting.

Mr BURGESS — He would not have a clue what is going on in this bill, and now when it is time for him to come and answer some questions, he has the Leader of the House standing up there and taking cover for him. That is the situation we are in. There is no intent by this government to ever go into consideration in detail, even when it is a bill that changes the circumstances in relation to entertainment for our consumers, where they should understand what is going on, what their rights are, what they can do, whether they can be ripped off by somebody or whether this bill means anything at all and how it has changed the law. What does it really mean when a police officer or an authorised officer comes up to you and asks you for your tickets? Do you have to hand them over? If you put them in your pocket, is there search and seizure? What is it? We do not understand. I do not believe the minister understands. This government does not understand the legislation.

We have seen that so many times from this government. They do not understand the legislation they put through. So many times there is a problem with it, and they just do not recognise that, and they are too arrogant to even listen to the opposition when we are telling them there is a mistake. We are asking them to go into consideration in detail so we can thrash out some of these concerns and perhaps improve what is a faulty bill and put something on the table so that the consumers can understand it, because in the end, as the government is trying to argue, this is supposed to be for the protection of the consumer. Well, if it is for the protection of the consumer, Minister, come and sit down here; come and answer the questions that we ask on behalf of the consumer, and show that you know something about the law that you are trying to thrust upon Victorians.

Mr Wakeling interjected.

Mr RICHARDSON (Mordialloc) (16:09) — Member for Ferntree Gully, give me a bit of time, mate. I have only just gotten up. Give me a go. I rise to speak on the adjournment motion and really the perplexing decision by the member for Bayswater to try to adjourn debate knowing that that would involve a procedural debate that would take —

An honourable member interjected.

Mr RICHARDSON — Now it has taken 15 minutes. This is general procedure, and it has actually had the consequence of stretching out debate further. For the member for Bayswater it would have been a wise choice to let the member for Eltham have a say on behalf of her community and speak on the Gambling Legislation Amendment Bill 2017. It is generally known who is on the speaking lists. It is generally known what is going on in the house, and if anyone does their due diligence, walks around to the other side and checks the speaking lists, they will see. The member for Bayswater would have seen that we would probably be done in 10 minutes and be onto something else, but now we have a procedure motion that we are talking about and we are again missing the opportunity to go to consideration in detail.

I reiterate that the Leader of the House clearly stated into *Hansard*, at the onset of the Parliament on Tuesday, 12 December 2017, when talking about the business of the house, that the intention was that if time permitted we would go to consideration in detail. Time has gotten away from us. We have had a lot on this week, a number of bills. Let us be honest: those opposite have tapped the mat. It is Thursday, the last day of the sitting week, and they want to call stumps. They want to knock the bails off and probably go back home. They might get the last session of the cricket on the way home, and that is it. It is all done.

This legislative program has been chock-a-block in the third year of the 58th Parliament. I tell you what, though: if you look at those speaking lists, they get smaller and smaller. You have a lead speaker on the opposition side who has a go. If it is the member for Hawthorn or the member for Malvern, they will give their 30 minutes. They will give it all they have got. They want to show that they have got a bit of oomph and they want to get out in front of the camera, but for everyone else it is sparse. There are some on that side for whom the last bill they saw was when they paid their power bill. They have not seen any bills, and some have not spoken all year on any legislation — nothing at all. They have not done anything at all, so how are they representing the needs of their constituents?

How can you genuinely say that you are invested in consideration in detail when most of your side do not come in and speak on the bills? Suddenly you have an epiphany that you want to ask questions on the bill, but you do not put forward 2 minutes or 3 minutes. Half of your side cannot even get to 10 minutes on a bill. I mean, give me a break. You want to go into consideration-in-detail stage and ask questions on clauses, but you cannot even be bothered to come in here. Let us be honest: you checked out last night. You have had enough and you want to adjourn off. Effectively Christmas started for the coalition on Wednesday night, and it is a slow day over there. That is right: bring the sunscreen and get home for the last session of the cricket. You checked out at the start of the morning, and that was it.

In all seriousness, those members who are invested in the outcome of the Gambling Legislation Amendment Bill 2017 have the opportunity to speak on this bill. This is an important bill. The member for Mildura has checked out. He has had enough as well. The member for Eltham is entitled, on behalf of her community, to offer her contribution.

Honourable members interjecting.

Mr RICHARDSON — Well, we have got 12 minutes on a procedure. The member for Eltham could have been finished by now, but the unintended consequence of the grandstanding by the member for Bayswater has led us to a procedural debate about adjourning the debate.

I want to speak on the scalping bill as well. We have got speakers ready to go, and it is an important issue for my local community. That 10 per cent threshold is very important, so I want to talk about that and the impact that has. It is about fairness, opportunity and looking after the people in our community to be able get to those major events. I want to have a chance to talk on that and go into detail about some of those issues and concerns on behalf of my community.

Simply adjourning off the debate is a waste of our time, so let us get on with it. I know it is a bit fast on a Thursday afternoon, but we will get there — do not worry. The adjournment will be quick, those opposite — you will have your cars running and you will be able to get on the highway by 5.25 p.m. We will have you safely on the way and out of here, and you will get the last session of the Perth test.

Mr McCURDY (Ovens Valley) (16:13) — I am delighted to rise and make a contribution on the motion, but after that verbal diarrhoea from the member for

Mordialloc I just cannot believe that he has wasted so much time talking about an ‘epiphany’ that we just decided we want to bring this on. This was an agreement that is a standard practice. This was agreed to on Tuesday, and now all of a sudden you have withdrawn. You have reneged, and you have moved on because you tell us that we want to move on and get home. We are certainly happy to stay as long as it takes so we can get the scrutiny of this government that it so deserves. I have only got a 3-hour drive, so that is still fine by me. I am used to long hours and driving up the road, so we will stay as long as we like.

On the motion, I do not know why they are not prepared to go into consideration in detail. When I came in here I heard the member for Macedon going on with some complete and utter rubbish on the bill that she was speaking about. I think it was fashions on the field on ladies day. Now, that is not showing any disrespect to fashions on the field on ladies day, but in terms of a gambling bill I would have thought there was more benefit in putting scrutiny on this government on a bill that is really important — on scalping and protecting consumer rights. The member for Macedon, as I say, spoke about all that sort of rubbish when the time could have been better spent looking into scalping.

If they want to gag this debate, well, I get that. Is the minister scared to sit at the table, understand and go through it point by point? Some of the points I want to talk about are the AFL finals. For example, will a ticketing decision be made on all of the AFL finals? When a blockbuster comes up because a certain team wins on a Saturday and one on the Friday, all of a sudden the minister might be too late to make the decision on that blockbuster next week. There are questions around that. There are questions around the Rugby League State of Origin that is going to come to Melbourne — those sorts of issues and many soccer matches as well — that we need to get some detail about in relation to how this will pan out.

There are also concerns I have. I want to get to the bottom of about the obligations of the promoter or the company that is running the event to inform the minister about the event before the tickets go on sale. I do know that once the tickets go on sale it is too late to declare the event. Is there an obligation for the promoter to mention it or talk to the minister before this happens? We could find that event tickets go on sale and it is too late to declare the event.

Again, I say the agreement we had in place has been withdrawn, and that is quite disappointing — but it is not disappointing from this government. They will do anything they can to try and hide from the facts and not

get the truth out. All we are trying to do is get to the bottom of a bill that they have written. We want to improve the bill. We want answers. We just want to know some of the extra detail in this bill that they are not prepared to sit here and talk to us about, but instead they go on with rubbish in previous bills. The Leader of the House again wants to gag this opportunity, whereas we want the opportunity to get a better understanding of the bill. I believe we should be going into consideration in detail.

Ms THOMAS (Macedon) (16:17) — Twice this week I have had the good fortune to follow the member for Ovens Valley. It is rather amusing to sit here and listen to this new-found interest in the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017, a bill for which, as I understand it, the opposition could scarcely muster up five speakers whereas we have at least 15 or more.

I think the Leader of the House was very, very clear. You only have to look at *Hansard*. She made it very clear that if indeed time were available on Thursday afternoon, she would consider whether or not there was the opportunity to take the bill into consideration-in-detail stage. As you have heard, we have plenty of speakers who want to continue to speak on our Gambling Legislation Amendment Bill 2017. We have plenty of speakers who want to continue to speak on the ticket scalping bill.

We have seen a few stunts from those on the other side this week. Anything they can do to avoid actual, real work, anything they can do to actually avoid doing the hard work, reading the legislation, preparing a debate, coming in here and making a considered contribution — anything they can do to avoid that, they will do. That is what this stunt is from the member for Bayswater, as has been made clear already.

We have speakers on this side of the house. They want to make a contribution; they are ready to do that. If you are that interested in the ticket scalping bill, then get up on your feet, make a contribution, do the hard work, do the reading, do the thinking, ask some questions and just make a contribution.

Mr Richardson — Just speak on the bill.

Ms THOMAS — The member for Mordialloc makes a really good observation. Sometime over the summer holidays I will be looking to see — I might even do it myself if I am bored enough — who has risen to their feet in this place to make contributions, because I can tell you that there are some on that side of the house who sit there and take the salary but they kick

back. They are never seen in their electorates. They do not make a contribution in this place. They are, frankly, lazy. That is the reason they sit on that side of the house, and that is the reason we sit here. We are ready. We have speakers at the ready. They want to make a contribution. They want to speak on behalf of their communities —

An honourable member interjected.

Ms THOMAS — I am going to take up the interjection. I do not know what it is about those on the other side. They want to attack me for making a contribution in relation to the significance of country racing to the economies of regional Victoria. Now, if they do not care about boosting the economy in regional Victoria and if they do not have the wit or intelligence to be able to make the link between horseracing and gambling, then there is not much I can do to help them, I am afraid.

As I said, the Leader of the House was very clear in her negotiations with those on the other side — she said it in *Hansard* — that if time was available, it would go into consideration in detail. But no, those on the other side would rather drag us through this rather tedious procedural debate. You are forcing us to do that and we will talk out our time, because if you really wanted to consider this bill in any detail at all, then I would say to you: demonstrate your interest in the bill, stand up on your feet, make a contribution during the debate —

Mr Watt — We're trying to do that. You won't let us.

Ms THOMAS — You had plenty of time. As I said earlier, on the ticket scalping bill I think there were about five members on that side of the house who could be bothered to stand up and make a contribution. We have 15 and counting. So again it points to the contrast between the Andrews Labor government and those on the other side, the pretenders over there who would seek to form government late next year. Well, really, you are going to have to work a little bit harder than that. If you want to persuade the people of Victoria to give you their vote, then you are going to have to demonstrate both in this chamber and outside that you are worthy of that vote.

The laziness that is the hallmark of the Liberal-Nationals coalition is on display once again. If you were that interested, why did you not get up and speak on the bill in the first place? The member for Eltham is here, and she wants to speak on this bill.

House divided on motion:

Ayes, 38

Angus, Mr	Paynter, Mr
Asher, Ms	Pesutto, Mr
Battin, Mr	Riordan, Mr
Britnell, Ms	Ryall, Ms
Bull, Mr T.	Ryan, Ms
Burgess, Mr	Sandell, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Gidley, Mr	Smith, Mr T.
Guy, Mr	Southwick, Mr
Hibbins, Mr	Staley, Ms
Hodgett, Mr	Thompson, Mr
Katos, Mr	Thorpe, Ms
Kealy, Ms	Tilley, Mr
McCurdy, Mr	Victoria, Ms
McLeish, Ms	Wakeling, Mr
Morris, Mr	Walsh, Mr
O'Brien, Mr D.	Watt, Mr
O'Brien, Mr M.	Wells, Mr

Noes, 42

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Scott, Mr
Garrett, Ms	Spence, Ms
Graley, Ms	Staikos, Mr
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thomson, Ms
Howard, Mr	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

Motion defeated.

Ms WARD (Eltham) (16:29) — I have to say that I am very grateful to the house for the opportunity to speak on this very important bill. It is always important that voices are heard in this chamber and it is also important that people do get the opportunity to say what they need to, especially when it is a bill as important as this one. I doubt that there is anyone in this place who would think that gambling is not an important issue for this place to (a) debate but also (b) act on. That is exactly what this government has done because, as I am sure those opposite are probably tired of hearing, on this side of the house we are getting it done and we are getting it done consistently. We know we are getting it done, and we will keep on telling you we are getting it done.

The Gambling Legislation Amendment Bill 2017 amends the Gambling Regulation Act 2003. There are a number of things that are interesting about this bill, but the one I want to particularly focus on is the display of static betting advertising by wagering service providers within 150 metres of a school, on public transport infrastructure, and on roads and road infrastructure. That advertising will be banned from occurring. I find this part of the bill incredibly important. It actually relates to something that I am very passionate about, which is the prevalence of gambling advertising. Gambling advertising, especially when it is directed at children, is something that I find incredibly frustrating. I am sure that there are many people in this house —

Mr Watt interjected.

Ms WARD — I hear the interjections from the member for Burwood, who just cannot help himself. Especially when a woman is getting up on her feet and talking, he cannot help himself but interject and interject repeatedly. I am glad that the member for Burwood has actually interjected in this instance, because it reminds me of his ridiculous arguments yesterday, when he was trying to compare this bill —

Mr Watt — On a point of order, Acting Speaker, I am deeply offended by what the member is saying. I interject with males and females alike. I ask the member to withdraw.

The ACTING SPEAKER (Ms Kilkenny) — Will the member withdraw?

Ms WARD — I withdraw.

What the member for Burwood argued about yesterday was the fact that this government was doing the wrong thing by providing a safe space for people to inject drugs. The member for Burwood refused to acknowledge that what the safe injecting rooms in Richmond will do is actually stop people from shooting up on school grounds and near schools. Why he thinks that this legislation is contradictory to that legislation is beyond me because both pieces of legislation protect children, and that is exactly what we want to do. I think the member for Burwood should stop trying to score cheap political points and actually think deeply about legislation and what legislation means to people's lives rather than ranting and raving about things that actually do not make a lot of sense.

A recent report from Deakin University's Associate Professor Thomas and colleague Hannah Pitt, who are both researchers at the school of health and social development, shows that many children are keen to gamble because of attractive advertising and its link to

their favourite sport. I note that the federal government has got in place an analysis at the moment, where they are seeking feedback on their proposition to stop gambling advertising during sporting games up until 8.30 at night. To my mind I do not believe the federal government is going far enough because I know, as I am sure everybody here knows that, if you are watching the footy, you are watching the cricket, you are watching the netball, those games go on beyond 8.30 p.m. and often our kids — our 10, our 12, our 14, our 15-year-olds — are watching those games with us.

Acting Speaker, I am sure you are like me. You sit on the couch on a Saturday night and watch a game with your kids. I am watching netball. You might be watching footy; you might be watching both. When you are watching a sport and you have got this incessant display of advertising on the TV — of gambling odds, of what you can bet on which player — essentially it is ticker-tape advertising going on through the game. Then you might get on your Twitter feed to see what else the Vixens are saying on your game and what is going on. And guess what? More online ads come up on your Twitter feed. They come up everywhere; it is incessant. The federal government and this government should be working together to make sure that we have controls on gambling advertising so that it does not suck our kids in.

What really disturbs me are the parallels between gambling advertising and tobacco advertising. The incessant creep of gambling advertising is very similar to the way that tobacco advertising used to strike: at every opportunity that it could. It captures kids, gets kids interested in a product from an early age. It normalises a product, having kids think that participating in this, whether it is smoking or gambling, is a cool, fun thing to do.

Australians spend more money per capita on gambling than any other country in the world, with 2014–15 figures estimating that Australian adults spend on average \$1241 per person on gambling each year — this is what this Deakin report found. It says:

Similarly to adults, a broad range of harms are associated with children's gambling behaviours, including mental health problems, issues associated with self-esteem and self-confidence, truancy, a reduction in academic performance and other risk-taking behaviours.

We need to make sure that the gambling industry does understand the challenges that are posed by their advertising, that they respect the needs of our kids and that they taper their advertising accordingly. I overwhelmingly support the idea that there is no advertising within 150 metres of schools, within trains,

at bus stops and the like. This is absolutely the right policy and it is absolutely the right way forward.

In 2012 in the UK the industry spent \$1.4 billion on advertising. This is a huge budget, and I know that in this country they also spend an amazing amount of money advertising for gambling. We want to protect our kids and we want to make sure that our kids make good, informed choices. I want to quote from Easton Wood, a Bulldogs defender, who said:

The obvious issue here is the effect this advertising has on children every time they watch us pull on our boots.

The big question is, do we think the normalisation of gambling — particularly to kids — is acceptable in this day and age?

And it is not. And I do have to tell the federal government that Tim Costello actually thinks that it is a half-baked idea to allow ads on gambling to happen after 8.30 p.m. He, like me, recognises and accepts that kids are at home watching TV, watching their game, watching their favourite players shine. They do not want to continually see this TV advertising. I would really like members of the federal government to sit down with me on my couch and tell my kids, 'Well, it might be a really crucial point in the game, but it's 8.30 p.m., you've got to go to bed. You can't watch that goal being shot. You can't watch that goal. You've got to go to bed because the gambling is coming on'.

Mr Richardson — It is outrageous.

Ms WARD — It is outrageous, member for Mordialloc.

The things that particularly bother me are things like the newest online bookmaker Neds. They are now going to stop running ads that they have had on TV lately — a couple of months or so ago — because they breached advertising codes and encouraged excessive gambling. Acting Speaker, you might remember this ad: it had a bloke come down, sit down at the table, pick up his phone and say, 'Hang on, I can't stay for dinner. I've got to go out the back, pretend I've got an important phone call so I can gamble'. That is the most irresponsible gambling ad I have ever seen. It was absolutely disgraceful. They were a series of ads which showed males particularly deceiving their families and their friends so that they could go off and gamble. This is terrible. This is why gambling regulation and advertising regulation for gambling is absolutely necessary. It is absolutely vital because our gambling industry members cannot show that they always understand the effects of their advertising — the negative effects and the challenges that their advertising poses.

I commend the minister for putting this bill together and for the work that she has done. I commend the thought that has gone into this legislation. We need to make sure that we are being proactive in this space. Things are changing constantly in terms of gambling. People's access to gambling is becoming easier and easier and easier. Online gambling is now becoming more of a challenge than pokies gambling. It is the responsibility of government at both a federal and a state level to step up to the plate, to actually be engaged in this and to make sure that we are creating legislation that does the right thing, legislation that is responsible and legislation which helps people make informed decisions and not get sucked into the addiction that is the curse of online gambling or gambling overall. This is a great amendment bill. I am very glad the minister has put this together, and I commend it to the house.

Debate adjourned on motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Debate adjourned until later this day.

MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017

Second reading

Debate resumed from 12 December; motion of Mr EREN (Minister for Tourism and Major Events).

Mr RICHARDSON (Mordialloc) (16:39) — It is a great pleasure to rise and speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. It is a very important bill in the context of supporting working Victorians and our access to recreational activities, respite and time that we spend enjoying what is great about our state. We truly are the events capital of Australia, if not the world, and we are a showcase for the rest of the world with our major sporting events. It is why people come to Melbourne. It is why our visitor economy is so strong. We are a destination that has the best of everything. We are the world's most liveable city.

Can you blame people for travelling across seas to get to our great state and enjoy our hospitality and our major events? I think of the incredible Boxing Day Test match that will begin on 26 December. It is a great spectacle. We will have the English over again for what will be a fantastic occasion, and hopefully we will get 70 000 or 80 000 to the G on Boxing Day and that will flow over to the following days.

Then we have the Australian Open, which is always an incredible spectacle. It is a great start to the year, and as you head towards Australia Day the tennis is on. You cannot feel any more part of summer than at some of those major events.

But that demand brings challenges. Unfortunately in an environment where there is such demand there are unscrupulous people who will try to make a quick buck and exploit those people who want that opportunity. Some of the prices that are asked by scalpers are locking out people from being able to go to these events and to take their kids along. Everyone who has spoken on this bill or looked through its contents has probably reflected on the first big major event they went to whether it was sporting or whether it was entertainment and on the joy that they had going in. That anticipation of the event, the excitement and the buzz as they travelled in on the highway, the freeway or the train, or the excitement they had if they travelled interstate or internationally. Then when they are at that major event, they have enjoyed that time with their families and the respite they need from their working week.

What happens if you are locked out from that opportunity? It is the \$100 ticket that then becomes marked up to \$250 or \$300. That is locking out people from having that opportunity. We see it so many times. If you are fortunate enough to be able to afford pay-TV, that is maybe the lens through which you are watching an event — through sporting channels or through a digital set-top box. But people are being locked out. It is already costly, and then they cannot go along to those sporting events. This bill looks at strengthening those protections for working people. I think the member for Broadmeadows in his contribution touched on and summed it up perfectly. It is about fairness. It is about giving people a fair go and giving people access to those opportunities.

When we think about the visitor economy as a whole it is absolutely substantial for our state and the revenue that is generated is a significant income flow. I think of the Australian Formula One Grand Prix coming up in March. It is an extraordinary event that is an international showpiece for our state. Getting those tickets comes at an absolute premium, as does some of the AFL events and soccer events that will come up as well, and even some of the cultural events.

I note the Premier recently acknowledged the theatre production of Harry Potter, which is in two parts. You have to invest in the first part and then have a crack at the second as well. If there are not those protections, scalping becomes even more prominent and can be more of a risk. That is a big event — London, New

York and Melbourne are the only world cities that have that production. That is a big boon for our state. That showpiece could be running for months, if not longer. All the franchises that have accompanied Harry Potter have been absolutely extraordinary, so that will be a massive excitement buzz for our state. It is another significant cultural and artistic event, and I think it will be absolutely exciting.

The bill looks to expand the act to cover non-sporting major events in relation to ticket scalping provisions such as cultural events, theatre, concerts, gallery exhibitions and festivals. I think of the Van Gogh exhibition as well. What an extraordinary presentation that was. The numbers of people that got along were absolutely extraordinary. These were absolutely timeless pieces that generations of Victorians were able to go along and witness and appreciate in different forms. Art takes various forms and it is in the eye of the beholder, but generations of people — going along with their parents, grandparents and the like, or on excursions — really enjoyed those incredible pieces that stand the test of time. It was just extraordinary.

The bill empowers the Minister for Tourism and Major Events to make a major event ticketing declaration, which will apply new ticket scalping offences to both major sporting events and other major events. It will put greater power in the arm of the minister to be really hands-on in those day-to-day or week-to-week major events, so if there is a big cultural event or a significant event coming up, we can ensure that people are not being exploited and people are not trying to make a quick buck. Tickets will not be allowed to be resold or advertised for sale for more than 10 per cent above the ticket face value.

I do have a declaration to make on this bill. Recently I attended the Paul McCartney concert at AAMI Park, an extraordinary event. The bloke is 75 years young and what an extraordinary event. My beautiful better half, Lauren, got onto Ticketek to buy us a couple of tickets and hit the buy button twice and so bought two sets of tickets, so we had four tickets. We had to resell two of them and luckily the member for Dandenong — the member for Dandenong might throw me under a bus here, but there was definitely not a 10 per cent mark-up — paid cost price.

Mr Pesutto interjected.

Mr RICHARDSON — There was no mark-up on those tickets. I still swear that I could hear the member for Dandenong belting out a Beatles tune from the back of the stadium. There is genuine need sometimes to onsell — if you have got family commitments,

sometimes the kids get sick and you might need to onsell — and that is totally legitimate, but the 10 per cent is appropriate for any movements or the like. Ten per cent is a good threshold to set above the face value of the ticket. Penalties for scalping can range from \$790 to a whopping \$475 000 depending on the nature of the offence. That is a fantastic deterrent against people profiting off those wanting to go to these major events.

Outside of a Melbourne context, my wife, Lauren, and I went to New York in 2012 and went to an incredible concert, the 12–12–12 Hurricane Sandy relief concert, and it was megastars throughout. We could not get tickets originally, we were in New York at the time and the mark-up on those tickets — I said to my wife, ‘No, the price is so substantial’ — was a mark-up of hundreds of per cent. She said to me, ‘This is a once in a lifetime. Once in a lifetime you will be able to see people like Paul McCartney, Billy Joel, The Who and others all in the one spot’. We saw Paul McCartney again, I did remind her, but the mark-up was substantial. That is going on all over the place. If you have followed a band, if you have followed a sporting club — you think of the Liverpool Football Club coming out to the MCG and how major that was. We had 99 000 mad Liverpool fans all —

Ms Green — I have seen them at Anfield.

Mr RICHARDSON — The member for Yan Yean has had the good fortune of seeing them at Anfield with 40 000 or 50 000 people singing along.

Ms Green — It was better at the G.

Mr RICHARDSON — It was incredible — goosebumps stuff — the singing of their anthem by 99 000 —

Mr Burgess interjected.

Mr RICHARDSON — I cannot give you a rendition, member for Hastings; singing is not my forte. Just the goosebumps you get! If you are from the north-west of England and you are living in Australia now, you want to get to that event. That is a once-in-a-lifetime event. To think that people might profit off that joy, off that enjoyment of following the Reds all the way through — that is the kind of thing that this bill protects against. Those people who are trying to make ends meet, trying to get a ticket, trying to get some recreation and respite from a hard working week — we are ensuring that they are not profited off, that money is kept in their pockets and that resell is fair, and if you are moving tickets on because you cannot get to an event, that that is fair. I think that is an appropriate measure to take. It shows our record of being fair and transparent

with the Victorian people and supporting working people in both their working lives and their recreational lives. I commend the bill to the house.

Mr BURGESS (Hastings) (16:49) — It is a pleasure to rise to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. Just following on from the member for Mordialloc, it is always interesting that they are claiming to be open and accountable. Certainly with this particular responsible minister it is interesting to note that under proposed section 182N(3) to be inserted into the Major Sporting Events Act 2009 by clause 16 of the bill there is a discretion for the minister to dispose of forfeited tickets or tickets that have been taken in any way he sees fit. I would have thought, and I am sure all members on this side of the house would have thought, that the Minister for Sport already had about as many tickets as he could possibly handle. Certainly he has got a bit of a record for having sports events tickets and receiving them from all over the place. So his having the discretion to dispose of these tickets in any way he sees fit I think is anything but open and accountable.

There are a range of concerns that the opposition has with this particular piece of legislation. The background to this is that Victoria was one of the first jurisdictions to have a Major Sporting Events Act which protected events in such ways, particularly from scalping. I think that has worked quite well for Victorians. Certainly I think that there is a particular shadow cast over that now with the uncertainty over this bill. One of the many reasons the opposition was so intent on going into consideration in detail on this is that there are so many areas of this legislation that are just unclear. It is difficult to understand who has actually written this. A clause will say, 'The authorised officer must' and then 'The authorised officer may' and then the authorised officer seems to be able to 'maybe' do something, and if there are other circumstances that make them impractical, then the authorised officer does not have to do anything.

There is also great uncertainty about timing. The minister is able to declare an event so that it comes within this legislation, but the bill does not say anything about the timing or anything about the number of events that might be involved in that process. You might have a situation where there are five or six concerts in a series, and the minister may not declare them until partway through. There is just so much uncertainty involved with the minister declaring an event under the bill. There may have been all sorts of scalping going on prior, say, to concert three in a series. So concerts one and two have been fine, and then they are not allowed to do it for concert three. There does

not appear to be any way of making that known, other than the minister declaring it. It is likely to create great confusion, not only for consumers but also for those who up until now have had an honest business.

We believe there have been seven authorised ticket resellers up to now. They are genuine businesses reselling tickets, and their future is uncertain. That is a recurrent theme with this government. Every piece of legislation that passes leaves businesses with uncertainty. That is probably the number one thing that businesses are complaining about. They do not want uncertainty, and this government seems to be making a great art of it.

Prior to this bill there was already legislation that deals with scalping, and which seemed to be dealing with it reasonably well. This legislation will tend to confuse the matter. The bill gets more confusing every time you open it. For a declared event scalping was already banned and five tickets was the maximum; now it is six. There does not seem to be any reason why it has gone to six. There does not seem to be any definition of when a declaration can be made. There does not seem to be any indication of why a particular event would be classified as a declared event, but nevertheless the minister is able to do.

There is a whole range of things that make this legislation confusing, that indicate in one circumstance that an authorised officer 'may' do things and then in another that they 'must' do things:

New subsection (1) provides that a person referred to in section 182J(1) or (2) from whom any ticket has been seized under section 182J may apply to the Magistrates Court for return of that ticket.

If the minister has declared an event close to the time of the event, it is difficult to understand why anyone would apply to get the tickets back.

New subsection (2) provides that an application may be made at any time after the seizure, but must not be made if any proceedings for an offence against section 182F(1) or (2) or 182G(1) or (2) have been commenced ...

You can imagine the difficulty for the average consumer in trying to understand what their rights are under this legislation — not only the rights of the consumer but obviously the person who is reselling tickets. They may in fact think that they are doing something that is within the law and find all of a sudden that they are outside the law. If they have been selling tickets for two of the events and then when they are selling tickets for the third event, which is a declared event, they can find themselves falling foul of this legislation.

An authorised officer can approach somebody who is selling tickets and ask for the tickets, or can ask the purchaser for the tickets. It is not clear in the legislation whether the consumer will be forced to hand over the tickets or whether the authorised officer can do anything about that. So while there seems to be an indication that there is a seizure power in the legislation, if the purchaser has not done anything wrong, and there is no indication that a purchaser has done anything wrong according to the bill, then what is the authorised officer going to do to obtain those tickets? If the authorised officer is in fact unable to obtain those tickets, then they are unable to prove that there has been an offence.

There might have been some inkling of sense behind this legislation, but with the way it has been put to paper and with the way it has now been presented, it does not make any sense at all. It will make it very difficult for an authorised officer and it will make it impossible for somebody who is trying to resell tickets but stay within the law, whether they have got five tickets or six tickets, and how they prove that and whether they are within 10 per cent of the purchase price or not. There are all these difficulties that are going to be presented for each person in this chain of events.

The purchaser of tickets may think they have done nothing wrong, and then be approached by an authorised officer or a police officer and asked for the tickets. The legislation says that they can be asked for them but it does not appear to give any requirement for the purchaser to hand them over. Certainly being an innocent third party you would not expect that an officer would be authorised to search or seize or in some way to compel a person to hand over the tickets.

In summary, the legislation may have some benefit; it may in fact have some good cause that it is trying to apply. The Leader of the House has chosen to renege on a deal for us to have a consideration-in-detail stage. Also the minister has chosen not to make himself available and is not in the house while this bill is being debated to answer questions and clear things up so we can understand how this legislation is going to operate and what it is going to mean to promoters of major events.

I have listened to members detail how important major events are to Victoria and to Melbourne, and they are, absolutely. They are part of the culture of our town and our state. But to introduce legislation which makes things so unclear to everybody who participates, from the promoter all the way down to the person who has purchased the tickets, is certainly a retrograde step. While it is not surprising that this government would become involved in something like this, it is regrettable.

We need clarification of the matters that I have raised, and that other speakers have raised. We need to understand what the intent of this legislation is — what the minister intends it to do. The minister has refused to turn up and answer questions. He has been supported by the Leader of the House, who has reneged on a deal to have a consideration-in-detail stage. This is entirely disappointing, and certainly the industry will be very disappointed with this as well.

Mr NOONAN (Williamstown) (16:59) — This might just be my best contribution of the year. I am a little troubled by the time I have left actually, but you might be able to help me out with that, Deputy Speaker, in time. The major events amendment —

The DEPUTY SPEAKER — The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed from 13 December; motion of Ms ALLAN (Minister for Public Transport).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL 2017

Second reading

Debate resumed from 12 December; motion of Mr PALLAS (Minister for Resources).

The DEPUTY SPEAKER — The question is:

That this bill be now read a second and a third time.

House divided on question:

Ayes, 76

Allan, Ms	McLeish, Ms
Andrews, Mr	Merlino, Mr
Angus, Mr	Morris, Mr
Asher, Ms	Nardella, Mr
Battin, Mr	Neville, Ms
Blandthorn, Ms	Noonan, Mr
Britnell, Ms	O'Brien, Mr D.
Bull, Mr J.	O'Brien, Mr M.
Bull, Mr T.	Pakula, Mr
Burgess, Mr	Pallas, Mr
Carbines, Mr	Paynter, Mr
Carroll, Mr	Pearson, Mr
Couzens, Ms	Perera, Mr
Crisp, Mr	Pesutto, Mr
D'Ambrosio, Ms	Richardson, Mr
Dimopoulos, Mr	Riordan, Mr
Dixon, Mr	Ryall, Ms
Donnellan, Mr	Ryan, Ms
Edbrooke, Mr	Scott, Mr
Eren, Mr	Sheed, Ms
Foley, Mr	Smith, Mr R.
Garrett, Ms	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Guy, Mr	Staley, Ms
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thompson, Mr
Hodgett, Mr	Thomson, Ms
Howard, Mr	Tilley, Mr
Kairouz, Ms	Victoria, Ms
Katos, Mr	Wakeling, Mr
Kealy, Ms	Walsh, Mr
Kilkenny, Ms	Ward, Ms
Knight, Ms	Watt, Mr
Languiller, Mr	Wells, Mr
McCurdy, Mr	Williams, Ms
McGuire, Mr	Wynne, Mr

Noes, 3

Hibbins, Mr	Thorpe, Ms
Sandell, Ms	

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**GAMBLING LEGISLATION AMENDMENT
BILL 2017**

Second reading

**Debate resumed from earlier this day; motion of
Ms KAIROUZ (Minister for Consumer Affairs,
Gaming and Liquor Regulation).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CHRISTMAS FELICITATIONS

The DEPUTY SPEAKER (17:07) — Before we commence the adjournment debate I would like to take this opportunity on behalf of all members to acknowledge and thank those who work so hard for all members every day. Thanks to our parliamentary heads, Peter Lochert, Bridget Noonan and Andrew Young. Thanks to all staff in the clerks' office, the procedure office, the Speaker's office and the office of the Serjeant-at-Arms. Thanks to the tours and customer service unit staff, the parliamentary committee staff and the community education and engagement staff. I would also like to thank the building and grounds staff, the catering staff, the security and electorate properties staff, our wonderful Hansard staff, the library staff, the information technology staff, the budget and risks staff, the accounting staff and administration staff and the organisation development unit staff.

Thanks to the President, the clerks and the staff of the Legislative Council. Thanks to all our electorate officers and of course the staff of the Office of the Chief Parliamentary Counsel. Thanks to our protective services officers and contract security providers and to the parliamentary press gallery. Can I wish all members and staff a safe and happy summer break, and I trust that you will enjoy some time with your families and friends. All the best for the new year.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Glen Eira Adult Learning Centre

Mr SOUTHWICK (Caulfield) (17:09) — (13 846)

If I could also just wish a very merry Christmas and a happy new year to all of the members of Parliament, the staff of the Parliament and everybody associated with this great house.

My adjournment matter is for the Minister for Families and Children, and the action that I seek is that the minister deliver on the 2014 funding promise to all neighbourhood houses, and in particular my house, the Glen Eira Adult Learning Centre. Philippa Caris, who is the executive officer there, does a fantastic job. The Glen Eira Adult Learning Centre has been excluded from applying for recurrent funding under the neighbourhood coordination program. This exclusion has occurred due to the three-year funding rounds being rolled over, which has blocked the Glen Eira Adult Learning Centre's ability to apply for neighbourhood funding.

Since 2009 the Glen Eira Adult Learning Centre has expanded rapidly, and it now delivers three to four times the service volume as comparable neighbourhood houses that receive recurrent funding, including delivering 72 000 student contact hours in 2016, up almost 20 per cent since 2014, and having 446 enrolled students in 2016, up 30 per cent from 2014 — and it has not received any funding at all. In fact the previous Liberal-Nationals government increased funding to neighbourhood houses in 2014, and that was the last time funding for neighbourhood houses was increased in Victoria despite Labor promising to do so in the 2014 election campaign.

I conclude by asking the Minister for Families and Children to give the Glen Eira neighbourhood centre their justly deserved funding and the Christmas present that they deserve.

African-Australian community

Mr PEARSON (Essendon) (17:10) — (13 847) I direct my adjournment matter to Minister for Industry and Employment and the action I seek is for the minister to attend a forum with the Brotherhood of St Laurence, Jesuit Social Services, the City of Moonee Valley, the Huddle and Wingate Avenue Community Centre to discuss the progress being made to date in finding employment opportunities for African-Australians.

Gippsland South electorate chemical contamination

Mr D. O'BRIEN (Gippsland South) (17:11) — (13 848) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and I seek that urgent action be undertaken for more testing on ducks at the Heart Morass near Sale for the presence of the PFAS group of chemicals. As the minister will be aware, the Environment Protection Authority Victoria (EPA) announced a couple of months ago that it was recommending that ducks, eels and fish from the Heart Morass not be consumed due to PFAS contamination emanating from the East Sale RAAF base.

Defence and EPA say that more testing needs to be done, and the final report will not be released until the first quarter of 2018. This is a great concern for Field and Game Australia, and particularly its Sale branch, with respect to the use of the Heart Morass, which is owned by Field and Game Australia and managed as a conservation reserve. This is quite a unique conservation project where Field and Game Australia volunteers have significantly rehabilitated a degraded area of the wetland, and that is entirely funded by hunters. Field and Game Australia actually sells keys to access the Heart Morass for duck season, and that is its main source of revenue for the year. Without that revenue it would be very difficult for them to maintain the conservation project that they undertake at the Heart Morass.

The uncertainty over use really does need to be addressed as soon as possible with the preparation for duck season well and truly upon us. Field and Game Australia is willing to help with providing 50, 60 or however many ducks are needed in addition to the 10 that have so far been tested to get better samples. It is also seeking that the government test outside the morass, because very obviously ducks move around, and there are wetlands literally across the river and right around the Gippsland Lakes. So it is a bit silly of the government to be saying that you should not eat ducks from the Heart Morass when they may have just flown in from Dowds Morass or any number of places. That is an issue that does need to be addressed.

The members themselves are also happy to be tested to address the issues of concern with respect to humans. We understand the need for caution, but we also recognise that there is no consistent empirical evidence of human health concerns. While I have called on both state and federal governments to be as transparent as possible with respect to PFAS in the Parliament recently, I ask the minister to get the EPA to act urgently to do this additional testing.

Coburg North Primary School

Ms BLANDTHORN (Pascoe Vale) (17:14) — (13 849) I appreciate the opportunity to raise a matter for the attention of the Minister for Education, and the action I seek is that the minister investigate the accessibility of toilet facilities at Coburg North Primary School. Since 2007 enrolments have grown by approximately 150 per cent at this school. In addition it is forecast that this surge in enrolments will continue well into the future, as many young families are calling Coburg North home.

As the minister is aware, in 2017–18 the state budget provided Coburg North Primary School with \$6.7 million for the upgrade and modernisation of the school's facilities, including the construction of a new learning and arts hub. But in the interim I am advised that in 2018 several grades will be accommodated in double-storey portable classrooms, and these will be located out on the school oval. These portables do not have water connected to them and therefore do not include toilets, and their location will be somewhat away from the main school building. As a result of this both teachers and students will have to travel a considerable distance to access the closest toilet facility.

As the minister will appreciate, a long trip to the toilet takes away from precious learning and teaching time, and further, when a teacher has to go to the toilet, it has a ripple effect throughout the school as another teacher needs to be brought forward to supervise their class in their absence. I would appreciate it if the minister could investigate this situation further and see what may be able to be done to assist Coburg North Primary School in this instance.

South Barwon electorate roads

Mr KATOS (South Barwon) (17:15) — (13 850) My adjournment matter this evening is to the Minister for Roads and Road Safety, and the action I seek is for the minister to instigate repairs and maintenance works on the surface of Mount Duneed Road between Anglesea Road and Surf Coast Highway and also the roundabout surface at the Anglesea Road–Mount Duneed Road intersection.

I have received a lot of correspondence in my office with regard to the state of this road, and recently on Facebook Mr Ken Baxter from Torquay posed the question:

Does anyone know who is responsible for the appalling condition of Mount Duneed Road and the roundabout that joins the Anglesea Road to head to the ring-road? Impossible to do more than 5 kilometres at the roundabout for fear of

being bounced onto the wrong side of the road, extremely dangerous.

That is the view of one of my constituents, but many more have expressed such views. Effectively the roundabout, particularly when you are turning east from Anglesea Road into Mount Duneed Road, is a series of pothole patches, and the road surface has deteriorated immensely. I would be more than happy normally to raise this directly with VicRoads, but VicRoads is under direction not to speak to me because I am an opposition member; hence I have to raise it in this —

Honourable members interjecting.

Mr KATOS — I take up the interjections from those opposite.

The ACTING SPEAKER (Ms Thomson) — Please do not.

Mr KATOS — I know for a fact that members in the previous Parliament, the 57th Parliament — the members for Geelong, Bellarine and Lara — were regularly allowed briefings with VicRoads where they could raise issues with regard to their electorates. If there were problems with road surfaces or with their roads, they were free to talk to the VicRoads Barwon south-west director and raise these issues directly, but it has been a directive from this Labor government that we cannot raise these important issues directly with VicRoads. So I have to sit here in the Parliament to raise the facts about getting potholes patched and road surfaces repaired. It would be very easy to go and meet with Mr Mark Koliba from VicRoads Barwon south-west, but he will not speak to me, he does not return emails and he does not return calls, therefore I have to raise it in this forum.

I would very much like the minister to fix the surface of the roundabout that I have mentioned, and not just the surface of that roundabout but also the shoulders of the road. They are in very poor condition, and I include the drainage. It is very ordinary on Mount Duneed Road, particularly between the Anglesea Road and the Ghazeeppore Road intersection on that stretch of road. I call upon the minister to do that before anyone has a serious accident or is injured, particularly with the summer holiday season coming up.

Bentleigh electorate schools

Mr STAIKOS (Bentleigh) (17:18) — (13 851) My adjournment matter is for the attention of the Minister for Education and concerns consultation on a secondary school at the East Village site in East Bentleigh. The action I seek from the minister is that he review the

feedback from the recent successful community workshop and advise us of the next steps in this development.

The workshop was a huge success. It was a great night. About 60 local residents attended to discuss what is an important issue — the possibility of a new secondary school for East Bentleigh, which in a built-up area like my electorate is not something that we talk about every day. There is an opportunity for the development of a school on a 1.2-hectare piece of land on the East Village site. At the workshop we particularly talked about a vertical school option, which I think a lot of people were quite impressed with.

There was of course a lot of interest in a second campus for McKinnon Secondary College, given enrolment pressures at that school. Currently it has around 2200 students and every year now nearly 400 year 7s are enrolling, so it is a school with significant enrolment pressures. There was also a lot of interest in what the government is doing to support special schools, and I took great delight in sharing with local residents present at the meeting the substantial investment in special schools both in the Bentleigh electorate and across Victoria. There needs to be a lot more consultation on this.

It is important to note that this site is within a stone's throw of the old Murrumbeena High School, which was closed by the Kennett government in the 1990s. It just goes to show — and we are reminded of this time and time again — just how short-sighted those mass closures were. We are still paying for that short-sighted decision, and now of course over the next few years our area is going to have to accommodate an additional more than 1000 extra secondary school students — that is, I believe, by 2021. This government is thankfully taking action, and I would ask that the minister review the feedback from the other night and advise us of the next steps.

Shepparton electorate schools

Ms SHEED (Shepparton) (17:21) — (13 852) My adjournment matter is for the Minister for Education, and the action I seek is that he take steps to implement the recommendations of the strategic advisory committee in relation to the Shepparton education plan. In this year's budget Shepparton district received \$1 million to put together an education plan that would transform the way schooling is delivered in the region.

We formed a strategic advisory committee to guide the process, and over the past six months the group has been working hard both in the community and with the

Department of Education and Training to develop a blueprint for change. In June we asked the community for their thoughts on the state of secondary education being provided to our children, and they had plenty to say. Residents turned out in impressive numbers to the local workshops, they completed detailed surveys and they gave feedback on online comment boards.

The response was overwhelmingly that our kids deserve so much better than what they are getting at the moment. They reflected our unsatisfactory NAPLAN results and our lower than average Victorian Certificate of Education results, and they reflected the poor state of enrolments — especially at Mooroopna Secondary College, where student sign-ups have dropped drastically and consistently, from 772 to around 350 in less than 10 years. Across the board they reflected that parents are leaving state secondary education in the Shepparton district on a continuing basis, and in the meantime our private schools are bursting at the seams.

We have known this for some time, but to hear the same message from so many people in our community was invaluable and helped to inform the next step, developing a suite of options for a way forward that was released for further community consultation in recent months. These include a full range of options, from maintaining the status quo to doing a short-term patch-up job on our existing schools to combining the four secondary colleges into a mega school with modern, state-of-the-art facilities. The advisory committee has taken heed of the community feedback and has now made its recommendation to the minister.

This is without a doubt a once-in-a-lifetime opportunity. It will be some years until the full education plan is delivered. In the meantime I am very concerned about issues of capacity relating to Mooroopna Secondary College that parents of students at that school have raised with me. We must ensure in the interim period that these students are receiving the education they deserve. Our committee has also identified a very strong need for resources to address early childhood issues, particularly in Mooroopna. Attention to an appropriate intervention that might be reflected in an integrated children's centre or hub has been seen as a priority in our recommendations.

The minister will require significant funding to be obtained, and we will be calling on him in the lead-up to the 2018–19 Victorian budget to advocate for our community's evident need for transformational change in the education sector.

Narre Warren South ministerial visit

Ms GRALEY (Narre Warren South) (17:23) — (13 853) My adjournment matter is for the Minister for Police and concerns the culturally and linguistically diverse women in the south-eastern suburbs. The action I seek is that the minister visit my electorate for an information session with women from newly arrived migrant communities.

I recently, with the very hardworking member for Dandenong, held a community consultation with women in the south-eastern suburbs. I would especially like to thank and compliment my electorate officer, Naureen Choudhry, for organising the forum, and the Victorian Multicultural Commission, led by Helen Kapalos, for their support for the event.

One of the key pieces of feedback we received was that women in emerging communities have limited understanding of the work of law enforcement agencies, and there was a concern that this could develop into fear and distrust of authority figures. It was suggested that some women may be unaware of our laws and the rights accorded to them in Australia. Family members may also share similar views or be unaware of how our legal system works.

An information session with the Minister for Police would be a welcome opportunity for these women to talk about these issues, which are very concerning for them. I know that we as a government are working hard to bridge the gap between diverse communities and the police to build greater trust and respect and to develop strong and positive relationships. I look forward to joining with the minister to meet these very enthusiastic women.

Warrnambool Golf Club

Ms BRITNELL (South-West Coast) (17:25) — (13 854) My adjournment matter is for the Minister for Sport and Minister for Tourism and Major Events, and the action I seek is that he travel to Warrnambool and meet with members of the Warrnambool Golf Club to discuss their plans for expansion. For many years the golf club has been developing its vision to build an additional 18 holes overlooking the rugged and spectacular Southern Ocean.

As the minister has recently stated, golf tourism is a booming industry. People will travel across the globe to play on spectacular courses, which ours is. The Warrnambool proposal would give the south-west a slice of that action. The minister would be aware of the popularity of Barnbougle in Tasmania, with a long

waiting list of people wanting to play on it, as well as the two new courses on King Island and of course the highly regarded Port Fairy Golf Club just a few kilometres down the road.

There is a huge opportunity for tourism operators to offer golfing holiday packages with flights out of Melbourne to King Island and then on to Warrnambool. A feasibility study done on the proposal 10 years ago suggested the redevelopment would create 535 jobs and increase tourism expenditure by \$22.4 million. Forward figures suggest that by 2014 that benefit would have increased to 790 jobs and \$30 million in extra tourism dollars for the region. Imagine what those figures would look like in 2017 with golf tourism booming.

The Warrnambool plan would see 18 holes developed in dunes with frontage to the ocean rivalling St Andrews in Scotland and even Barnbougle. The area is so similar that you could almost overlay a photo of Warrnambool on Barnbougle and you would not be able to tell the difference. This would mean not only an expansion into Crown land but also that the landscape was being managed, and it would increase the club's intake of recycled water, meaning less water would be pumped into the ocean.

The course architect, Ross Perrett, is the first Australian-accredited verifier for the Golf Environment Organization. He actively promotes environmentally responsible golf course design and sees it as part of the solution to protect the natural environment. This was put into practice on a course Mr Perrett recently designed and built on heritage-protected Dent Island in the Great Barrier Reef Marine Park. The Warrnambool development would be environmentally sensitive and designed by experts in a way that would have minimal impact, manage the landscape, remove weeds, cats, rabbits and foxes which kill native bird life from the scrubby areas, and provide ongoing maintenance of the landscape. The course superintendent in Warrnambool also makes his own natural pesticides and insecticides, which he has developed himself to perfectly suit the environment.

A new course in Warrnambool fits perfectly with the push to attract tourists further along the Great Ocean Road and would encourage increased visitation and extra dollars to be spent in the region. In 2015 an estimated 630 000 international tourists visited the Great Ocean Road but did not stay in the Great Ocean Road region. This is a key problem. Locals hardly benefit, and we need to be doing much more to encourage increased overnight stays.

Given that earlier this year the government put out a discussion paper planning for golf in Victoria, it would be worthwhile for the minister to come and visit the south-west and see for himself just how spectacular this new course would be and what a great opportunity it would be for not only South-West Coast but also the Great Ocean Road region. I know that the Premier is a keen golfer, so it might be a way to get him out of the city a bit more and for him to actually take note and understand what is happening in regional Victoria.

Police resources

Mr RICHARDSON (Mordialloc) (17:28) — (13 855) It is great to have the last adjournment matter of 2017. It is an important one to the Minister for Police. The action I seek is for the minister to meet with local police in the Mordialloc electorate to discuss the hard work they are putting in to keep our community safe. Earlier in the year the Premier announced the biggest resourcing boost to Victoria Police. What was so important about that was that we finally took the politics out of policing. For too many years police have been a political football — backwards and forwards, constantly a political football. All the community wants to know is that if there is an incident, the police will rock up and be resourced appropriately. With a 20 per cent increase in Victoria Police resources in addition to attrition, which represents over 3000 additional sworn police officers in the coming years, this is about resourcing them appropriately to keep our communities safe.

It is a broader agenda in our community. It is not just policing; it is also emergency services. We are resourcing our ambulance services more, with 450 additional paramedics. Two hundred and eighty-two have already been delivered to our community, after we ended the crisis in our ambulance system. And of course there are more firefighters in our community and there is more support for our volunteer firefighters, such as those at the Edithvale Country Fire Authority brigade, where we are building a brand-new station. That broader approach to community safety is very important for police, ambulance and fire services across the board.

I had a look at some of the coverage in the crime statistics that have been released. There is a lot of work to do, and I want to put on record my thanks to my local police stations. I have four that service our area from Chelsea, Mordialloc, Cheltenham and through to Moorabbin. An article on ABC online today is headed “‘Biggest decline” in Victoria’s crime rate in 12 years as car thefts, aggravated burglaries fall, data reveals’. It shows that we are starting to turn the tide. There is a lot of work still to be done, and our men and women in

Victoria Police are dedicated to supporting and protecting our community.

I want to put on record our great appreciation and thanks. They put themselves in harm’s way each and every day to support others in their community. On behalf of my local community, the Mordialloc electorate, I thank you for your service and your dedication. In conclusion, I ask that the Minister for Police join those members of Victoria Police in my area and get an update on the hard work they are doing to boost community safety in my area.

The ACTING SPEAKER (Ms Thomson) —

Before I call on the minister, can I just take the opportunity to wish everyone the best for the season ahead. Return to us safe and well, and may your families be safe and well.

Responses

Ms ALLAN (Minister for Public Transport) (17:31) — I was also just going to briefly wish everyone all the very best for the festive season. I further wish everyone safe travels wherever they may go. On our collective behalf, I would also like to thank our fabulous parliamentary staff in all parts of the building, who look after us beautifully each and every day we are here. I would also like to acknowledge the whips from all parties in the Assembly — it is the Christmas spirit. The whips have a big job in managing the chamber. In his absence, I would like to acknowledge the work this year of the manager of opposition business. We have had a lot of business to do this year, and I have appreciated the working relationship with him. I would like to send a little special cheerio to the Labor government MPs as well, but I wish all of you and everyone a very —

Mr Southwick interjected.

Ms ALLAN — I said that at the outset. I wished everyone all the best at the outset.

On that note of festivity, I would like to advise the house that 10 honourable members raised matters for various ministers, and they will be forwarded for their action and response.

**House adjourned 5.33 p.m. until Tuesday,
6 February 2018.**

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