PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 9 June 2016

(Extract from book 9)

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HANSARD150

1866–2016

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

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

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

> As a preface to the first volume of "Parliamentary Debates" (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.
>
> With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.
>
> This volume contains the complete reports of the proceedings of both Houses during the past session.

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 22 May 2016)

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

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Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

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Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
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Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Resigned 25 February 2015
[2] Appointed 15 April 2015

PARTY ABBREVIATIONS

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

CONTENTS

THURSDAY, 9 JUNE 2016

Thursday, 9 June 2016

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.

RULINGS BY THE CHAIR

Member conduct

The PRESIDENT — Order! Members, it is sometimes my practice to review some matters in *Hansard* when I am here early enough in the morning to consider the previous day's proceedings. I must indicate that I came across in yesterday's *Hansard* a rather troubling interchange just before the adjournment. It involved Mr Dalidakis, a speech of Mr Morris and an Acting President in the chair, who was Mr Finn.

I am certainly hoping that we have put yesterday behind us. There were a couple of things that happened yesterday which were most regrettable. Certainly the interchange occurred at that hour of the day after a long and testing day — a day, I think, when people were perhaps frustrated and maybe angry — but the interchange that occurred was simply, again, not appropriate.

It is a little difficult from my reading of *Hansard* to be 100 per cent sure whether some remarks attributed in *Hansard* to Mr Dalidakis were actually directed at the Chair and were a reflection on the Chair or whether they were made towards Mr Morris, who was speaking at the time. A bald reading of *Hansard* would suggest that there was a reflection on the Chair, and indeed the Acting President did seek a withdrawal and did seek to establish that the Chair ought not be brought into any disrepute or be disrespected in remarks by a member of Parliament.

Clearly that is a very serious issue. Be certain that I will protect each of my acting chairs, as will the Deputy President, and I hasten to add I have not spoken to her about this. But it is inappropriate to reflect on the Chair, which we all know, and there should be no point in the proceedings where there can be any misunderstanding as to whether a member is reflecting on the Chair or is in fact directing their remarks to someone else in the house.

Again, it is an interjections problem. I reiterate that interjections are actually unparliamentary. They should not happen. By convention, we allow them. We allow them in particular where they are apposite to a debate, and Mr Dalidakis might well suggest that the remarks he was making were, in that context, about the debate matters that Mr Morris was prosecuting. To some extent I can accept that, having read *Hansard*. But the escalation of it, given some of the undercurrents of yesterday's proceedings, were such that it was pretty tawdry. I do not want to see it happen again.

PETITIONS

Following petitions presented to house:

Elevated rail proposal

To the Legislative Council of Victoria:

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

> the Victorian government has announced plans to construct concrete pylon sky rails on long sections of the Dandenong–Pakenham lines as a cheaper alternative to traditional methods of delivering its level crossing removal election commitments;
>
> that affected local communities were not properly consulted in the development of these plans, with reports that those residents most affected by the imposition of sky rail were purposefully excluded from what limited consultation actually occurred; and
>
> that affected residents are completely opposed to the construction of sky rails along the Dandenong–Pakenham lines, with their inherent greatly increased visual impact and noise pollution and greatly reduced residential amenity and privacy.

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

By Mr DAVIS (Southern Metropolitan) (207 signatures).

Laid on table.

North Road, Ormond, level crossing

To the Legislative Council of Victoria:

We the undersigned citizens of Victoria, call on the Andrews government to adequately compensate for losses experienced by small businesses due to changes to the schedule of planned works for the removal of the level crossing at North Road, Ormond, without proper consultation of those affected.

By Ms CROZIER (Southern Metropolitan) (85 signatures).

Laid on table.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

End-of-life choices

Mr O'DONOHUE (Eastern Victoria) presented report, including appendices, extracts from proceedings and minority reports, together with summary booklet and transcripts of evidence.

Laid on table.

Ordered that report be published.

BUSINESS OF THE HOUSE

Standing orders

Mr O'DONOHUE (Eastern Victoria) — By leave, I move:

That standing order 5.03 be suspended to the extent necessary so as to allow the Council to take note of the report:

(a) the mover of the motion to speak for 10 minutes;

(b) other members of the legal and social issues committee to speak for 5 minutes each; and

(c) other members to speak for 2 minutes each.

Motion agreed to.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

End-of-life choices

Mr O'DONOHUE (Eastern Victoria) — I move:

That the Council take note of the report.

I want to start by thanking my colleagues on the committee for the way we have worked to respond to this most difficult topic and challenging terms of reference: the deputy chair, Ms Springle; Ms Fitzherbert; Mr Melhem; Mr Mulino; Ms Patten; Mrs Peulich; and Ms Symes. I also wish to acknowledge the amazing team who worked so hard to help make this report happen. I would particularly like to pay tribute to Lilian Topic, the secretary of the legal and social issues committee, for her dedication and leadership. I would also like to thank the secretariat: Joel Hallinan, Matt Newington, Caitlin Grover, Esma Poskovic and the rest of the staff in the committees office.

This inquiry, together with the ports inquiry, highlights the under-resourcing of the Council committees, something which the government must address if this chamber is to discharge its responsibility as a house of review.

I would like to thank all those who made a submission to the committee and from whom we received evidence. The committee conducted hearings in Melbourne, Mornington, Traralgon, Geelong, Warrnambool, Shepparton and Bendigo. We were fortunate to benefit from the knowledge of a range of eminent experts in end-of-life care. We were deeply moved by people such as Suzanne Jensen, Ron Henney and Lachlan Smith, who, despite suffering serious illness, had the courage to come before the committee to tell their personal stories.

The issues canvassed in this report are contentious and confronting. In addition to analysing all the submissions and oral evidence, I also sought feedback on the issue of assisted dying from Liberal Party members in my electorate. The feedback was overwhelmingly a request for change. More broadly, this issue has been raised with me consistently during the course of the inquiry, and again the overwhelming feedback has been to allow choice to reduce suffering.

With medical advances of recent decades, we have lost an understanding of what death entails. To past generations death was familiar. Now it is often out of sight and shrouded in mystery. We are living longer, and we have an expectation, sometimes falsely, that appropriate medical intervention can cure virtually all serious conditions.

For many of us death now is rarely seen, is little understood and, rather than occurring in the family home as once was the norm, is removed to a hospital, nursing home or other medical facility. Although most Victorians express a wish to die at home, only 14 per cent do. When death is confronted, it is often too late to enable the patient's end-of-life choices to be clearly communicated and implemented. This needs to change. Communication is a two-way street, and it is clear that as medicine has become more specialised, often with no single practitioner having responsibility for overall patient care, difficult discussions about a person's likely trajectory towards death may be avoided. This also needs to be addressed. The sooner conversations take place, the better.

The committee was fortunate to meet with the remarkable end-of-life team at the Austin Hospital who have pioneered the Respecting Patient Choices program, which is all designed to enable a patient's choices to be met. A person's wishes must also carry legal weight. That is why the Andrews Labor

government must deliver on its election promise to make advance care plans legally binding for future, and not just current, medical conditions. The medical substitute decision-making framework should be centralised and streamlined. An advance care plan should also record the person's values to inform the nature and extent of treatment when the person is no longer competent. To increase the use of advance care plans, certain conversation trigger points should be nominated, such as entry to a residential care home, as part of over-75 health assessments or when it is clear to the medical professional that an individual is likely to die within 12 months.

Palliative care has improved enormously in the last 20 years. In the vast majority of cases, but not all, pain and suffering can be treated to the satisfaction of the patient. However, while palliative care has improved, its provision can be inconsistent, particularly in rural and regional areas. The ageing of the population will only increase the pressure for additional services. Further resourcing will be necessary into the future.

I want to take this opportunity to acknowledge the amazing carers and community palliative care volunteers providing love, respite and understanding. We met with volunteer groups from across Victoria, including Geelong, Colac, Warrnambool, Portland, Hamilton, Shepparton and Gippsland. We are lucky to have them all, and we owe them a vote of thanks for their care and compassion.

On the downside the inquiry also uncovered the ridiculous *Yes Minister* situation where 24 desperately needed new palliative care beds at Barwon Health, completed a year ago, sat empty until this week due to a lack of funding from the state government. Making matters worse, this ward will now be available for a range of patients, reducing access for often vulnerable palliative care patients across the region. It is an absolute disgrace. I acknowledge the work of my colleague Ms Fitzherbert in holding the government to account on this issue.

Nurses, doctors and other health practitioners told us of the legal uncertainties they face when providing adequate pain relief to their dying patients. It is important they have clear legal protection to enable them to provide the care that patients need. That is why we should legislate to clarify the doctrine of double effect to improve certainty for health practitioners. Continuous palliative sedation, where a patient is sedated and put into an unconscious state, is widely accepted as an appropriate way to relieve suffering for someone at the end of life. However, unlike some jurisdictions, its use is not centrally recorded, the extent of its use is unknown and no guidelines exist to regulate it. This should change to provide direction for doctors and to improve patient care.

Victorian laws regarding providing assistance to die are inconsistent and need to change. On one hand, doctors, on a patient's request, can withdraw life-sustaining treatment, with death the certain outcome, while they can also deliver lethal doses of morphine and other drugs, as long as the intent is to relieve pain. On the other hand, a loving husband who assists his frail, suffering wife who is near death to die could be guilty of murder, while a person near death suffering pain that cannot be controlled cannot receive help to end their own suffering. Currently the legal system in Victoria manages its way around these inconsistencies by avoiding prosecutions and applying lenient penalties. However, operating in the shadows of the law risks undermining the law itself, and the status quo does not serve Victoria well.

With a lack of end-of-life choices, many older members of the community are taking their own lives, often in horrific, lonely and tragic circumstances. While some argue that the needs of such people can be addressed with appropriate palliative care and mental health services, the coroner said:

> People who have invariably lived a long, loving life surrounded by family die in circumstances of fear and isolation.

And that:

> The only assistance that could be offered is to meet their wishes, not to prolong their life.

The coroner told the committee that, according to the Coroners Court's analysis between 2009 and 2013, 240 Victorians who were experiencing irreversible physical deterioration caused by disease and injury committed suicide, with poisoning, hanging and the use of a firearm the most common methods.

Victoria Police Acting Commander Rod Wilson told the committee:

> … talking about the cohort that was at the irreversible stage, where there is no real chance of recovery … the desperation that is coming through from the family members is that there is no … alternative … and they are frustrated that the deceased … has had to end their life in such a way.

Finally, Dr Julia Anaf summarised this issue in her submission when she said:

> Pre-emptive suicide, often by horrendous means, and so-called 'mercy killings' are both tragic consequences of the legal status quo, and are an indictment of a civilised society. Until the law is changed there is a terrible legacy, both for the

> patient and their loved ones who face a complicated grief process.

We need better palliative care and better mental health services, but we also need greater choice. This is not an either/or question.

As the shortcomings of the current system became apparent, the committee was also concerned about the risk posed by change, both to individuals and through the impact on institutions over time. We were warned against change on the basis of what purportedly has occurred in jurisdictions that have legalised assisted dying. To test these claims five members of the committee travelled to the Netherlands, Switzerland, Canada and the US state of Oregon between late March and early April this year. We met with academics, regulators, healthcare professionals, supporters and opponents of the different legalised assisted dying frameworks.

While these jurisdictions differ significantly, they all have robust regulatory frameworks that focus on transparency, patient-centred care and choice. We found no evidence of institutional corrosion, and the regulatory framework has been consistent and unchanged in Oregon, the Netherlands and Switzerland for many years. Given the conflicting evidence regarding practices and occurrences in these jurisdictions, the trip was extremely important — indeed central — to developing an understanding of the facts about how these systems work and to dispelling the myths and hearsay about how they operate.

The committee therefore recommends that Victoria adopt an assisted dying framework which adopts the best elements of these jurisdictions and moulds them to the Victorian context. The proposed model contains several significant checks and balances that seek to protect individuals from exploitation while facilitating choice in certain limited circumstances.

The committee recommends that assisted dying be permitted where an individual is facing a certain and painful death. The person must be a competent adult of sound mind; be at the end of life, with only weeks or months to live; be suffering from a serious and incurable medical condition which is causing enduring and unbearable suffering; and be assessed by two doctors independent of each other, after receiving three separate requests, one of which must be in writing; and the request, which must come from the patient, must also be enduring. If decision-making capacity is in question, the person must be referred to a psychiatrist for assessment, and no-one can access assisted dying as a result of mental illness only. In all but exceptional circumstances the patient will be required to take the prescribed drug themselves, providing an additional protection against coercion.

The committee anticipates that while, as in other jurisdictions, a comparatively small number of Victorians will die using the assisted dying framework — they are approximately 0.4 per cent of all deaths in Oregon and Switzerland — many others will take comfort from the framework's existence, knowing that other options exist. This is contentious, and that is why there should be no legal, moral or ethical compulsion on any individual or institution to participate in any part of this process, including through referral. These proposed laws should form part of a much broader agenda that gives greater prominence to end-of-life care so that our health system has a patient-centred approach, with choice for those who need it and comfort for all.

Let me conclude with one final quote from a submission:

> When an individual, their family, their close friends, their medical teams and even legal representatives all agree that they are at the end of their life and facing a certain and painful death, who has the right to deny them the choice of how and when they will pass?

I commend the report to the house.

Ms SPRINGLE (South Eastern Metropolitan) — It is with great and genuine pride that I rise today to speak on the final report of the inquiry into end-of-life choices. I would have to say that in my short time as a member of Parliament this has been one of the most important pieces of work I have contributed to.

Mr O'Donohue has outlined the substantive issues within the report. I would like to speak a little more about some of the people who made this inquiry happen and those whose contributions were pivotal in getting us to where we are today. Firstly, I want to offer my profound thanks to the committee secretary, Lilian Topic, and the entire secretariat team, without whom this inquiry would simply not have been possible. The tireless rigour and thoughtful analysis offered over the course of this inquiry has left me extremely grateful to have such a committed, intelligent group of people working on this issue. I salute each and every one of them, and I hope that they feel the same sense of pride that I do in this piece of work.

Ultimately this inquiry would not have been possible without buy-in from each and every individual and organisation that offered their insights into the realities of what is happening in communities all over Victoria. I refer to the many stakeholders that made submissions and/or gave testimony at the public hearings we held

around Victoria; the experts and legislators overseas who gave of their time; all who told us of their challenges and successes; those who gave us statistics and factual evidence; the personal and professional stories that we heard; and the ideological, ethical and philosophical discourse both for and against legislative change. By opening a window into their world, they allowed the committee the opportunity for far more meaningful engagement with this issue. Frankly, had that not happened, I do believe the committee would have run the risk of reaching the wrong conclusion. So I thank them. I want them to know that they have made a real contribution to important social policy reform in this state.

My views on the substance of this issue will come as no surprise to members. The implementation of a framework for assisted dying has been something the Greens have advocated for for close to 20 years, right back to when Bob Brown was but a single Greens representative in the federal Senate. Through my own experience of caring for more than one dying family member, I have long recognised the need for greater autonomy over one's mortality. The sense of powerlessness that many people feel at a time of immense pain and suffering seems unconscionable in an age in which we pride ourselves on our sophistication and civility.

While my position has not been swayed, what this process has clarified in my mind is how a framework is possible in a practical sense; how something so complex and potentially problematic can be devised in a way that is fair, workable and evidence based; and how it is possible to have a robust system that offers relief for suffering but has built-in protections for society's most vulnerable. It works. We have seen it work firsthand in other jurisdictions. We have seen how in actual fact having a legal framework for assisted dying has improved other areas of care; how having a legal option to end suffering for people who have exhausted all other measures has soothed anxiety and despair; and how those people often do not take up the option.

It is true that the recommendations of this report will not satisfy everyone. There are people who will fall outside the recommended framework and will feel excluded. Conversely, those who do not support the recommendations may feel equally disgruntled. However, what is clear is that the current system poses far more risk to both doctors and patients than anything proposed in this report. It is time for change. I commend the report to the house.

Ms SYMES (Northern Victoria) — I must say that 5 minutes does not give one time to express everything one wants to in relation to this topic. I hope that my brief contribution does not in any way diminish the work of the amazing staff who contributed to this report. I concur wholeheartedly with the admiration expressed by both Mr O'Donohue and Ms Springle in this regard.

The enormous response to both the committee's public hearings and the call for written submissions has shown that now more than ever Victorians are ready to have these difficult conversations. Further, the debate spread well beyond that of the Parliament. Many discussions were brought to public attention, we have heard story after story of tragedy and seen proof that our current system is flawed, and a very loud call for change has filtered into our media platforms. There are many voices cutting through, perhaps none more so than of those who have shared personal stories or who have had family members who are determined that others do not have the same bad experiences their loved ones had at the end of their lives. Many of these people shared their insights with the committee, and we are incredibly grateful for that.

The combination has generated a swell of attention on these matters, and I believe this has paved the way for a more open discussion on end-of-life matters. That in itself is a legacy the committee can be proud of. In addition, if accepted and enacted, many of our recommendations go to this very point and identify opportunities for increased dialogue and trigger points in health care for these conversations.

I must say that it has been particularly enjoyable to work in a spirit of non-partisanship. It is pleasing that most of the report's 49 recommendations have received majority support from the eight members of the committee. The committee, as we have heard, has also recommended that the Victorian government should, in certain limited circumstances, legalise assisted dying, as outlined by the chair. We know that the majority of Australians support some form of assisted dying. The latest research indicates it is around 80 per cent. This of course means that there is 20 per cent for whom a change in this direction is not supported. The committee's report in this regard is a true reflection by politicians of the public who elected us here. Two members do not support recommendations contained in chapter 8, which set out a framework for legalising assisted dying, whereas the majority — six members — do.

I am appreciative of the debates and the respect for varying views that we have upheld, and I truly think

that this has meant that the report is more considered and robust as a result. What the report does is take public support for change to the next level. Not only does it propose that we should change the laws and practices but it provides a road map to government on how to do this. I acknowledge that some of the recommendations are very controversial. However, the evidence is overwhelming that in Victoria the current system and medical options are not adequate to deal with the pain and suffering that some people experience at the end of life. The model we propose gets the balance right. It is necessarily restrictive and contains safeguards to ensure no abuse. As Ms Springle has outlined, not everyone will be happy with this. Not everyone who wants to access assisted dying will be able to obtain access, and others will think that there should be no access at all.

It was a really big call for me to leave my young family for 13 days to travel overseas, but I came to the conclusion that my views on this topic would be weakened without speaking to others, experiencing firsthand the existing systems and learning about how they had evolved. Not only did we learn how these systems operate, but it was a fascinating exercise in myth-busting, and I can certainly confirm there are no death squads travelling around in vans providing euthanasia on demand in the Netherlands, for example. What we did learn is that models in other countries are very restricted, limited to exceptional circumstances and heavily scrutinised and that it is accepted by the public, the medical profession and all the politicians that their systems are working.

A number of arguments have been raised concerning the potential abuses and the repercussions of an openness to medically assisted dying. It is often cited that countries where these laws exist cannot avoid a slippery slope and safeguards of the system have been eroded, causing people beyond the initial scope of the framework to die. Opponents argue the slippery slope is unavoidable. These fears, while I accept they are legitimately held, have proven to be no more than that. They cannot be substantiated as real consequences based on what we found in the European, Canadian and North American jurisdictions, where a form of euthanasia is practised. Critically we spoke to opponents of assisted dying in these countries, and abuse of the vulnerable does not factor as a reason for their opposition.

The other argument that was put before the committee a number of times is that palliative care and withdrawal of treatment is an adequate response to pain and suffering. Unfortunately palliative care is not foolproof. The view that palliative care can cure all pain at the end of life is not held by those who specialise in palliative care. Dr Geoff Wall, who worked for over 30 years in intensive care, general practice and emergency medicine, noted:

> I don't use the word 'tortured' lightly but I believe it is an accurate description of the dying process in some situations. Examples I have witnessed include: irremediable pain when cancer fractures multiple bones, progressive paralysis of motor neurone disease causing slow suffocation, immobility and incontinence from cancer eroding the spinal cord and just the overwhelming existential suffering and exhaustion of many end-stage diseases.

The experience from other jurisdictions is that legalisation of assisted dying has actually boosted the development of palliative care and it has become more accessible to more patients. I have the utmost admiration for our palliative care health professionals. Their work is undeniably remarkable, and they are able to help the majority of people in life-limiting conditions. That is why there is a heavy emphasis in our report on increasing support and increased access to palliative care and expanding in-home palliative care, but I am convinced that we need an addition to palliative care for some cases.

This is not an either/or proposition. It is the committee's firm recommendation that assisted dying laws should form part of a much broader reform that gives greater prominence to end-of-life care. The change is needed to offer people a better death, including those whose last weeks may be made better just knowing that there is an option available should their suffering become unbearable. The approach we are recommending also removes legal uncertainties that create difficult situations for the sick, their families and medical practitioners. We can and we should do better, and I hope that this report is the first step in achieving this.

Ms PATTEN (Northern Metropolitan) — This report is the culmination of hundreds of conversations and over 1000 submissions, and I am very honoured to have been part of this inquiry. I can honestly say it has been one of the best experiences of my working life. I would like to thank my fellow committee members and of course Lilian Topic and her team. I am sure that at the beginning of this none of us would have thought we would agree on so much.

Life and death are not opposites; birth and death are. Life is that ever-present force that goes on regardless of birth and death, but talking about death is hard for many people. Planning for the end of life is not something that comes easily, even for doctors.

Talking about end-of-life options is difficult. As one doctor told us, it is sometimes easier to continue treating someone than to have a conversation with them. Our population is ageing, but over the past 50 years we have been separated from death even though it is the one true absolute in all of our lives.

What struck me throughout this inquiry was that the common thread in getting better outcomes in all situations was having a conversation, whether this meant having earlier access to palliative care, doctors being able to better treat someone, knowing the values and wishes of a patient and their family or just knowing when they could say goodbye.

We need to educate about palliative care. Australia is a leader in this relatively new field of medicine but there are ways we can improve it, and the first 30 recommendations in the report provide practical measures to do this. These recommendations were developed after speaking to the passionate volunteers, nurses, doctors and community and professional organisations from all over Victoria and internationally.

Again the core message is about talking, and for some reason we find that difficult. While we might make our wishes clear about what will happen to our worldly goods when we die, we do not plan for ourselves. It is very clear that we need to improve our approach to advance care planning. The report makes a number of recommendations on this and advocates using technology to ensure that a person's wishes are known to their family, their doctors and their carers.

I give my heartfelt thanks to the people who contributed to this report, many of whom are here today. Their willingness to share their experiences publicly was brave and generous. In particular I want to thank someone who is not here, the late Peter Short, who encouraged the initiation of this enquiry. This is a broad report, but there is no doubt that the community's interest is in physician-assisted dying. The vast majority of submissions raised this. So many of our witnesses spoke about it. I remember a parent talking about the death of their daughter who was moving into her adult life with gusto and promise. The tragic end to her life from brain cancer could have been so much better. Coroners and police told us of the terrible lengths that people with terminal illnesses have gone to to end their lives, and sons and daughters spoke of the unnecessarily painful deaths of their parents. As legislators we must do something about this.

Visiting jurisdictions that have legalised assisted dying enabled us to see firsthand the reality, the transparency, the regulations and the compassion. The community is in agreement that the time has come for improved investment in palliative care and clearer advance care planning and, importantly, that we do the right and compassionate thing and introduce proper legislation on physician-assisted dying for those that are at the end of their lives. As a community we want to prolong life, not death. I commend this report.

Mrs PEULICH (South Eastern Metropolitan) — It will be no surprise to people in this chamber that I am one of the authors of a minority report that accompanies the report that has been tabled by the committee. I initially opposed the establishment of this inquiry on the basis that Victorians have access to an outstanding and well-respected program of palliative care, which is available to terminally ill patients, and that the real intent of the motion and the referral was to work towards the establishment of a physician-assisted dying regime, and indeed this is what the report has delivered.

I do make some very brief comments in relation to the operations of this inquiry and comment that I feel that the inquiry was loaded. That is certainly a reflection on the well-organised campaign by those who advocate for dying with dignity, which I believe is a misnomer.

I would, however, like to address the three key arguments advanced by those who believe in euthanasia, physician-assisted dying or dying with dignity. They are basically based on three premises: one, the general commitment to a principle of personal autonomy and rights, and I will address that in a moment; two, that no-one should have to die in pain; and lastly, that a regime of physician-assisted dying can have safeguards. I believe that none of those is the case.

First of all I will address the proposal for a physician-assisted dying regime. Not only is a proposal for a physician-assisted dying regime or a form of euthanasia a slippery slope but people will die as a result of accident, error or misdiagnosis. Recently on a *60 Minutes* report there was coverage of a young man who had been pronounced 90 per cent brain dead in a hospital and was on life support and the life support was about to be turned off. His father flipped and held the hospital under siege. During that siege the young man showed movement and signs of life, and the next thing was a cut to coverage of this young man living a fairly full and active life and planning to return to training children at Little League. That to me is absolute proof that there will always be misdiagnoses — there will always be errors — and the taking of a single life by a state-legislated regime is unacceptable.

Furthermore, is it possible to guarantee that a person facing death will not experience a last-minute change of mind when staring death in the face? I do not believe that is the case. Worse still, when the person is unable to communicate their wishes on life and death issues, can we be confident that the actions of the medical profession or family members will be genuinely motivated by the best interests of the patient, their wishes or their views? Can ending the life of a person who is unable to give informed consent ever be justified in a modern, democratic and multicultural society?

In particular I would like to make one comment in relation to people who have chosen to make Australia their home after fleeing from left-wing or right-wing regimes. They have done so because they value life and they want to see it protected, and I believe that a physician-assisted dying regime would generate a level of distrust, particularly within multicultural communities who have fled from their homes overseas to come here.

How long will it take before those who have been campaigning for a broadening of eligibility for physician-assisted dying call for a broader set of criteria, including those who suffer from experiential pain, mental health sufferers, persons who are inarticulate or even children and babies? Consensual physician-assisted dying or even consensual euthanasia enshrined in advance care directives, that this report calls to be legislated for, can never be a one-way ticket to a destination without cases having been prone to manipulation and subjective interpretation; nor should any scheme ever deny the patient concerned every opportunity to change his or her mind right up to the very end, should such a regime ever be established. End-of-life directives that exclude physician-assisted death options are the only safe and assured way of protecting and safeguarding against unintended deaths due to human error, accident or misdiagnosis, or patients being unable to express their views or factor in a possible renewed desire to live at a critical point of any life-taking regime.

A state-legislated regime of physician-assisted dying is not just an exercise of personal autonomy — that is the second point. The implications of such a regime for those who legislate, those who administer it and those who may be victims of poor implementation — something not uncommon in society or in our hospitals — are too severe, and the recommendations of this report must be given closer scrutiny and rejected as a response of a compassionate society. Pro-euthanasia advocates claim that life is not devalued by permitting assisted suicide and euthanasia. Given that there can never be a guarantee that a regime will never result in a single accidental death is cold comfort to those who lose a loved one accidentally or as a consequence of such a regime being in place.

The pressuring of vulnerable and sick people is another dimension, which is a risk for which we cannot fully account prospectively or retrospectively. There is also a risk of creating a society where choosing death becomes an obligation for the patient so as to relieve family of the responsibility and cost of looking after an ill or disabled patient who is consuming resources associated with the continuation of life. Will a pro-death culture be created if we see the ill as being such a burden to society that their death serves to eliminate them or the elderly from overcrowded hospitals or nursing homes? Such a culture would undoubtedly be corrosive to the trust patients and families have in the medical profession and our health institutions.

The respect of personal autonomy enshrined in advance care planning is a means of respecting the wishes of the individual patient who no longer wishes to continue receiving treatment for terminal illnesses. Any regime which goes beyond that is no longer simply about personal autonomy and raises too many issues for a compassionate society to contemplate.

Mr MELHEM (Western Metropolitan) — It was a rare privilege for me to be part of this inquiry. I join the committee chair in thanking the members of the committee for working together. There were no party politics; it was a truly bipartisan approach, and I think the report is great work from the committee. I also want to thank the secretariat, led by Lilian Topic, for the wonderful job it has done. I want to borrow some passages from the report:

> The will to live is a strong psychological force within all humans, to fight for survival — particularly in the face of hardship or illness. The committee heard many times during this inquiry about just how passionately people wish to live notwithstanding age and illness.
>
> However death is not an event that can be avoided, and every one of us would like to die well when the time comes.
>
> …
>
> The report deals with three broad themes: the role and provision of palliative care, the need for advance care planning and legalisation of assisted dying.

When the inquiry started I had one view in relation to this subject — I was in the ‘No’ camp. I was in the camp of, ‘No, we don’t need to look at euthanasia or assisted dying in this state’. That was my view. But then on the evidence and from hearing the arguments of various people, and great people — we heard from a lot

of individuals in the state of Victoria and a lot of professionals and organisations, and we also visited various jurisdictions around the world — my view was actually changed. My view now is that I support the majority report on the inquiry to provide Victorians with self-determination. If a patient at the end of his or her life — and we are talking about the end of their life — wants to make the decision themself to end their life on their own terms, I think they should be given that right.

Do I support euthanasia? My view is still no. I do not believe that, if a person has not got the competency to make their own decision, someone else can make the decision on their behalf. I do not support that position. But certainly when a person is competent and his or her suffering cannot be alleviated and that is the medical opinion of a primary doctor and a secondary doctor and the person clearly wants to make that decision in the last few weeks of their life, I think they should be allowed to have that option. We heard the arguments and the evidence from the Coroners Court, and various coroners turned up to the hearings and gave us evidence. To me, when people take their lives today because they cannot take the pain and they go and use illegal means to do so and there is lots of suffering as a result of it, the proposal by the committee for the government to consider that I think is the right way to alleviate these things.

With palliative care, I think we should be proud that the state of Victoria has an excellent palliative care system that is working really well. In fact Australia is ranked no. 2 in the world. But further work can be done on this, and I am pleased that the Andrews Labor government has started a process to review the current palliative care system in this state with a view to further improving our palliative care system. To introduce any changes to the current laws, we must have a world-class, first-class palliative care system. Our aim always has to be to alleviate pain and prolong life. It is not about ending and shortening the lives of our citizens; it is quite the opposite. We want to lengthen their lives, but we want to take the pain away. When we cannot achieve that and an individual wants to choose to end their life, I think that choice should be given to them. Obviously mentally ill patients will not be able to access that, because it is problematic.

It is important that we understand the difference between euthanasia and what is being proposed here. I will finish off by again thanking all the committee members for the work they have done. Whether people were for or against, everyone was quite respectful. I am sure the government will give this report due consideration. I look forward to the government's response in relation to this. I will definitely be advocating that this is the way to go in the state of Victoria. I again want to thank the house for its patience. I commend the report to the house.

Ms FITZHERBERT (Southern Metropolitan) — We are very privileged to be members in this place, and sometimes this is a very uncomfortable privilege. This inquiry was one of those occasions. There was huge public interest in this inquiry. We received more than 1000 submissions, and many people contacted the inquiry staff and MPs and were openly anxious about wanting to be heard.

We have heard heart-rending, passionate evidence from people who live these issues of life and death every day — medical staff and those receiving medical care. We also heard from those angels in our community who provide loving palliative care and deal with the emotionally exhausting work of caring for those with life-shortening illnesses every day. We heard from community leaders. We heard from religious leaders. We heard from the police. We heard from the coroner. Every effort was made to get a fully informed view of what is happening in our state, how and why, what the problems are and what the issues are that we need to address.

I would like to acknowledge also Lilian Topic and her staff, who are here, for dealing with vast numbers of contacts, many from very emotional people, and for the huge amount of detail and work that they so ably handled. We all appreciated it very, very much. I also wish to acknowledge the superb job that Ed O'Donohue did in dealing with this very difficult inquiry with great sensitivity.

Like Mr O'Donohue, I sought feedback from every party member in my electorate, and I got an overwhelming message of support for change to end-of-life choices. I was approached everywhere about this inquiry, from churches to synagogues to supermarkets, and there was a very strong view throughout. I want to acknowledge in particular Dr Edward Brentnall, a very experienced doctor who approached me and made some particularly compelling points and also made a submission to the inquiry.

It was inevitable, I think, that many people who were on the committee and also giving evidence drew on their own experiences or those of their families. Many told of the pain of watching a loved one die in a torturous fashion. I do not think anyone pretends that we can promise people a death without pain or suffering, but it became clear that there is sometimes suffering which is quite intolerable. We had graphic

evidence about this, which I think many of us found distressing and confronting. I am fortunate that it is not my own experience in my own family to watch someone suffer in this way. Personally I found the evidence from the coroner and the police enormously compelling when they gave evidence of often very vulnerable and elderly people killing themselves in circumstances that are horrendous for the people committing suicide and for those who have to deal with the aftermath.

I think my colleagues here know that I have had the experience of many of the witnesses we heard from who spoke to us about what it was like to fight against a life-threatening disease. When this inquiry began I was still feeling the side effects of some very invasive treatment that I began exactly two years ago tomorrow. So I looked at the evidence that came before us with some sense of insight, if not total identity, if I can put it that way. I do think, though, that fundamentally this issue is not about me or what I would do if I were facing death in circumstances that I found intolerable. It is about individuals making choices about their own circumstances, and this is the fundamental issue that I pondered over and over when I had those conversations in churches and in supermarkets and when I listened to the evidence. It is not about me, and as a Liberal my view is fundamentally that I support the right of individuals to make decisions about their own circumstances. This inquiry has looked at a framework for making that possible and legal while acknowledging that it already happens but in a way that, at the moment, we can afford to not look at. We on the committee were forced to look at these circumstances, and it has certainly influenced my thinking.

This is an enormously detailed report. It has been acknowledged that it is controversial. It is certainly not going to please everybody, but it does offer, I think, a unique and extensive snapshot of what is happening in our community. It is now over to the government to consider what it intends to do in response to that.

Mr MULINO (Eastern Victoria) — I echo previous committee members in acknowledging the very hard work of the committee, in particular the good work of the chair, Mr O'Donohue. Can I also pay tribute to the diligence and the thorough and very long hours put in by the secretariat, led by Lilian Topic.

Can I start my contribution by saying that the debate in this place and in the broader community will undoubtedly focus on the assisted suicide regime which is recommended in this report. I think it is worth acknowledging that the vast majority of recommendations in this report were supported unanimously and that there is a great deal in this report relating to the palliative care sector and to advance care directives that was unanimously supported. I believe there is a great deal of good work that this Parliament can do over the next two and half years of this term. We know that so much good work is already being done in the palliative care sector but we can strengthen that sector, already one of the best in the world. We know that what we need to do in end-of-life decision-making is, as Ms Patten said, to have regimes where people's decisions can be respected, those decisions can be enunciated more clearly and for people to just have discussions, often with their own family.

When it comes to the recommendation in relation to assisted suicide, I believe that the legalisation of assisted suicide or euthanasia would represent a fundamental shift in the regulation of medical practice in Victoria. Overseas experience over almost two decades suggests that, while such a change might benefit a small minority of people towards the end of life — those suffering from extreme pain — many more will probably be worse off as a result.

In my minority report, which is focused on this issue, I argue that it is possible to respect individual autonomy while not empowering health professionals to actively participate in acts of assisted suicide. Even if it can be argued that euthanasia or assisted suicide are justifiable in some instances, I believe that the negative consequences arising from legalisation outweigh the benefits arising in the minority of cases.

My contribution is not about me imposing a value system or a personal set of beliefs on others. I have very much tried to approach this issue from an evidence-based, empirical evaluation of the best way of trying to achieve the broader social good. I believe it is possible to respect individual autonomy without supporting euthanasia or assisted suicide. For many, the importance of respecting individual autonomy underpins the case. It is almost universally agreed that adults have a right to make informed decisions about their medical treatment, including withdrawal of treatment — and I support that proposition. But I believe that assisted suicide is different. It is a regulated environment in which third parties, usually medical practitioners, are involved in acts of death.

In framing this issue, the House of Lords argued that:

> … we cannot address the issue of personal autonomy in isolation and … we must proceed to look at some of the 'real world' issues which have been raised and … try to assess the balance between greater personal choice for some people and increased potential harm for others …

As such, I believe that acts of euthanasia and assisted suicide move from the purely private realm into the public realm, and that policy questions such as the risk of unintended consequences and proportionality are relevant and must be considered. I acknowledge that extremely complex situations arise at the end of life and that not all pain can be effectively managed. However, we heard from experts in palliative care and oncology that almost all cases of pain can be managed with current techniques, and the proportion that can be managed is increasing.

In practice, euthanasia and assisted suicide I believe are a disproportionate response, that in practice the numbers are increasing exponentially and that there is significant evidence to throw into doubt whether safeguards work. For example, the number of cases in Belgium has increased by over 750 per cent over 12 years, and the number of cases in Oregon has increased by over 700 per cent over the last 17 years. The usage of euthanasia and assisted suicide in these jurisdictions I believe is now not limited to the cases that originally justified the legalisation, and that is a cause of significant concern.

There is also well-documented growth in areas where there is vulnerability — for example, people who feel like a burden, people experiencing depression and people with mental illness. In a number of jurisdictions the number of cases is increasing significantly, including of people not experiencing adequate pain relief or palliative care. This was well documented in the Northern Territory when it was briefly legalised there. It is also noteworthy that there is a tendency for the scope of legalised regimes to expand.

The effectiveness of safeguards in jurisdictions is also thrown into doubt by empirical evidence in academic journals. This includes a number of aspects, including low rates of reporting, numerous instances of breaches and limitations in the effectiveness of monitoring. While legalisation was supposed to bring what was occurring in the shadows into the light, legalisation has simply pushed the boundary of what is legal out further and may have increased the amount of activity that occurs beyond the sight of regulators. In my minority report I cite regulators commenting on their own performance in this regard.

Finally, it is very unfortunate that some symptoms of pain cannot be totally managed, but I believe that the legalisation of assisted suicide or euthanasia is not the appropriate response.

Ms HARTLAND (Western Metropolitan) — I just want to say a thankyou to the Parliament and to the people who put forward the motion that established this inquiry. In those days when there was a lot of behind-the-scenes negotiation about which motion would go forward and whether the reference would go to this committee or the Victorian Law Reform Commission, people did it with a sense of cooperation. They knew that this was important work. For the last 10 years that I have been in this Parliament this is exactly the kind of inquiry that I have wanted. I have not been able to read the report yet, but from what people have indicated in their contributions this morning it is quite clear that the work was done thoughtfully and that people, including the staff, worked very hard.

I really want to talk about the people involved. The thing that really struck me was the evidence the coroner gave to the committee one night, especially in talking about older people who had been married for a very, very long time. They knew that they could not emotionally or physically survive without each other and they died in really hideous and ugly ways. The consequences for their children afterwards were just shocking. It was for all those people, the Peter Shaws and everybody who has campaigned in these last 20 years, that we have actually had this well-thought-out work done.

I think it was very important that people who do not support these actions were also on the committee, because it made the work of the committee much, much more thorough. I really do appreciate all the hard work that has gone into this report.

Motion agreed to.

The PRESIDENT — Order! Can I just make the observation that reports such as this really go to establishing the decency of Parliament. After a difficult day yesterday, it is really refreshing to come in and hear the contributions on this report this morning and the respectfulness with which differing opinions have been presented.

Can I go further and echo the words of a number of the contributors in that debate in thanking Lilian Topic and the staff for the extraordinary work that they put in on this report. It was an outstanding effort because indeed this report generated well over 1000 submissions, and each of those submissions had to be assessed and catalogued and have the key information extracted and so forth. It is a long and time-consuming process. The fact that the committee worked so cohesively, despite the very challenging opinions that are held within the community and indeed among members of this committee, and the way in which the staff responded

and supported that committee — Mr O'Donohue's chairmanship has also been cited — was part of the success of this more than tripartisan committee, given its composition, and the very constructive work that has been done.

I am very proud of our committee system. When we reflect on the reports that have been presented in the past 12 months in particular, the extent of the work that has been done and the very thoroughness of those reports I think speaks volumes for the contribution of the members and what they have brought to the table in terms of their intellect and their willingness to research these matters comprehensively. It also speaks volumes for the staff who have put in on those committees as the secretariat and the research resource of those committees. They have been exceptional. It was a great debate. Thank you, everyone.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Victorian Auditor-General's Office performance audit

Ms SHING (Eastern Victoria) presented report.

Laid on table.

Ordered that report be published.

Ms SHING (Eastern Victoria) — I move:

That the Council take note of the report.

In doing so I would like to make a few comments in relation to the way in which this work has been undertaken at the outset and in a similar vein to those who have spoken on other reports tabled before the Parliament today.

The secretariat, which provides valuable assistance to the work of the Public Accounts and Estimates Committee, is a group of employees who have worked assiduously to make sure that the committee had all that it required. To Mr Phil Mithen, Ms Leah Brohm, Ms Melanie Hondros and Ms Amber Candy, as well as staff from the department who assisted with the way in which the Public Accounts and Estimates Committee has been able to discharge its obligations in providing this report on the performance audit of the Auditor-General and the Victorian Auditor-General's Office, our thanks and regards for their ongoing commitment to the work and the time frames, which are often a crucial part of what the committee needs to achieve, particularly with the workload that the committee and the audit subcommittee have had this year due to ordinary functions and extraordinary events which have necessitated additional work.

As we know, the Auditor-General, along with the Auditor-General's office, has a really central role in making sure that our governance framework here in Victoria has an adequate level of scrutiny in relation to the financial and operational activities of the Victorian public sector. In this regard I note that it is crucial that we provide assurance and certainty on the functions and the performance of the Auditor-General and the Auditor-General's office in relation to the management of resources as well as financial and performance audit services and that we make sure that there is public confidence and that actions occur in the public interest in relation to efficiency, effectiveness and prudent economic management at all times.

In this regard the Public Accounts and Estimates Committee does have the role of making sure that the Auditor-General's office and the Auditor-General have a performance audit as a function of the Audit Act 1994 and that this occurs every three years, pursuant to section 19 of that act. This audit provides a very good opportunity for the office and that office-holder, the Auditor-General, to make sure that good performance is maintained and highlighted and also that areas for improvement are identified and implemented as quickly, efficiently, economically and practically as possible.

The way in which this report of the performance auditor's appointment has been conducted will in fact, as the chair notes in his remarks, provide insight to the Parliament into the way in which the Auditor-General functions as well as the functions more broadly and the performance outputs of the Auditor-General's office and how it is that that office will be managed and assessed over the coming years.

The chair's remarks note the work that has been undertaken in coming to the conclusion which is set out around recommending the appointment of Ms Elma Von Wielligh-Louw, a partner at Deloitte Touche Tohmatsu, to conduct the performance audit and to proceed with a request for tender at a fixed fee specified in the foreword of the report. In that regard the other recommendation goes on to consider a review of section 17 and 19 of the Audit Act, in particular the exemptions provided for in subsection 2A of section 19 and in the context of section 17 of that act with a view to improving the performance audit appointment process to ensure that the intentions of Parliament are appropriately reflected in the provisions of sections 17 and 19 inclusive.

It is important that we manage not just perceptions but the actual output of the Public Accounts and Estimates Committee and the audit subcommittee, and again there is a necessary, appropriate and clear link between that and a clear oversight and assessment of the outputs of the office of the Auditor-General as well as the Auditor-General him or herself.

I look forward to this audit being conducted in a way that continues to improve the process and oversight without interfering in any way, shape or form in the independence of that statutory office or the Governor in Council appointment as it relates to the Auditor-General. With that, I thank my colleagues on the Public Accounts and Estimates Committee and commend this report to the house.

Motion agreed to.

Victorian Auditor-General's Office financial audit

Ms PENNICUIK (Southern Metropolitan) presented report, including appendices.

Laid on table.

Ordered to be published.

Ms PENNICUIK (Southern Metropolitan) — I move:

That the Council take note of the report.

I start by thanking my colleagues on the Public Accounts and Estimates Committee: the chair and deputy chair and the members of the committee, in particular Dr Carling-Jenkins, who has now left the committee but worked very hard on the committee.

The committee has had a very full load of work, as members would be aware. The general work of the Public Accounts and Estimates Committee and budget estimates, but also the inquiry into national partnership agreements, hearings into the financial statements and of course the extraordinary events regarding the resignation of the Auditor-General, have put a large load on the committee and particularly on the committee staff.

I would like to thank the staff of the committee — Mr Phil Mithen, the acting executive officer; Ms Leah Brohm, senior research office; Mr Jeff Fang, senior research officer; Ms Melanie Hondros, business support officer; and Ms Amber Candy, desktop publisher and administrative officer — for their very hard work with very tight deadlines and juggling many things at once.

Turning to the report, the Audit Act 1994 as amended requires that an independent financial auditor be appointed in each of the next three financial years, beginning with the year ending 30 June 2016, to conduct an annual financial audit of the Victorian Auditor-General's Office (VAGO). The Public Accounts and Estimates Committee is responsible under the act for recommending to both houses of Parliament the appointment of a suitably qualified person to undertake that financial audit.

The role of the financial auditor is, amongst other things, to conduct an audit of VAGO's financial statements in each of the next three financial years in accordance with applicable accounting standards and other mandatory professional reporting requirements; to verify that the financial statements of VAGO comply with the financial reporting requirements of the Financial Management Act 1994, as amended, and relevant provisions of any successor legislation to that act; to conduct the financial audit in compliance with the Audit Act 1994, Australian auditing standards and professional reporting requirements and the relevant compliance obligations of the *Standing Directions of the Minister for Finance 2016*, commencing 1 July 2016; to prepare a management letter and/or operations letter to VAGO; and to take note of any, one, related policy changes from the Department of Treasury and Finance and, two, potential changes to the Audit Act 1994 during the engagement period.

The committee resolved to recommend the appointment of Mr Geoff Parker to conduct the financial audit of VAGO for the financial years ending 30 June 2016, 2017 and 2018. Mr Geoff Parker is a director at Nexia Melbourne Audit Pty Ltd, an accounting firm in Melbourne which is also a member of Nexia Australia, with offices in capital city locations across Australia and in Christchurch, New Zealand. He is a member of Chartered Accountants Australia and New Zealand and a registered company auditor. The committee considers that Mr Geoff Parker has the relevant strength of experience in auditing and has demonstrated an excellent audit approach and understanding of the responsibilities demanded of a financial auditor of VAGO. The committee supports Mr Geoff Parker being appointed for a period of three years at the fixed total fees tendered for each year, as outlined in the report that I am tabling.

As well as the performance audit of the Victorian Auditor-General's Office recommendation that Ms Shing just tabled a couple of minutes ago, it is important that the Auditor-General's office is also financially audited to the satisfaction of the Parliament and the community. There are details in this report, and

if people are interested in them they should avail themselves of a look at the report. Of course the financial audit, as with the performance audit, does not take away the independence of the Victorian Auditor-General's Office but makes sure that the public of Victoria and Parliament have confidence in the expenditure of funds that are allocated to the Victorian Auditor-General's Office. I commend the report to the house.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Ombudsman — A report on misuse of council resources, June 2016 *(Ordered to be published)*.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 54.

BUSINESS OF THE HOUSE

Adjournment

Ms PULFORD (Minister for Agriculture) — I move:

That the Council, at its rising, adjourn until Tuesday, 21 June 2016.

Motion agreed to.

MEMBERS STATEMENTS

Country Fire Authority volunteers

Mr ONDARCHIE (Northern Metropolitan) — This morning I want to pay tribute to Country Fire Authority (CFA) volunteers. They make a difference to our population, both in the outer metropolitan region and in regional Victoria. The volunteers come from all walks of life. They have diverse backgrounds, interests and skills, but the one thing they have in common is their desire to put something back into their local community.

They do not necessarily have experience to join the CFA, but they get provided with all the necessary training. They can train in things like being a firefighter, an incident controller, a pump operator and a crew leader, and in communication roles and special skill roles, including chainsaw operation and breathing apparatus. There are also a whole lot of non-firefighting roles as well, such as Fire Safe Kids presenters and community education programs, brigade administration roles, support roles in incident control centres, leaders for junior programs, media and public relations, fundraising activities and community events.

These people are the salt of our regional communities and our outer metropolitan areas. They are genuine people who want to help. I pay tribute to people like Damian Elvey at Kalkallo CFA, Rob Saitta at Epping CFA, Chris Maries at Doreen CFA and Ken Williamson at Whittlesea CFA, among others — great teams, great volunteers.

It absolutely astounds me that the Premier of the state and this government will not recognise and support CFA volunteers. They have got time to meet with the unions, but they do not have time to meet with CFA volunteers. Daniel Andrews should get behind our wonderful volunteers.

Australian Labor Party

Mr BARBER (Northern Metropolitan) — I think it would be a good thing for democracy if Labor got over its current existential crisis. It is not my job to help its members run their party better. It is still one of the major parties in Australia, and for the sake of democracy we need it to be in fighting form. In 1890 the party was formed, and by 1907 it controlled both houses of federal Parliament, but it is pretty unlikely that it will control an Australian parliament ever again — except maybe Queensland, which only has one house, and I am not entirely sure Labor actually controls that one at the moment — because it regularly polls around the 33 per cent mark. When Gough Whitlam lost in 1975 it was with 42.8 per cent of the vote, but when Julia Gillard won it was with 37.99 per cent, which was only one-third of a per cent better than Mark Latham had done, so she was actually very good and actually probably the best campaigner in that respect in terms of winning government on such a small vote.

Labor needs to develop a reason for existence, a new historical mission and a plan to achieve it. It will not be the environment, because the Greens are the think tank and the driving force on that, but maybe some of the MPs on the Labor side could actually, I recommend, take a junket to the multiparty democracies of the Nordic area that they once admired so much.

Israeli Independence Day

Dr CARLING-JENKINS (Western Metropolitan) — It was a privilege to attend a celebration of the 68th anniversary of Israeli Independence Day last night, along with a number of members of this house and members of the other place.

The celebration included speeches from both the Premier and the Leader of the Opposition. It was more than a celebration of Israel's declaration of independence in 1948, although that was at the forefront of our minds. It was also an acknowledgement of the contribution of the Jewish community to our state of Victoria. For anyone wanting to learn more about the life and history of the Jewish community in Victoria, I would strongly recommend a visit to the Jewish Museum in St Kilda. It is an interactive and highly informative museum which explores the history, culture and religion of the Jewish people.

Compared to other years, the celebration last night did not need to be heavily guarded, which I thought was a very positive step in the right direction, because too often even here in Victoria Jewish people have been oppressed and persecuted. I was proud to stand in solidarity with Jewish people last night to celebrate their rich history, culture and religion. I thank the Jewish community for its invitation to attend the celebration.

Members of Parliament family members

Mr LEANE (Eastern Metropolitan) — There has been a lot of discussion this week about barbs directed towards members of Parliament. I believe that is just part of the role in this place and outside, within reason, but I do not think it is fair when relatives of members of Parliament are the subject of unfounded slurs, similar to what happened to my brother in the *Australian* newspaper in recent days. My brother has been a cop since he was a kid. He has had an unblemished record. I am proud of him, and my family is proud of him. For that newspaper article neither of us were contacted. The article said an FOI had to be lodged to identify that we were brothers, but if the paper had rung either of us and given us a chance to deny the slur, we would have told them, because — I do not know for my brother's part, but for my part — I am actually proud to be his brother. I give a commitment to every member in this chamber that I will never buy in or add to an article with an unfounded attack on one of their relatives. I will never do that.

Monash Freeway

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Commuters in the south-east were once again angered and frustrated by the state of the Monash Freeway this week. On inbound lanes between the Hallam-Eumemmerring bend and Heatherton Road temporary 80-kilometre-an-hour speed signs, accompanied by rough surface warnings, have been erected, creating even more chaos than usual at the point where the South Gippsland Highway merges with the Hallam bypass. There is no apparent reason to justify rough surface signs to be erected on a smooth four-lane section of freeway, which is the major merging point between those two highways, and certainly nothing to justify the downgrading of the speed limit to 80 kilometres per hour. This is a lazy and increasingly common response from VicRoads where road repairs are needed on regional roads, and now we are seeing it extend onto major arterials.

Ironically this section of the freeway is in fact in the electorate of the Minister for Roads and Road Safety, who should have a strong interest in ensuring that his constituents who have to commute out of the area have appropriate arterial roads on which to do so. Regrettably, because the minister does not live in that electorate and lives nowhere near that electorate, he has no familiarity with that particular section of the Monash and the need for it to operate at speed and full capacity is unknown, and as a consequence his constituents are once again suffering from his lack of attention to roads in his electorate.

Christopher Walker

Mr YOUNG (Northern Victoria) — I want to take this opportunity today to speak about a mate of mine, Christopher John Walker. He is a bloke who met my dad many years ago through mutual friends; they have been mates for a long, long time. He quickly became part of the regular duck shooting crew from which we all have many fond memories together. That is where my involvement with Chris came to be. From a young age — about six years old — when I started going with them Chris was part of that crew and part of that group, and he was pretty much like an uncle to me in a lot of ways, as with many of those guys. Chris was a pretty unique bloke. He was one of those people who is full of useless information and seemingly knows everything about everything and is willing to enter into a debate on just about any issue and will debate it furiously, which makes for some good time around the campfire.

Unfortunately in February of this year Christopher was diagnosed with cancer, and sadly we lost him last week. It was very hard. At 49 years of age he passed away, leaving four kids and a loving wife behind. It was a really beautiful funeral — it really was. There were a lot of people there, as you would imagine happens when someone passes at that age. He has many friends and many close family members who will definitely look after his family. Chris was a great bloke. He will be very, very missed. I should let everyone know that he is known to us as Boonga. For those who are reading

this who know him, I just thought I would give that a mention.

I would like to just leave one piece of advice that I learnt as a young kid from Chris. If anyone here is intending to buy a Pajero and drive it through a dam to show off, and if they want to test the depth of water with a stick to see if they can make it through, they should make sure that when they drive through the dam they drive through in the same place, because dams tend to get really deep in the middle, and otherwise you may end up sideways in a muddy hole. Thank you, Chris; you will be missed.

Dairy industry

Ms SHING (Eastern Victoria) — I rise this morning to pay tribute to the various dairy farmers and their communities throughout Gippsland who continue to do it tough following the milk price drop occasioned by Murray Goulburn and Fonterra and who are suffering enormous disadvantage, uncertainty and concern as a result of these changes, which have created enormous debts which will require repayment at some point when the milk checks stop coming in next month.

It has been an enormous learning curve to continue discussions with these communities and with individual farmers and their families in terms of what is needed and what the state and indeed commonwealth governments need to do to step up and to make sure that as much assistance as possible is provided. This is a time of great concern and uncertainty that, for people in regional and rural communities, can often really challenge stamina, challenge intestinal fortitude and challenge the capacity to continue.

To that end it is crucial that we make sure that people take care of their mental health and that there is a camaraderie and a neighbourliness that goes beyond that which already exists in communities and extends to making sure that people are able to get the support and assistance they need when and as they need it. I thank those families, those farmers and those communities who have been so frank and honest about what they need and how we can help. I look forward to continuing to work with them and to continuing being available in relation to getting everyone through this as quickly and as fairly as possible.

Elevated rail proposal

Mrs PEULICH (South Eastern Metropolitan) — I just wish to thank Matthew Guy this morning for being prepared to table another 500 signatures on a petition opposing sky rail along the Frankston line. The reason the Leader of the Opposition was asked to do that was that unfortunately the local Labor MPs were not prepared to do so. They include, obviously, Mr Richardson, Mr Edbrooke, and Ms Kilkenny in the Legislative Assembly and federal MP Mark Dreyfus. I take that to mean that Labor is supporting sky rail as the preferred option of level crossing separation. Similarly at the City of Frankston five councillors, led by Labor mayor James Dooley and supported by Colin Hampton, also a member of the ALP, kept the sky rail option alive against four councillors who were prepared to stand up for the community.

In saying this, I note that it is quite clear that Labor is either sitting on the decision until the federal election is over or is implicitly supporting sky rail as the preferred option to the angst, consternation and anguish of the local community, who are overwhelmingly opposed to the sky rail option as a means of level crossing separation. I urge the government to reconsider how it can deliver its promise without destroying the amenity of the area and dividing communities, as it has done with this proposal, which was not taken to the election, something it had criticised the opposition for in relation to the east–west link.

Dr Brian Wood

Mr MELHEM (Western Metropolitan) — I rise to pay tribute to a family friend, Dr Wood, who recently passed away. He was passionate about his work and modest about his achievements. Brian was a great man who truly cared about dental health in Victoria. It is no overstatement to say that Brian, a former director of the Victorian dental health services and a former adviser to a former health minister, achieved many things over the course of nearly 93 years.

Brian answered the call of duty in World War II and joined the navy and rose to chief petty officer position. After the war he attended Sydney University and obtained a bachelor of dental science. Years later he returned to Melbourne and resumed working with the school dental service. Travelling all over Victoria in a dental van, he worked with a close-knit team of drivers, dentists and dental nurses. He contributed a great deal to the health of Victorians over the years.

He met his wife, Kittee, in 1959. Considered by Brian as ‘the best wife he had ever had’, she has been at his side from the beginning until the end.

While Brian will be missed by his family and friends, we will always be grateful for the many years we shared with him. I would like to acknowledge his great contribution to the health of many Victorians,

particularly in the area of dental health. He made a great contribution to the state. Brian Wood, rest in peace and God bless.

Returned and Services League of Australia centenary

Ms BATH (Eastern Victoria) — Today I would like to acknowledge the 100th anniversary of the formation of the RSL. Recently in the Latrobe Valley I had the honour of laying a wreath for Private Adrian Rich at a service to commemorate the 50th anniversary of the Battle of Long Tan. The service was organised by the Vietnam Veterans Association of Australia and officiated by local RSLs. Other service members who were remembered and who fell in that war were Allan Lloyd, Wayne Blanck, Robert Grist and Joseph Manicola.

It was on a bloody battlefield in western France that Sir John Monash and his troops remembered their fallen mates in 1916. At home in Australia, the RSL was formed that year by troops returning from the First World War with the aim of continuing the camaraderie, concern and mateship shown amongst the Australian diggers. The Returned and Services League has grown to 1500 sub-branches across Australia, with over 240 000 members, making it the largest ex-services organisation in Australia.

Today the Victorian branch of the RSL is well served by Major General David McLachlan, a man of great sincerity, wisdom and integrity. I have had the pleasure of meeting with and speaking to many RSL members across my electorate of Eastern Victoria Region, and I would like to recognise the work they do within their communities to provide support and care for the families of returned service men and women.

STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016

Second reading

Debate resumed from 26 May; motion of Ms PULFORD (Minister for Agriculture).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this morning to make some remarks on the State Taxation and Other Acts Amendment Bill 2016, which could also be referred to as the Bill of Broken Promises. In the lead-up to the November 2014 election we all saw the then opposition leader, Daniel Andrews, in a live cross with Peter Mitchell on Channel 7 news asked the question, 'Will you provide an absolute undertaking that any government you lead, if you form government on the following weekend, won't increase taxes or charges beyond those that are indexed to CPI?' — that is, the standard indexation. It was a very clear question from Pete Mitchell to Daniel Andrews. The response from Daniel Andrews in that interview one or two days prior to the election was very, very clear. It was absolutely unequivocal. Daniel Andrews looked down, then looked into that camera and said, 'I make that promise, Peter, to every single Victorian'. You could not get a clearer statement from Daniel Andrews that he was not going to increase taxes and charges under any government he led.

We have before us today not the first bill this government has introduced to increase taxes and charges — we saw that with last year's state taxation bill, which arose from the 2015–16 budget. We see it again this year in the State Taxation and Other Acts Amendment Bill 2016, which gives effect to the taxation measures announced in the budget — that is, a further increase in state taxes and a further breaking of that absolutely unequivocal promise of Daniel Andrews that his government would not increase taxes, a promise that was made to every single Victorian. We have seen that promise broken yet again with this piece of legislation before the house this morning.

As I outlined in my contribution on the budget papers last sitting week, this government has form on breaking its promises on taxes and it has form on failing to deliver meaningful tax reform. This is something that Mr Barber will no doubt talk about later. We have seen this in one of the key measures of the state's tax competitiveness, which is to look at state tax revenue as a proportion of gross state product (GSP). Over the term of the coalition's last period in government the tax to GSP ratio was about 4.8 per cent. State taxes in aggregate equalled around 4.8 per cent of the value of gross state product. We have seen under this government in just its second budget that that has now increased to 5.4 per cent. That is a substantial increase in the state tax burden as a proportion of the Victorian economy, and the inverse of that is a substantial decline in the competitiveness of the tax regime in Victoria relative to the rest of Australia.

That is completely at odds with what the now Premier said — 'I give an absolute assurance to every Victorian that I won't raise taxes' — and it is completely at odds with the Treasurer's statement that he is delivering record surpluses. In fact if you dig into the detail of this budget, into the section of the budget papers that sets out the impact of revenue and spending initiatives — the revenue initiatives in this budget are basically confined to tax initiatives — an extra $610 million is

going to be collected over the forward estimates period as a consequence of the tax changes in this budget. So not only do we see the Premier breaking his commitment not to increase taxes — the commitment given to every single Victorian not to increase taxes — but we are seeing a substantial increase in tax revenue and we are not seeing any meaningful form of tax reform. The Treasurer is out there talking about his budget surpluses and what a wonderful budget manager he is, but he is failing to address meaningful tax reform.

Putting aside these tax measures, we are seeing the key drivers in tax revenue on a business-as-usual basis, not a change basis — the growth in the property market, the volume of properties being sold, the value of properties being sold, obviously the increase to stamp duty. We are seeing the impact of increases in incomes and employment levels flowing through in payroll tax.

The Treasurer is happy to ride a wave of increased revenue due to economic growth and population growth on the base estimates, and instead of actually taking that opportunity to deliver tax reform, we are seeing him implement taxation measures that could actually increase the tax take above a steady state. We are seeing that revenue, as I indicated in debate on the appropriation bill, absorbed into current expenditure rather than seeing the opportunity taken to implement meaningful tax reform. This bill fails in terms of meeting the Premier's commitments not to increase taxes, and it fails in terms of delivering tax reform.

There are a number of initiatives in the bill that I would like to touch on as we go through. The first is one the Liberal Party sees as a positive, and that is in relation to payroll tax. It is the decision of the government to increase the threshold at which businesses become liable to pay payroll tax, and that is an increase to $650 000 — an increase of $25 000 a year over each of the four years of the forward estimates period. That is very modest increase — $25 000 a year over four years to $650 000. Of course it continues to be well below the growth in payrolls and wages since the threshold was last set at the current $550 000. The last government to introduce meaningful reductions in payroll tax was the coalition government through reducing the rate, and the ongoing value of that far exceeds the value of this shift in the threshold of $25 000 a year over four years.

Because it is a staged increase in the threshold — notwithstanding the fact that the Treasurer has valued this change at $286 million over the four years — most of that benefit to business is back-ended because the bulk of the increase in the threshold is back-ended. It does not take effect until the 2019–20 financial year. So while we welcome that increase in the payroll tax threshold, it is a minor change, relative to — —

Mr Mulino interjected.

Mr RICH-PHILLIPS — Acting President, I take up the interjection from the parliamentary secretary to the Treasurer, and I point out to the parliamentary secretary that, unlike this government, we cut the rate of payroll tax. We cut the rate; it has not cut the rate. Therefore the impact of the threshold increase has a relatively narrow benefit as opposed to a reduction in the rate.

Given what the Treasurer was saying about the capacity he has created in the budget, if this government was serious about tax reform, it had the opportunity to address it. It had the opportunity to address it through a rate change rather than just a threshold change. While businesses did welcome this increase in the threshold, it fell far short of what their expectations were in terms of payroll tax reductions leading up the state budget in late April.

The second measure I will touch on briefly relates to the fire services property levy. This is a measure to expand the concessions that were provided when that legislation passed in 2012, which was a $50 concession available to certain concession card holders and others, to include former prisoners of war, which is a very appropriate measure. The advice is that the number of people eligible for that concession is relatively small and estimated at around 95 beneficiaries. The measure also extends that concession to include veterans receiving extreme disablement adjustments, where the number is estimated at around 1900.

So it is a relatively small cohort of people who will benefit. I understand the value of that concession in aggregate is around $100 000, but nonetheless it is a welcome change, and it is appropriate that the service that those veterans provided is acknowledged and recognised through concessions. It is certainly done with concessions in other areas of government services, and it is welcome that the concession on the fire services property levy is also being extended to that cohort, notwithstanding the relatively minor dollar value in terms of the value of the concession.

The bill also seeks to clarify the operation of the fire services property levy in relation to certain farming enterprises where the farm property is held through a superannuation structure, and that is one of the continuing challenges in state taxation legislation generally. With the way in which some farming enterprises do have certain concessions, be they on land

tax, which we will come to, or be they on the fire services property levy, the legal structures that often surround primary production in terms of whether land is held in superannuation funds or in family trusts do from time to time lead to unintended consequences in terms of taxation treatment, and clarification is being provided on the fire services levy.

Also with respect to land tax exemptions for urban primary production — where, as I said, we have primary production land held in superannuation funds with the trustee and where the beneficiaries are all related to the primary producer — the existing exemption is being clarified with respect to land tax, and that is something the coalition welcomes. It is, as I said, something that has been an ongoing challenge with a range of state taxation measures as they relate to primary production land across the taxation regime over a number of years to ensure that those properties are treated fairly and equitably, recognising that they are often held in different structures to other businesses given the often family-related nature of those enterprises. So that is something the coalition welcomes.

The next matter I would like to move on to relates to one of the tax grabs that the Premier said he would not do that is encompassed in this bill, and that is the government's intention to increase threefold the royalty on lignite — on brown coal. This is something which is estimated in the budget to raise some $252 million over the forward estimates period. It is something which is a direct impost on Victorian households. Notwithstanding the rhetoric the government has used in relation to increasing the coal royalty — that it is a very small percentage of the cost of coal and that it brings Victoria into line with other jurisdictions in respect of the royalties they charge on coal — it is something that will have a direct impact on the cost of living for Victorian families, because this $252 million impost on coal will flow directly through to electricity prices and this will have an impact directly on Victorian households.

Mr Mulino interjected.

Mr RICH-PHILLIPS — Mr Mulino asks me who I am quoting. I am not quoting anyone yet, but I will be happy to. I will firstly take the house to a press release issued by the Minerals Council of Australia on the day of the budget. It is very critical of the announcement by the Treasurer of the trebling of royalties on brown coal and indeed very critical of the Treasurer's justification that it would put coal royalties in Victoria on par with New South Wales and Queensland. In its press statement the Minerals Council of Australia said:

> Linking royalties paid by Victorian coal companies to other states is short-sighted and fails to understand that Victorian coal is not an export commodity as it is in both NSW and Queensland.

The minerals council calls out the Treasurer's justification for this — the Treasurer talking about raising royalties to be consistent with royalties in other states while ignoring the fact that the commodity that the Treasurer is taxing here in Victoria is very different to the export commodity in other states and the fact that Victorian brown coal has one use. Victorian brown coal essentially has one use: to provide electricity into the grid and therefore for Victorian consumers. If you impose a royalty of $252 million over four years on that brown coal here in Victoria, that will flow through to Victorian electricity consumers, and for that reason — —

Mr Barber — No it won't; it will flow through to the shareholders.

Mr RICH-PHILLIPS — I take up Mr Barber's interjection that it will flow through to the shareholders. I do not believe that Mr Barber is that naive in believing that this impost, the $252 million, will end up being an impost on the shareholders rather than an impost on consumers. I am certain Mr Barber is not that naive to believe that that will be the long-term outcome of this initiative — that it will flow through to the shareholders and not to consumers. The coalition absolutely rejects that view. We believe that inevitably this is going to be an impost on consumers and not on shareholders as Mr Barber would have us believe, and for that reason it should not be supported. At this time I ask if my amendments can be circulated.

Opposition suggested amendments circulated by Mr RICH-PHILLIPS (South Eastern Metropolitan) pursuant to standing orders.

Mr RICH-PHILLIPS — As members will see from the amendments which have been circulated, their intent is to omit clause 31 of the bill, which is the clause which seeks to impose this increase in royalties and the consequential increase in electricity prices. I will go back to the statement issued by the Minerals Council of Australia at the time of the budget, given the commentary from the government benches, because as the Minerals Council of Australia recognises, even if the government does not:

> The expected increase in electricity costs will hit Victorian businesses hard, especially the manufacturing sector, where uncertain economic conditions are already placing the industry under strain.

It was very clearly the view of the minerals council that the increase in royalties will flow through to electricity prices and will hit consumers of electricity in Victoria. It is also the view of the coalition that that is the case. So our intent when this bill gets to committee will be, through a series of amendments, to omit clause 31 and to preserve the brown coal royalties at the level at which they are currently imposed.

The other provisions in the bill which also give rise to some concern, although we are not for this point proposing amendments, relate to the increase in the land tax surcharge for foreign absentee landowners, which is an increase from 0.5 per cent to 1.5 per cent, a trebling of that surcharge. This, of course, is one of the taxes which was newly introduced last year, contrary to the commitment given by the Premier, and we are now seeing that increased by a factor of three in this year's budget. Last year I think the Treasurer indicated that it was an important measure for housing affordability to recognise people who were newly resident in Victoria making a contribution to Victorian infrastructure, which was an extraordinary argument to put. If that argument is to be followed through, it completely ignores the impact of new resident Victorians moving from interstate, but it suited the Treasurer's argument for foreign buyers. The 0.5 per cent is now being increased to 1.5 per cent, and it is estimated to raise an additional $112 million over the forward estimates period.

What is not factored into those estimates is actually any behavioural change. On the one hand the government is saying further increasing the surcharge is to provide an incentive or disincentive, depending on which side of the equation you look at it, but at the same time it is saying, 'We don't expect any behavioural change; we haven't modelled any behavioural change', which contradicts the argument that is being put forward for the measure in the first place and the increase in this year's budget.

Likewise we see a similar move with respect to land transfer duty, or stamp duty as it is commonly referred to. Last year we saw the foreign purchaser stamp duty introduced — an additional 3 per cent rate imposed. Again the argument was that it was to act as a disincentive for foreign buyers and to maintain particularly housing affordability for Victorian residential property purchasers. This year in the budget that 3 per cent rate is going to 7 per cent, which is estimated to raise an additional $374 million.

But again, notwithstanding this being sold as something which will change the behaviour of foreign property buyers and will lead to more affordable housing for Victorians, there is no modelling that suggests any behavioural change. Notwithstanding the government's rhetoric, there is a disconnect between what Treasury believes is going to happen in terms of behaviour change and what the government is actually saying, which reinforces that this measure is nothing more than a grab for revenue, contrary to what the Premier said in November 2014, rather than actually a measure that the government genuinely believes will have any impact upon the housing affordability question here in Victoria.

Mr Barber — Have you got an amendment to remove that clause?

Mr RICH-PHILLIPS — I take up Mr Barber's interjection. The coalition will obviously be interested in looking at any amendments that come forward to amend this bill, Mr Barber, and I understand there may be some further amendments circulated in this debate, possibly even from him.

Mr Barber — Not from me.

Mr RICH-PHILLIPS — If not from Mr Barber, perhaps from the government, but we will deal with those in due course.

The other provisions of the bill are largely mechanical. It is often the case with state taxation amendment bills that there is the need for clarifications and for technical amendments in the way in which the legislation is used or interpreted by the State Revenue Office (SRO) to reflect the practice of the SRO and to clarify grey areas. This bill contains a small number of those technical amendments, which I do not intend to go into.

This bill breaks the Premier's commitment of November 2014 not to impose any new taxes or levies on Victorians, as did the taxation bill last year. It contains some measures that we support, such as the increased threshold for payroll tax. But it also contains measures such as the increase in coal royalties, which we see as nothing more than a cash grab by this government — an electricity tax — which will hit Victorian consumers and should be opposed, and when the bill comes forward for committee consideration we will be strongly opposing that provision. We will consider other amendments, which I understand are being brought forward for the bill, and consider our final position when we see the bill in its final form post-committee.

Mr BARBER (Northern Metropolitan) — I have been in this Parliament I think for 10 years, so this must be the 10th time I have made the speech I am about to make, and that is that this is another missed opportunity for state taxation reform.

Mr Mulino — This better be good.

Mr BARBER — Mr Mulino is about to hear me say it for the second time. I do not know if my speech gets better every year; I am sick of making this speech.

We are in the middle of a national election, where tax reform has been tossed around and even used as a political weapon by one party against another. There was talk of company tax cuts and income tax cuts. There is currently a debate, I believe, in the realm of superannuation about how that is to be treated. I believe there is the taxation regime of money both going into superannuation and coming out the other end, and both are up for debate. There is even a sort of fairly wacky proposal that the states with their vertical fiscal imbalance could take back and start levying their own state-based income taxes state by state.

Well, 'elephant in the room' is a bit of an overused term these days, but it is clear from every economist and many, many politicians who have spoken on this issue over the years as well as all those others who live in the real world — that is, the various industries and product markets which are taxed under state jurisdiction — that not only are state-based taxes incredibly inequitable and inefficient but, it is said, Victoria's particular tax mix is the worst of any state.

What this bill does is it takes stamp duty on property transactions — which is an incredibly inefficient and distorting tax — and gets the state even deeper into the hole, because now we are going to be even more dependent on it. Not only that, but the other particular tax — the foreigner tax, for shorthand purposes — then starts to distort further the way the property market operates. Under one version of the rationale, the Treasurer, Mr Pallas, thinks it improves things, but under other versions of the rationale that have been put forward, it is simply about soaking a group of people who do not vote. I cannot for the life of me see the economic merit in this tax. Its main merit appears to be that it is a tax on foreigners, and they do not vote, so ha-ha! Ten out of 10 for political cleverness.

Thirdly, in that same exercise the bill actually makes more complex the administration of stamp duty on property transactions, because now you have to work out who a foreigner is and what the share is of an entity that they might own and so on and so forth, so it actually adds a huge administrative burden on both the State Revenue Office and on those doing property transactions as well, so it makes things immeasurably worse on top of what is already a very bad, regressive and distorting tax. The reason it is so distorting is that when you tax something, people will try to avoid the tax by avoiding that thing. What we are talking about here today is taxing transactions on property — the buying and selling of houses and residences and commercial properties and even land and the other things that occur during the development process.

It is distorting for a range of reasons. First of all, people will invest less in that particular asset class than they might have otherwise because it is now a taxed asset class. That is the very reason why we want to tax carbon: we want people to produce it less. There are also the distortions that come from just the inability to upsize and downsize your house with your different stages of life or to pack up and move from one side of the state to the other; you have to get hit with a lick of, on average, around $30 000 of stamp duty every time you move to another part of the state. This has all been outlined at great length and in detail in numerous reports over the years, including one that was commissioned here in Victoria by Treasurer Brumby and of course the world's longest resignation letter in public sector history, the Henry review. They made it very clear that what we needed to be doing was shifting away from a tax on transactions and towards a tax on an asset itself — a broader based land tax.

Acting President Patten, you are already halfway to supporting me on that one, because you want churches to start paying land tax on their land. I just want to broaden it and remove some of the distortions that create different ownership structures or different land uses and that encourage people, yet again, to sort of shift around within the tax base and try to avoid the tax. That a lot of time and energy is being spent on avoiding paying a tax is itself another form of economic deadweight loss, and I am pretty sure that the government, in passing the bill today, is going to make that situation worse.

However, I am not seeking a whole range of amendments to the bill, because frankly there is no support for that. I have seen it time and again with Labor and Liberal members, and here it was again this morning. By interjection I asked Mr Rich-Phillips from the Liberals if he was going to move any amendments in relation to the stamp duty changes, and the answer was no. He colourfully illustrated what he called the 'Premier's broken promise'. Maybe someone should have asked the Liberal Party during that same election campaign, 'If Dan tries to break his promise and lift taxes, will you back him?', because that is exactly what it is doing here today. He might not like what the Premier is doing, but Mr Rich-Phillips is the guy who is actually providing the votes to give Mr Andrews his broken-promise tax and his extra $485 million or so, I think it is, from the foreigner tax.

So much for economic rationality. There is one small piece of economic rationality in this bill, apart from the administrative bits and pieces, which of course we will be supporting — that is, the coal tax itself. Whatever Mr Rich-Phillips and his friends have said about this tax, let us make it very clear. It is levied on coal, and coal royalties are calculated not by how many tonnes of coal but in fact by how much energy content there is within the coal, because our coal has a lot of water and a lot of variability, depending on where you mine it. It is calculated on the gigajoule, and they have to work out how to measure that. Effectively this is going to wash through the energy market at around about $2 a tonne of CO_2, because in Victoria the average megawatt hour of electricity probably causes about 1.1 tonnes of CO_2 to be emitted.

It is not always the average but the marginal megawatt hour of electricity that is most important here. If we are adding $2 a tonne of CO_2, we are probably adding something like, roughly, $2 a megawatt hour. The average megawatt hour might sell at about $40 in wholesale markets. You are putting about $2 on top of that, and it is on coal. It is not on other fuels that are going to fuel our energy system. They have not worked out a way to tax the sun or the wind yet. It is not going on natural gas and it is not going on biomass or even emissions from landfill gas or other forms of waste, but it is going on coal, and coal is the bulk of the pollution coming out of the energy sector here in Victoria.

Mr Rich-Phillips is absolute convinced, because he needs to be, that the Victorian brown coal Latrobe Valley generators will pass this directly through to the consumer. There are some real problems with the way the energy market operates in Victoria. There are problems in the retail part. There are problems in the distribution part. There are problems in the sense that there are a whole range of regulatory barriers to entry that mean it is not really a level playing field in terms of the transformation of the energy market. But in relation to those generators that are currently hooked into the grid, it is actually a pretty competitive market. Just look back over the last few months. This data is available for anybody to download through the Australian Energy Market Operator. With the wind blowing like hell, the wind farms here and in interconnected systems, such as in South Australia, have been going so flat out for so long they have managed to drive the electricity price in the wholesale traded market down to zero when the wind blows — and wind, as a fuel, is use it or lose it; your generator is turning, and you just have to dump the electricity into the grid at whatever price you can get for it. On multiple occasions in the last few months the Victorian wholesale electricity price has actually dropped to zero.

In those conditions, with solar and wind growing, with households getting smart, with energy consumption overall declining and with a massive subsidy being taken out when the smelter levy for the Portland smelter ends in October this year, you tell me how you get to just simply say, 'We're a coal-fired generator and we've got this new tax, so we're going to pass it on into the market'. There are people like me now who have not only got solar panels on the roof — I think it is about 14 per cent of Victorian homes and businesses that now have that — but are also able to capture spare electrons into a battery and put them back into the grid at a time that suits them. I am making those electrons at around 13 cents a kilowatt hour. That is about the same cost as it takes to deliver electrons to my house, never mind what the Latrobe Valley generators might like to actually earn for the ones that they themselves generate. So while it can be very uncompetitive at the retail end, largely because the big three retailer generators are trying every trick in the book to manipulate customers, in terms of the wholesale market with four big coal-fired power stations but hundreds of little power stations, including large-scale wind and, if you like, millions of solar generators now connected to the grid and the fuel being free — sun and wind — how is it that they believe this is going to be passed on?

In fact every other time we have brought in anything like a carbon tax the story from those same people who Mr Rich-Phillips quoted and from the generators themselves has been, 'This will destroy our financial viability. We'll collapse. Banks will withdraw their funds, and the lights will go out because our power stations won't be operating'. The total opposite argument in every other case is that any kind of tax on carbon — and this is, crudely, a carbon-based tax — is basically going to destroy the financial viability of the generators, leading to a loss of energy security. This time they are totally talking out of the other side of the mouth because the Liberals thought they had a bit of a cost of living campaign going in the first part of this year and this proposed tax seem to fit the bill. I say good luck, because as soon as it is enacted — and I notice that it does not actually start until 1 January in terms of that section of the bill — if that is the case, we would expect to see an immediate rise in the wholesale price of electricity, most of which is still, unfortunately, produced by coal-fired generators. But I do not know how you do that when you are competing in an interconnected system, with generators in New South Wales and Victoria and maybe even by January Tasmania if they get the big long extension cord under Bass Strait fixed again by then. It is just simply against all rationality.

Generators are price takers, and therefore they cannot pass it on to their consumers. They cannot pass it on to anybody they have locked in long-term contracts with either, and there is a lot of that in this market. For that reason we will not be supporting the Liberals' amendments, which as Mr Rich-Phillips told us are solely directed at the additional royalties under the Mineral Resources (Sustainable Development) Act 1990.

We did find out one other useful and pertinent fact during the Public Accounts and Estimates Committee process looking at this and other budget bills, and that is that the government expects to be getting just as much revenue from this new coal tax in four years time as it is now. Therefore by definition — and the Treasurer confirmed it — the government intends to be burning just as much coal in four years time post the next state election as it is today.

I am aware that the Premier made some sort of announcement about climate change policy out there this morning, but in fact he made it when he introduced this bill, and that is that we are going to be burning coal at the same rate four years from now — it is in the forward estimates of the budget. In fact what he announced out there, if I can rely on his own press release, is that he wants zero emissions by 2050. The Premier was surrounded by what looked like a group of young primary school students when he made that announcement. They will be in their late 30s when 2050 comes around; Mr Andrews and I will be in a nursing home, probably; and the planet will be cooked — under this policy that Labor has announced today. There is a significant gap between the aspirations that were set down by the nations of the world in Paris and the announced target that Australia has out there for consideration. There is an even further gap between Australia's announced target and the actual policies that have been implemented by the Australian government, and there is a massive amount of work to be done to close that gap.

What the announcement from the Premier says today is, 'You can go and log onto a website and make your own personal pledge to cut your emissions'. How about a personal pledge from Daniel Andrews that he might actually use the powers that he has got? As a state Premier he has got pretty much all the legislative and other tools needed to make deep cuts to emissions regardless of what the federal Liberal government might do, not banking — as he seems to be — on Bill Shorten winning the election and then Bill Shorten somehow coming out with a policy once he is in government. Our state premiers literally control, through this Parliament if they choose and with our support, the structure of the electricity industry, all the poles and wires that link it up and the individual generators which are licensed under it.

The Premier certainly could make deep and immediate cuts to emissions by ending native forest logging overnight. It is pretty clear that is not going to happen, the way this task force is going. He could up the energy efficiency target. He could use multiple mechanisms to build in a Victorian renewable energy target. He could, if he wanted, follow the example of the ACT Greens-Labor government, that has actually decided that its own energy consumption and the energy consumption of its jurisdiction is going to come from renewables, and then simply run a reverse auction. The Minister for Energy, Environment and Climate Change, Ms D'Ambrosio, raced off to Ararat with her silver shovel to launch a new wind farm that is proposed to be built up there. It is being built because the Greens-Labor government of the ACT commissioned it, with permits already being on issue.

For the Premier to come out and say, 'Well, we'll be carbon neutral by 2050', sounds very much like a case of saying, 'Give me chastity and sobriety, but not quite yet'. Secondly, it does not tell us anything about what the total emissions from Victoria will be between now and 2049. Deep cuts now create less work later but actually mean that overall less emissions are put into the atmosphere — and that is the thing that matters. Imagine an alternative scenario where we keep polluting at current levels all the way up to 2049 and then just stop dead in that year. A lot more actual CO_2 will be emitted under that trajectory than under 'Do the hard work during your time in power, Premier' — and you never know how short that time is going to be. Those CO_2 emissions actually matter. It is not just about the destination and how fast we get there; it is how deep we cut in the earliest years of that trajectory that matters, because once that CO_2 is in the atmosphere, it is there for a very long time to come.

It is not like the climate starts to repair itself or reverse its previous change on the day that we reach carbon neutral in Mr Andrews's mythical 2050, if he and I are lucky enough to be there to see it. Whatever climate we have then, that is our new climate; we are stuck with it. We have seen just in the last few months how hostile that new climate can be, with already just a small amount of warming built in, somewhere under 1 degree. The Premier has a website that is now called 'take2.vic.gov' or something — something to do with 2 degrees of warming — but you cannot achieve that by saying, 'We're going to keep polluting all the way up to 2050'. And the voters do not buy it.

The voters do not buy politicians talking about things that are going to happen decades from now. That just looks like yet another attempt to dodge accountability. They should go to the voters and say, 'This is what I believe I can do if I'm Premier for this next period of government'. Unfortunately the Premier did not say that in his last term in opposition. He had four years in opposition and he has had 18 months with access to the levers of government, and what he has delivered us today is a website where we can all pledge to do our little bit for the planet. If you read this bill and the associated documents, what you learn is that he intends to keep burning coal at the same rate all the way through to the next election and for a year the other side of it as well. That is the announcement of his climate change policy.

Every little bit is going to help in terms of reforming this energy market, and for that reason we are going to support the section of this bill that creates the additional royalties on brown coal. What is needed here really is some regulatory measures — dare I say direct action — and to actually set closing dates for those brown coal generators. Let the communities, let the other players in the energy market and let those who would like to enter through renewables have a bit of warning so that they can invest and make plans accordingly.

Making plans does not seem to be a strong suit for members of this government. They came to government with a very limited and very small number of promises and as a result a pretty small amount of political capital — because they have only got the political capital to implement the things they said they were going to do. If they do not start dealing with the crises when they come to them, they will have no political capital before they know it. We are not headed for an environmental crisis; we are in an environmental crisis. The Greens are the only ones with a plan.

Mr Bourman interjected.

Mr BARBER — Absolutely, Mr Bourman, we could debate the merits of the Greens plan. The point is that we have a plan — and in a crisis people will turn to the person who has actually got a plan any day over the person who has not got one, and it is pretty clear that this government has no plan. It has no plan for tax reform, for that matter. It is a very important area in terms of economic efficiency. If we are going to argue about tax reform in the middle of a national election when the real economic benefits from reform are actually right here in the reform of state taxes, it is a great shame that we have not been able to line up the federal and state jurisdictions over this reform. Victoria will have to go it alone. Unfortunately for another year we have just missed our best opportunity.

Mr MULINO (Eastern Victoria) — I rise to support the State Taxation and Other Acts Amendment Bill 2016. Can I start by making some broad observations about the budget context, because in many ways this bill receives a lot less attention than the appropriation bills, which we have been discussing in this Parliament and also in the public sphere for a few weeks now. Of course these bills are very much part of the overall regulatory provisions of any budget. A government through the appropriation bills allocates the funding of the government, but it is important to actually have sufficient revenue in order to spend money on the things that a government wishes to spend money on.

I do want to start out by setting the overall context for the tax and revenue plan that this government does have. I will take issue with Mr Barber in saying there is no plan. There is a plan. Indeed this government has said on many occasions that over the forward estimates and beyond fiscal stability is one of the key priorities of our overall plan. There are others, but I will not go through those because they are part of the appropriations debate we have already had — spending on infrastructure, spending on social services and so forth. Fiscal stability is one of them, and that is why it is critical that we have sufficient revenue to support the expenditure that is laid out in the appropriation bills.

Mr Rich-Phillips makes a claim — an all-too-easy-to-make and glib claim — that this government is riding the crest of a revenue tsunami, and it is a completely out-of-context, superficial claim that I want to knock on the head right from the start. I want to knock it on the head because those opposite will cherrypick taxes here and there, but when we look at the overall tax take we see that in 2013–14 it rose 8.8 per cent and in 2014–15 it rose 8.5 per cent. Under no year in the forward estimates will it rise by more than 7.5 per cent. So let us not cherrypick; let us look at the overall tax take. After all the swings and roundabouts, some go up by more than others.

What Mr Rich-Phillips is doing is cherrypicking, and those opposite have made an art form of it. As Mr Leane said, they are great in opposition. I applaud Mr Rich-Phillips for his cherrypicking. He undoubtedly spends hours looking for little fillets of figures to pull out. He is good at it, but let us look at the overall picture because it is very different to the kind of impression that he is trying to portray. Let us look at the overall tax increase over their term. It was 5.4 per cent, compared to our forward estimate of 5.0 per cent.

When we talk about taxes, let us look at the big picture and not cherrypick.

Let us also look at sustainability as that is one of the important rationales for any kind of tax strategy or plan. We do not raise revenue for its own sake. We raise revenue because we want to spend it on worthwhile things. This government over the forward estimates has expenditure rising at 3.3 per cent and revenue rising at 3.4 per cent. That is sustainable. Those opposite in their last budget claimed they were going to have expenditure increasing at 2.5 per cent. That is not credible, and to the extent that they did crunch down on expenditure, to the extent that that was part of their strategy, we are seeing it in no trains having been ordered, no trams having been ordered and no schools in the pipeline from the previous government. If they wanted to mindlessly cut expenditure as their strategy, the Victorian people had a very clear response to that at the last election.

So let us look at our strategy in terms of balancing expenditure and revenue — 3.3 per cent in expenditure and 3.4 per cent in revenue.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Ms Wooldridge — On a point of order, President, Minister Dalidakis is absent this morning, and I ask whether that is a further choice of the government to absent a minister from the house, whether there are representative arrangements or whether he is just late.

The PRESIDENT — Order! As far as I know, he is just late.

Ms Pulford — On the point of order, President, Mr Dalidakis is here. I would also indicate that the absence of another minister, Mr Jennings, that Ms Wooldridge referred to, is certainly not a matter of a choice of the government.

Answers to questions without notice

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Deputy Leader of the Government. How long will the Andrews government continue its boycott of taking all questions asked by all members of this chamber on notice?

Ms PULFORD (Minister for Agriculture) — I thank Ms Wooldridge for her question. The government is providing answers to all questions that are presented to ministers in the house and will continue to do so. As the member knows, the ball is squarely in the Liberal Party and Greens party court in terms of producing some suggestions as to what they believe constitutes the satisfaction of the house, which is the key issue at hand that is preventing the Liberals and the Greens from allowing Mr Jennings to resume his duties.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — This is clearly a choice that the government is making. Today the *Herald Sun* called the government's actions 'wasting time' and 'a circus', and said that the Andrews government was 'behaving like schoolchildren' — very clearly a choice that reflects on the government out in the community. So I ask the deputy leader: who provided the direction to take all questions on notice — the Premier, Minister Jennings or someone else?

Ms PULFORD (Minister for Agriculture) — Ms Wooldridge knows full well that the arrangement the Liberal Party and the Greens have cooked up has the consequence of Mr Jennings being prevented from performing his ministerial responsibilities and properly and fully being able to represent his constituents in the South Eastern Metropolitan Region. The ball is squarely in the court of the Liberal Party and the Greens. We would very much like Mr Jennings back in the house so that he can resume his duties. The cabin fever that has gripped the Liberal Party on this question and lead to a six-month suspension — an extraordinary suspension — is outrageous, is unprecedented, and I would encourage the member to reflect on her own actions.

Country Fire Authority enterprise bargaining agreement

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is for the Leader of the Government and Special Minister of State, and following your ruling yesterday, President, I will direct it to the Deputy Leader of the Government. I ask: has Minister Jennings had a meeting with the head of the United Firefighters Union, Peter Marshall, since the election?

Ms PULFORD (Minister for Agriculture) — President, in accordance with your ruling yesterday, I will provide Mr Rich-Phillips's question to the Special Minister of State, and he will respond.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the deputy leader for her response, and I ask: if meetings have occurred between

Minister Jennings and Peter Marshall, on what dates and what was the purpose of those meetings?

Ms PULFORD (Minister for Agriculture) — I refer to my answer to the substantive question.

Child protection

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Previously in this house I have asked the minister to provide the total number of crimes committed by children in residential care. The minister was unable to provide a response and was twice ordered by the President to provide a written response. In her third and final attempt to provide a response she stated that a question should be directed to Victoria Police. In the written response received on Tuesday from the Minister for Police, Minister Neville said it was not Victoria Police that recorded offences by the children in residential care. Is the minister even notified of when an offence is committed by a child in residential care, and if so, what is the process of that notification?

Ms MIKAKOS (Minister for Families and Children) — Clearly Ms Crozier has failed to understand the answer that has been given to her in writing from me and other colleagues, including in the Public Accounts and Estimates Committee, but I will take Ms Crozier's question on notice and provide her with another written answer in the hope that she may finally understand the answer that she has been provided with.

I note that Ms Crozier is one of the many members of the opposition who joined together with the Greens to deprive the Leader of the Government of the right of sitting in this house for six months — an unprecedented act that has disenfranchised the people of his electorate from being represented for an unprecedented six-month period, something that Ms Crozier should be ashamed of.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Police association secretary Ron Iddles has stated that under the minister's watch 'there is no effective control' of children in residential care units. To quote Mr Iddles:

> They break into and steal cars, they deal in and take illicit drugs, are responsible for graffiti, and the list goes on.
>
> Not only do their crimes take up much police time and resources, they also often abscond, triggering missing persons alerts, which chew up significant police resources.

Furthermore, it is reported young people were being recruited into gangs, like the Apex gang, or trading sex for drugs, cigarettes or other favours, such as lifts to the local train station.

If Victoria Police, the police association, the coalition and the public know of offences being committed by children in residential care and that they are being recruited into gang cultures terrorising our streets, why doesn't the minister?

Ms MIKAKOS (Minister for Families and Children) — I will, on the same basis, take the question on notice and provide an answer to Ms Crozier in writing. She has made a number of assertions in her question which I absolutely refute, but I will provide her with a written response.

Health funding

Ms WOOLDRIDGE (Eastern Metropolitan) — In the absence of ministers answering questions, my question is to a member for Western Metropolitan Region, Mr Melhem, and it relates to his notice of motion 234 on the notice paper relating to Prime Minister Turnbull and health funding. In asking the question I note that the Turnbull government's healthcare plan includes a 6.5 per cent per annum increase in public hospital funding over the next three years, which the Victorian government signed up to; strengthening Medicare through innovation in comprehensively caring for chronically ill patients; national leadership on the legalisation of medicinal cannabis, which Victoria has subsequently adopted; new no jab, no play rules, which ensure parents vaccinate their children; and making medicines cheaper, sometimes by as much as 60 per cent per script. So I ask: when will Mr Melhem bring forward this motion for debate so that all Victorians and members of this chamber can hear about the achievements of the Turnbull coalition government and its healthcare plans for the future?

Mr MELHEM (Western Metropolitan) — My answer to the Leader of the Opposition is that the motion ought to be debated when the time is right to be debated. She will be advised during the Monday 4.00 p.m. meetings we normally have before this house sits. She will be notified in accordance with the rules of the house.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I do thank the member for his answer, although not specific, and that is what my supplementary goes to. Point (4) of the motion actually calls on members to stand up for Victorian hospitals and patients. I note that actually under the Rudd-Gillard former Labor government they delivered $11 billion worth of cuts — to Medicare, pathology, imaging, medicines, hospitals, dentals and private health rebates — —

Ms Shing — On a point of order, President, Ms Wooldridge has in fact received an answer to the substantive question and is now proceeding beyond the scope of what can be asked in relation to a motion that is a matter relating to the timing by which the motion will be brought on as opposed to the substance of that motion.

Ms WOOLDRIDGE — On the point of order, President, very clearly this goes to the substance of the motion, which the substantive question was about, and I am coming to the question which is clearly related to it. I have got 38 seconds left to pose my question in accordance with the standing orders.

The PRESIDENT — Order! It is my view that the member does have time still available to put a question, and at that point I will judge the question. The context which she is using is a bookend to the context she used in the substantive question she put to Mr Melhem, so presumably the question will be in line with the substantive question. Let me listen to it.

Ms WOOLDRIDGE — Thank you, President. Perhaps the opposite side did not want to hear about how Labor leader Bill Shorten repeatedly refuses to back his own unfunded and unaffordable hospital commitments. This motion is a great opportunity to expose the failures of former and current federal Labor health policies. So I ask the member: when providing an answer to this chamber on when the debate will take place, can the member advise whether it will be before or after the 2 July federal election to ensure all Victorians can understand the dangers of Bill Shorten's health policies?

Mr MELHEM (Western Metropolitan) — I will say this: we will be happy to debate the coalition and the Liberal Party about our record in relation to health services any time, any day. The record is on our side, not on theirs. They cut health funding; we invest in health. I will look forward to when the time is right for the debate, so do not lecture us about our commitment to health funding. Shame on them.

United States trade mission

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. The United States is Victoria's top combined market for exports and foreign direct investment. The Premier has just returned from the US, where he and Marsha Thomson, the member for Footscray in the Assembly, undertook a trade trip that occurred prior to the minister's own frequent flyer travel to Singapore. Why, as trade minister, did the minister not attend this trade mission to the US?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Thank you, President, for the opportunity to provide an answer. Let me just say that I was at CommunicAsia in Singapore last week, which was the 11th consecutive year that CommunicAsia has taken place with a Victorian trade presence — including Gordon Rich-Phillips, who also went to the same mission. The other two issues that Mr Ondarchie raises in a less than respectful manner I will take on notice.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — My supplementary question to the minister, who also apparently has the respect agenda as part of his portfolio, is: is it the direction of the Andrews government therefore that the Premier and the member for Footscray will lead the trade activities for the government?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I will be taking that question on notice.

Wicked Campers

Ms SPRINGLE (South Eastern Metropolitan) — My question today is for the minister representing the Minister for Women and Minister for the Prevention of Family Violence. Wicked Campers has made a name for itself renting campervans that display sexist, racist and homophobic slogans that are out of touch with Australian values and probably in breach of the law. In 2014 Wicked Campers promised to remove the slogans in response to a petition signed by tens of thousands of Australians. Two years later those slogans are still on Wicked Campers campervans. Does the government have any plans at all to ensure that Victorians, including Victorian children, are not exposed to sexist, racist and homophobic language on the side of commercial vans?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The Greens-coalition alliance has deprived Minister Jennings from being in this house for a period of six months, something that I am very disappointed with, and Ms Springle of course was one of the members of the Greens party that supported that suspension motion. I will be taking the member's question on notice, and I will provide her with a written response.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her non-answer. When will the Andrews government act to protect women, children and other vulnerable Victorians from hate slogans like those seen on Wicked Campers campervans?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. On a similar basis, I will take that supplementary on notice and provide her with a written response.

Animal welfare

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Agriculture. The RSPCA has raided two properties this week which could only be described as appalling, with dogs, cats and birds stuck in small cages, in filthy conditions, underfed and suffering a range of physical ailments due to those conditions. Four deceased dogs were also found, and it appears that one of the property owners is a registered dog breeder who sells dogs online and has already been banned from dog shows due to concerns about animal welfare and sales. In answer to questions on notice earlier this year from another member, the minister indicated that the RSPCA has received more than 120 reports and that 35 suspected activities are underway. How many raids has the RSPCA done on properties like this?

Ms PULFORD (Minister for Agriculture) — I thank Ms Pennicuik for her interest in this issue and indeed our work to crack down on puppy farms. I will provide an answer to Ms Pennicuik in writing.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for her indication that she will provide a written answer. My follow-up question is with regard to the regulation of puppy farms in this state, which has been an issue that has been debated in this chamber for many years and one that I have been pursuing for a long time. The minister said in November last year that she would bring legislation into Parliament in the first half of this year to conclude the work on puppy farms. Can the minister advise as to when that legislation will be forthcoming?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question. I will provide a written response to that matter.

Medical treatment consent

Dr CARLING-JENKINS (Western Metropolitan) — My question is for the minister representing the Minister for Mental Health, Minister Mikakos. I have heard numerous reports of electroconvulsive therapy, or ECT, being performed without informed consent here in Victoria. It is a mistake to assume that a person with a mental illness cannot give informed consent. Can the minister address the issue of why people in Victoria are being subjected to ECT without informed consent?

Ms MIKAKOS (Minister for Families and Children) — I thank Dr Carling-Jenkins for her question. This is a matter that she has previously raised in the house, and I do note her previous advocacy around the issues of ECT, and at that time I was aware that she was having some discussions with Minister Foley regarding these particular matters. As this matter relates to Minister Foley's portfolio, I will take that question on notice, and I am sure that Minister Foley will be very happy to provide her with a written response.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for taking this question on notice. It is also my understanding that children are being subjected to ECT without informed consent here in Victoria, and I wonder if the minister can also address the issue of why children in Victoria are being subjected to ECT without informed consent.

Ms MIKAKOS (Minister for Families and Children) — I thank Dr Carling-Jenkins for her supplementary question. I will take that supplementary question on notice as well, and the written response will incorporate a response to both of those issues.

Game Management Authority

Mr YOUNG (Northern Victoria) — My question today is for the Minister for Agriculture. It has come to my attention that one or possibly more members of the Game Management Authority (GMA) board have

resigned. What is particularly disturbing about these rumours is that the chair is one of them. It is not, however, surprising given the events of past months, when the GMA has been stepped over, ignored and stifled by a government that has bent very easily to the will of animal rights extremists. One reason which is a suspected cause of this is the failure of the government to sign off on the GMA's action statement for the past 18 months, and it has left the authority floundering. Can the minister confirm that the action plan has not been signed off on and given to the GMA for implementation?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his question and for his interest in the work of the Game Management Authority. Mr Young is correct in noting the resignation of the chair, and I take the opportunity to thank Mr Hallam for his significant contribution to the Game Management Authority. He was a chair appointed by my predecessor and was the inaugural chair of the Game Management Authority, and he provided great leadership to that organisation in its earliest days. I thank him for that, and I am sure that his board would also recognise the significant leadership that he has provided.

We will be commencing the recruitment process for a new chair of the board, and I will look forward to no doubt receiving a range of high-calibre applications from people who are interested in the ongoing work of the Game Management Authority.

In relation to Mr Young's specific question about the work plan for the Game Management Authority, I will take that on notice and provide a written answer to Mr Young.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for her answer. Mr Hallam has indeed done some very fine work in the setting up of the GMA, and he should be commended for that, but the minister will now have to select a new chair for the board. I do look forward to seeing who it is. I ask: how long will the new chair have to wait to have this signed off, allowing them to do their job?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his further question and interest in this matter. The government will continue to work closely with the board of the Game Management Authority. The Game Management Authority has indeed, through a really difficult duck hunting season this year, provided advice that has been of great assistance to the government in making decisions in some pretty challenging circumstances, given the dry conditions in which duck hunters and indeed those who are opponents of duck hunting have been operating. This entire debate has occurred during the course of the 2016 season in that context. The Game Management Authority's advice is something that I certainly appreciate and have in every instance relied upon.

Written responses

The PRESIDENT — Order! In respect of today's questions asked, I have Mr Rich-Phillips's questions to Ms Pulford, both substantive and supplementary; Ms Crozier's to Ms Mikakos, the substantive and supplementary; Mr Ondarchie's to Mr Dalidakis, the substantive and the supplementary, and Mr Young's to Ms Pulford, the substantive and the supplementary. We have been advised there will be written responses to each of those, and as they are within ministers' jurisdictions they are one day. Ms Springle's questions to Ms Mikakos, the substantive and the supplementary, involve a minister in another place, so that is two days. Dr Carling-Jenkins's question, both the substantive and the supplementary, also involves a minister in another place, so that is also two days.

Ms Wooldridge — On a point of order, President, could I put to you — and you may want to review the *Hansard* — that in relation to the supplementary question of my question no. 1 to the deputy leader, which was actually about who had provided direction in relation to the government taking all questions on notice, there was not even an attempt to answer it in Ms Pulford's response. Therefore in my view she should be asked to provide a written response.

The PRESIDENT — Order! All right. I will seek a written response on the supplementary question to Ms Pulford in regard to that matter.

Mr Ondarchie — On a point of order, President, my point is in relation to a written response to a question without notice that you directed Minister Dalidakis to provide to me yesterday in relation to a question on Telstra code clubs. The answer to the substantive question, whilst is almost a direct lift from the Telstra code club website, suffices. However, his response to the supplementary question, which related to how much money the government has invested in code clubs, not unlike his earlier responses of 'Look it up on the website', simply refers me to an annual report — to go and look it up in an annual report. I ask that the supplementary question be reinstated.

The PRESIDENT — Order! I will consider that further. I will have a look at that one.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My constituency question is for the Treasurer. The member for Eltham has talked in Parliament about and publicised the $50 000 provided in the 2016–17 state budget for the Research Country Fire Authority (CFA) to extend its station. Constituents of mine were surprised by the funding and do not know where it has come from or what it funds. I ask the Treasurer: which department and which program or funding stream is this $50 000 allocated from for the Research CFA? This is very important, because it is unclear where that allocation is from — if it is from the emergency services department and portfolio, if it is from Treasury or if it is from elsewhere. It would be exceptionally helpful to be able to understand the department and the program or funding stream this funding is allocated from.

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) — My constituency question is for the Minister for Veterans, the Honourable John Eren. How will the 5000 Poppies project help commemorate our veterans community through its appearance at the prestigious Chelsea flower and garden show in London? What contribution have veterans from the northern suburbs made to Australia's various conflicts and peacekeeping operations, and what projects have recently received or will receive support in my region to help commemorate their contribution?

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is for the Minister for Education. Warrnambool College offers the only sporting pathway program outside the major cities in Victoria. This is a new initiative that aims to use the passion of sport to engage and expand a student's learning opportunities. It is a partnership between Federation University Australia in Ballarat, the school and a range of elite local coaches and qualified fitness instructors. Because of recent changes to school zoning in our region, this excellent and sought-after program is only available to students who live in the Warrnambool College zone. I have had a number of families approach me regarding this program and their inability to enrol their children at Warrnambool College due to zoning. I ask the minister to review the zoning requirements and investigate how we can make this excellent program available to more students in my area.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Energy, Environment and Climate Change. It comes as a result of recent communication I have had with some constituents of mine who live near Darebin Creek. They have observed evidence of contamination of the creek, including dead eels, dead carp and water of a grey-brown colour. This is not the first case of contamination of the creek. There have been several cases of pollution of the creek over the years, the worst being in 1991, when a damaged barrel of strychnine found its way into the creek from a local factory. Since then the creek has been turned orange by pollutants and has had foam floating downstream on two occasions; these incidents are suspected to have resulted from the run-off from two local drains. I understand that the Environment Protection Authority Victoria is currently analysing the results of the dead eel, water and sediment samples taken from the creek and will communicate the results to the Darebin Creek Management Committee. I ask: will the minister commit to launching a full investigation into what led to the creek's contamination, what steps are being taken to clean up the creek and what will be done to ensure the creek remains safe into the future, considering the potential risks associated with its proximity to an industrial zone?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Public Transport in the other place. The environment effects statement (EES) on the Melbourne Metro rail project was recently released, and it includes extensive comment on tree losses in relation to the project and in particular for the Domain station precinct. In fact it states that 223 trees will be lost. The report says, and I quote:

> All trees within the St Kilda Road construction zone would be removed.

But yesterday on ABC radio Evan Tattersall, the CEO of the Melbourne Metro Rail Authority, said this was a worst-case scenario only. I ask the minister: which is it — is the EES right or is Mr Tattersall right?

Eastern Victoria Region

Ms SHING (Eastern Victoria) — The matter I wish to raise today is for the attention of the Minister for Education, Mr Merlino, in the other place. It is a matter that may in fact require him to work with the Minister for Sport, Mr John Eren. It is in relation to the Wonthaggi Amateur Basketball Association and the

work it does to encourage people of all ages and ability — boys, girls, men and women — to participate in basketball in the area. The limited facilities in the area require people to play shortened games and provide them with little opportunity to practise and improve their skills. There are also concerns in relation to the way in which the facilities are not adequate to support any level of competition in the area. This is despite enormous community interest in this sport in an area where often it is necessary to practise and to play indoors, given the area's often very rainy and inclement weather. I ask the minister to provide information on when and how funding can be provided to assist with an upgrade to the basketball facilities in the area.

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My constituency question is directed to the Minister for Roads and Road Safety. A constituent of mine from Bairnsdale has contacted me frustrated with the black hole in this year's state budget for the renewal of the rail bridge over the Avon River at Stratford in my electorate. My question is: when will the renewal of the rail bridge at Stratford take place? The Andrews government's *Connecting Regional Victoria* report spruiked a grand plan for the next 20 years, including five rail services between Bairnsdale and Melbourne per day. When in government the Liberal-Nationals coalition increased public transport services to Bairnsdale to five services per day — three rail and two bus. At present a train must slow to between 20 to 40 kilometres an hour to travel over this antiquated bridge. My constituent cannot understand why this bridge has not been funded in the 2016–17 budget when the government is boasting a $2.9 billion surplus.

Western Victoria Region

Ms TIERNEY (Western Victoria) — My question is for the Minister for Training and Skills, and it is in relation to an announcement the minister made in my electorate last Friday. In another welcome boost for Gordon TAFE in Geelong, the minister announced that $5 million of the Andrews government's TAFE Rescue Fund would go towards the $10 million redevelopment of the Gordon's city campus. The redevelopment will include a new library, a student lab on the corner of Little Malop Street and Latrobe Terrace, and an upgrade to the Gordon's building on the corner of Latrobe Terrace and Gordon Avenue. I ask the minister: when will work on this redevelopment begin, and what is the expected time for its completion?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My question is for the Treasurer, and it is in relation to progressing the proposed convention centre for Geelong. I raised in this chamber in the last sitting week the proposal that the government as an option could look at compulsory acquisition of the Deakin University car park as a way of progressing the deadlock that seems to have occurred between the university and the government in relation to the preferred site. Jane den Hollander, the vice-chancellor of the university, has indicated in the *Geelong Indy* that there has been no discussion with the government in relation to the purchase of the site or in fact a business plan for the convention centre, which I find incredible. Peter Dorling, the chairman of the Geelong planning authority, which sits under Minister Wynne, says that his committee has not yet made approaches to Deakin University in relation to the site. It seems to be well supported by all stakeholders. My question to the Treasurer is: why has the government not made an approach to Deakin University for the purchase of the car park as part of the business plan for the convention centre?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Local Government. I refer the minister to her response to my constituency question of 9 February 2016. While I am grateful for the history lesson — and I find the minister's particular bent on recent events relating to the government's big lie to the Sunbury community interesting to the say the least — her response in no way answered my question or went anywhere near doing so. I therefore ask again: what role did the member for Broadmeadows in the Legislative Assembly; the Labor councillor for Sunbury, Cr Ann Potter; and/or the Australian Services Union play in the decision to leave Sunbury shackled to the City of Hume?

STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016

Second reading

Debate resumed.

Mr MULINO (Eastern Victoria) — I was just finishing up commenting on the overall position that we find ourselves in, which is that the government is prioritising a strong fiscal position and that expenditure and revenue should be broadly balanced over the

forward estimates. The government's tax strategy has that very much in mind.

Let me turn to the individual elements of this act. The first is an increase in the foreign purchaser additional duty to 7 per cent, up from 3 per cent, and an increase in the absentee owners surcharge to 1.5 per cent, up from 0.5 per cent. This is really about foreign purchasers of residential real estate contributing their fair share to the amenity and livability of our state. It is critical to say up-front that no Victorians will pay these surcharges. As Mr Barber indicated in his contribution, this was a measure supported in last year's consideration of the budget and the tax bills, and it is really a reasonable and appropriate increase in those measures, very much keeping our level of taxation in line with comparable jurisdictions — in fact below many comparable jurisdictions. When you look at the kind of levies imposed in some other jurisdictions, such as Singapore and Hong Kong, the level imposed in Victoria will be considerably lower.

I think it is important to flag that context, because what we see here is a decision made by foreign purchasers that has many dimensions to it. The level of taxes raised at the point of transaction is just one of those. They will look, for example, at the short, medium and long-term expected returns. They will make their own minds up about what they are likely to be in Victoria, but one might imagine that in coming to a decision they would take into account the likelihood of strong population growth in Victoria. They might take into account the fact that income growth in Australia and Victoria has been relatively high compared to other OECD countries over recent years. So one could imagine that some foreign purchasers would in their minds have a number of favourable conditions when they look at what they might expect returns to be.

One would also imagine that foreign purchasers would have in mind the very high level of quality of life in Victoria, and they would have in mind the very high quality of infrastructure in Victoria. Indeed this is one of the reasons why we believe they should make a greater contribution, given that they have not made a contribution to the amenity and the infrastructure that they are going to benefit from once they make their purchase. They would also of course make the decision in light of the fact that there are a number of risk and diversification benefits from them entering the Victorian market. A purchaser from another country where there might be higher macro-economic and sovereign risk issues would look to Victoria and see a very low risk environment.

There are many, many factors, and the transaction costs are just one of them. That is why when we think about the behavioural impacts we see that there is continued very strong growth in the amount of transactions from foreign sources, and this is not surprising, given that an increase from zero to 3 per cent last year and zero to 0.5 per cent would not be a material negative factor in the minds of most foreign investors. That is a reasonable interpretation and that was borne out by the data. So there is every reason to expect that going from 3 per cent to 7 per cent and 0.5 per cent to 1.5 per cent will not have a material negative impact. To the extent that we have data coming in, it suggests that there is very strong continued interest from foreign purchasers. So this is a very balanced and reasonable change in the rate at which that particular tax is levied.

Now I do want to foreshadow a house suggested amendment. That suggested amendment by the Council will be formally moved by Minister Pulford, but I do want to just briefly speak to it and, on behalf of the minister, would ask that that be distributed throughout the chamber for consideration by all members.

That house amendment will ensure that an unintended consequence will not occur. The house amendment will ensure that the definition of 'residential property' will not include 'commercial residential premises' within the meaning in the A New Tax System (Goods and Services Tax) Act 1999. This will mean that premises such as hotels, motels, serviced apartments and student accommodation will not be captured by the duty surcharge.

Government suggested amendments circulated for Ms PULFORD (Minister for Agriculture) by Mr Mulino pursuant to standing orders.

Mr MULINO — The purchase of retirement villages, residential care facilities and supported residential services will also not be included. So the sales of retirement village complexes are not treated as commercial for GST; however, they are still commercial undertakings and will not be captured under the amended definition. The purchases of single units of short-term accommodation, such as the purchase of a room in a hotel that is leased back to the hotel, are more akin to passive investments, and therefore they will still be captured by the foreign buyer duty surcharge.

I think it is important to acknowledge that we have positively and constructively worked with stakeholders in developing this amendment, and I think it adds to the effectiveness of the bill and removes a potential

unintended consequence, so I support that amendment obviously in addition to supporting the bill as a whole.

I want to speak briefly about the change in the brown coal royalty. I do want to get on the record right from the start that a royalty is not a tax. A royalty represents compensation for the permanent loss of non-renewable commodities that the community owns. If one takes the time to go to any standard definition of royalties and taxes in any number of jurisdictions — I will not go through the detail because I am down to 4 minutes and 54 seconds — there are any number of references to the distinction between royalties and taxes. This is not an unimportant distinction, because this is a community asset. As other speakers have acknowledged, we are incurring revenue that is far below comparable revenue in other jurisdictions, and it just does not make sense. It is not justifiable.

So what we are doing is taking a level of royalty in this jurisdiction up to a level that is comparable and makes more sense in relation to a non-renewable asset that the owners of various large corporations are using for commercial profit. There is no reason why they should not pay a fair return to the Victorian community. The royalty rate has not changed in a decade, and that does not make sense.

I also want to briefly touch on some comments Mr Rich-Phillips made in relation to the impact on households. I do believe that these kinds of transitions have to be done in a way that balances the impact on the community and on households, and that is probably why we are going to inevitably end up in the middle on these matters — in between the coalition, which wants to do almost nothing on climate change, and the Greens, who, for example, will torpedo the emissions trading scheme at federal level because they want perfection or nothing. So, yes, we are the ones who actually get things done.

When we look at the way the national electricity market works, we see that energy is only one of the inputs to coal-fired generation. There is also capital, there is labour, and there is also the fact that the national electricity market is very competitive at the generator level, which is something Mr Barber spoke about at length. There is also the fact that what is critical is the impact that any charge has on the position of the generator in the order of generators — the order in which they enter production.

The advice that the Treasurer has received from Treasury and Finance indicates that the impact of this on the end user — and I do acknowledge that it is important — is going to be something in the order of 0.18 per cent. This was discussed by the Public Accounts and Estimates Committee. On a bill of, let us say, $1000 — the average bill is a bit more than that, I think — that is less than $2. We should put this in context. This is an appropriate, balanced measure that raises the level of revenue through royalties from a sector that has not been paying its fair share for some time, but it will not have an undue influence on end household users of electricity.

Finally, in the remaining 2 minutes, I want to talk about the very positive changes to payroll taxes. We are reducing the burden on business, and that will have a positive impact on employment and, I might say, a positive impact on employment from a government which has achieved already so much in employment — a government which has been running an economy where the unemployment rate has come down by over 1 percentage point. The Labor government inherited 6.9 per cent, and it has come down by over 1 percentage point from there, with over 100 000 jobs created in Labor's 18 months in government, which is more than in the previous 4 years. What we have proposed in this bill is that starting 1 July 2016, and every year thereafter, the threshold will increase by $25 000, ultimately lifting to $650 000.

There has not been an increase in the threshold for a long time. Thanks to this change 2800 businesses will no longer pay payroll tax. That is a significant reduction in their administrative burden, quite apart from the impact on their tax burden. In total 36 000 businesses in Victoria that pay payroll tax will see a reduction in their tax burden. This will create even more jobs than are being created now.

This is in contrast to a government that only had one measure on payroll tax in its whole four years in government, which was to slice it in a very marginal way from 4.9 per cent to 4.85 per cent, right at the end. Those opposite talk big; they are very good at talking big, but they did not do much when they actually had control of the levers.

Finally, we are also reinforcing our commitment to apprentices and trainees by giving a payroll tax exemption for wages paid to displaced apprentices and trainees. This is a very significant bill and it is part of a very significant budget, a budget that was well received by all sectors throughout the economy. The investments in infrastructure and the investments in social services were very well received, and this underpins that by ensuring that our fiscal position is strong and our expenditure and our revenue are broadly in balance over the forward estimates. I commend this bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — Today I welcome the opportunity to talk about the State Taxation and Other Acts Amendment Bill 2016 and to follow the sacrificial lamb of the government, Mr Mulino, who has had to stand up and be an apologist for its mismanagement of this state. It is interesting in relation to a bit of legislation that has come as a result of the predatory period around constructing the budget, the announcement of the budget itself by the Treasurer and this bill passing through the lower house that here today, when the house of review is due to finalise its commitments to the State Taxation and Other Acts Amendment Bill 2016, we get at the very last minute, at the death knell, a range of amendments.

This is a government that you would suspect had been in the budget preparation period since probably about September or October last year, if not before. It has gone through the whole process of constructing the budget, selling it internally and giving all the bad news to Victorians, particularly affected groups, on what money they are not going to get. It has gone through the Legislative Assembly, where the government voted in favour of it, and then at the very last minute it said, 'Actually, we got some things wrong, and here are some amendments'. It is amateur hour in the Daniel Andrews Labor government. This is a government that clearly has no fiscal responsibility and no fiscal expertise. To bring in this series of amendments, which we will deal with in the committee stage, at this last moment is just another example of how Victorians are suffering under a bunch of people who cannot manage money.

What does this bill do? It increases the land transfer duty — the stamp duty surcharge — on the purchase of residential property by foreign purchasers and increases the land surcharge on absentee owners. It increases the threshold for the royalty payment on the production of lignite brown coal, which is expected to raise about $252 million in additional revenue over the four years from 1 January 2017. As I said, it increases the land tax payable by foreign absentee owners from 0.5 per cent to 1.5 per cent — a threefold increase. That measure will take effect from 1 January next year. It will raise about $112 million over four years.

I want to take us back to what the now Premier said in his last days, as it turned out, as opposition leader to Channel 7 news. This Labor Premier was asked by Peter Mitchell of Channel 7 news in a live interview on the steps of Parliament House on the night before the election, 'Do you promise here tonight that if you are Premier, you will not increase any taxes or charges or introduce any new taxes or charges?', or words to that effect. The now Premier looked down the barrel of the camera from the steps of Parliament House, a house that Victorians should be able to look at and trust, and with all the rhetoric and false sincerity he could muster — and we know he is good at that — he said, 'I make that promise, Peter, to every single Victorian'. That was the promise he made on the night before the election. It is not that long ago because the government keeps talking about that day. That was the promise: no new taxes and no increases in taxes. Yet when we look at this bill it is quite evident that the Premier says one thing but does another.

This bill increases the surcharge on land transfer duty, known as stamp duty, from 3 per cent to 7 per cent. This surcharge is payable by a foreign purchaser who acquires a land interest in residential property. This measure is forecast to raise $374 million over four years. That will make opportunities for property investment less attractive when compared to the other states of Australia. One could easily surmise that this added new tax that the Premier said we would never have will have a net effect on investment in this state, on construction in this state and, most importantly, on jobs in this state — jobs for every Victorian who wants a job. This government is falling well behind.

We are yet to hear a plan for what the government is going to do for the automotive manufacturing workers whose plants will shut from September this year through to December the following year. There is no plan for jobs. What is the government going to do for the supply chain that services and provides to those automotive manufacturers? What is it going to do for the ancillary services that supply to both the supply chain and the manufacturers themselves? What is it going to do for the mums and dads who have mortgaged their homes to build a cafe in an industrial estate to service those industries that will not be there any longer? There is no plan.

What is it going to do for the families that run courier businesses, taking products from manufacturers to suppliers or vice versa? What is it going to do for those people? What is it going to do for the families that rely on the income of parents who cut the lawns outside the manufacturing companies, who will not have their jobs any longer? There is no jobs plan. It is just rhetoric. It comes back to the exact point that the Premier made to Peter Mitchell that night on the steps of Parliament House. He said he would not do something, and he has done quite the opposite.

I wonder if the Country Fire Authority volunteers in this state feel a bit aggrieved by that sort of promise as well. The Premier said he would support volunteers.

Clearly he has taken his union mates over those volunteers. It goes to the point of who is running this state — is Peter Marshall running this state, is Luke Hilikari running this state? — because the Premier will not stand up for 60 000 volunteers in this state.

There is an increase on brown coal and property taxes. This represents just a standard tax grab by a government that said it would not do it, and this will have a net effect.

Mr Mulino — It is a royalty.

Mr ONDARCHIE — I do credit Mr Mulino with some intelligence. He knows that the increase on brown coal is going to have a net effect on electricity prices; he knows that. Despite his rhetoric about a national electricity market, it is going to have an effect on electricity prices, and who pays for that? Ordinary working families and small business will pay for that. This is going to have an effect on household expenditure, and it is going to have an effect on small business, and the government is in absolute denial. The government has not taken any modelling which shows that this tax will have an appropriate positive effect on this state. It just represents another broken promise by Labor. Today it charges up its sacrificial lamb in Mr Mulino to be an apologist for it, and to some degree that is unfair.

What is interesting is that this is a government that is totally underwhelming Victorians — totally. There is a reason to be concerned about this government. This new carbon tax, this new mining tax, by this government is going to hurt Victorian investment. It is going to hurt Victorian jobs. I am still waiting for the government to stand up for employees that will be affected by this tax grab by the government. It is a budget of broken promises. It does put into the history books the fact that Tim Pallas will be the highest taxing Treasurer in this state's history. But it is not just the government that is the beneficiary of these taxes. When we see the wages increase going to public servants and going to unions, we know what this money is being used for.

I have to say to members, as we go through the construction of this bill today, there is no greater example of this government's mismanagement than its capacity to increase taxes when it is running out of money. Government members talk about a surplus in this state. This is the same surplus that was left for them by the former Treasurer, Michael O'Brien in the Legislative Assembly. So when the Treasurer quotes the surplus in this state and what it looks like over the forward period, it is simply the money that was left for him by Michael O'Brien. This is a government that clearly does not care for Victorian workers and a government that does not care for small business.

And the silence we get from ministers in this place when they are asked direct questions that affect our constituents, our Victorians, our small businesses — the silence we get by way of protest because Mr Jennings is not at the table — is embarrassing for this Parliament. Clearly the government cannot operate in this place without Mr Jennings. Clearly government members fall away very quickly in terms of skill and ability —

Mr Finn — There's not much there.

Mr ONDARCHIE — as Mr Finn says by way of interjection. This bill, which we will have a strong look at in committee — hopefully today if the government wishes to do that — needs some examination. Those amendments need some examination, and I look forward to doing that in the committee stage.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution to the State Taxation and Other Acts Amendment Bill 2016. This is one of the bills that forms part of the budget cluster. It provides the funding for the government's activities, for the community's activities; it is an important bill in that sense. But this bill this year sets new heights in terms of taxation. Not only, as in most years, do we see record levels of taxation taken from the community but on this occasion that surge in taxation reaches new heights.

Stamp duty has gone up — $1.6 billion, in just one year; insurances taxes are up 6.3 per cent; and the land tax take is increasing by 28.3 per cent. These are massive increases and historically large surges in taxation by this government. It is not as though this government is spending the money wisely; in many cases we have seen it squander money in a number of areas, particularly areas like the wasted $1.1 billion with respect to the east–west link. We have seen a lack of focus on good outcomes.

My points today relate to the property industry and relate particularly to the construction sector and what is occurring through this budget. It is very clear that property is being taxed to the hilt and the competitiveness of Victorian businesses and housing affordability for families will be hit very directly. This, I put on record at the start, is not an argument about shifting the balance of taxes. One argument that we hear in the community is that you might increase taxes on property but you would remove equivalent amounts of taxes elsewhere in the system. That is not what is

going on here. These new and extraordinary surges in property taxes are being built onto the base of all those other taxes as well.

I think it is important to look at what these new taxes are doing and at the significance of what will occur here. We are seeing the absentee landowner surcharge increase significantly again — from 0.5 per cent to 1.5 per cent from the 2017 land tax year. We are seeing the land transfer duty surcharge on foreign buyers go from 3 per cent to 7 per cent, and this will have a number of effects. I will come back to and say something about that shortly. We also see in this budget the announcement of a State Revenue Office (SRO) land tax compliance program.

We know that the State Revenue Office is a very difficult beast in terms of the fairness with which it operates, the way in which it collects and the sharpness of its focus on many taxpayers. Budget paper 3, at page 117, states:

> The State Revenue Office will undertake compliance programs involving the land tax principal place of residence exemption, foreign purchaser additional duty, absentee owner surcharge, undeclared changes in the composition of business partnerships that own land …

For a long time the SRO has been chasing land-rich entities, often with erroneous enthusiasm, which is occasionally knocked out in court. That has been a pattern. The State Revenue Office has come back again and again to this chamber wanting more powers and more ability to crack down on those who hold land, particularly in undeclared trusts.

The quote continues:

> Anomalies identified will be further investigated by the State Revenue Office and taxpayers will be assisted to improve compliance.

That is sort of Orwellian speak for, 'We're going to crack down and make you pay more'.

It is important also to note that a further brown coal royalty will be put on. The royalty rate will be increased threefold from 1 January 2017. This is a significant hit on energy costs for families and for businesses across the state, and it will hit the competitiveness of Victoria. It is important to put on record those initiatives that the government is taking that will hit a number of key land tax payers.

I also want to particularly pay attention to a number of the commentaries that have been made around this budget by key groups in the community. I know that many in the property sector are concerned. Asher Judah, from the Property Council of Australia, put this out in a very clear article on 28 May in the 'Domain' section of the *Age*. I am going to quote from his article headed 'New property taxes put Victoria's standing in global economy at risk'. He said:

> The state government's decision last month to increase stamp duty and land tax surcharges on foreign investors has put Victoria on the global map for all the wrong reasons.

I note that New South Wales may be about to match Australia, and I think it is important to look at the context in which this is happening — a crackdown by the federal government and a full implementation of the current law by the federal government, something that people support. The article continues:

> Our state has a long history of successfully opening itself up to much-needed foreign investment.

Mr Judah goes on:

> When we needed to pay down state debt in the 90s, it was foreign investment that bought —

a number of key assets. He goes on to say:

> Victoria's new foreign investor taxes are a backward step that threatens our engagement with the global economy. Sadly, it is not the beginning of something positive as one might imagine. Instead, it will lead to weaker jobs growth, more expensive housing and a diminished international reputation.

He says — and I think there is some validity in some of the points he makes here:

> These taxes are built upon three pervasive falsehoods.
>
> The first fiction underpinning these taxes is the belief that they will help make housing more affordable.

In fact he points out that that will have the opposite effect, because the new taxes are designed to give locals an edge — and I think the government has spoken to that effect — over foreign investors when they compete. He continues:

> The key problem with this objective is that the policy actually achieves the opposite.
>
> Take Melbourne's inner city apartment market. If you impose a $45 500 tax on new apartments in a market where 40 per cent of purchases are foreigners, you won't be tilting the playing field in favour of locals; you will risk derailing the entire market. The reason for this is simple. When you make an investment product more expensive, fewer people invest in it.

I think there will be an effect very similar to the one he describes. He says:

> Foreign investors comprise 30 to 60 per cent of apartment tower pre-commits. If you undermine that interest, fewer towers will be built. Fewer towers mean scarcer housing stock.

So there are planning changes that have been made by the current government that will reduce the supply of towers coming through, particularly in the central city and also, in a strategically flawed move, in the precinct around Fishermans Bend. He continues:

> The second problem is the perception that these taxes are an effective method for controlling Asian investment in Victorian real estate. The reality of this policy, however, is something very different.
>
> The taxes which have been introduced are not just discouraging Asian investment; they are also harming Canadian pension funds, American manufacturers and German retailers.

He makes the point clearly that the Melbourne Convention and Exhibition Centre, Boeing and Aldi are all providing business investment and have done so with the support of previous governments. Today, he says, we 'tax them for setting up shop'. I think there is legitimate point that is being made here and that there is a risk in the long run that what looks like an easy tax — and is in many respects a popular tax — will actually have an effect on the property sector and the overall supply of property and also have an effect on the business sector, where investment is an important part of long-term job creation. Mr Judah says:

> As things stand now, dozens of property transactions across the state are being reconsidered or cancelled.

That is true anecdotally. Moving around the property industry, that is what people are saying. He continues:

> The final myth about these taxes is the belief that only foreigners will pay for them. This is stubbornly incorrect.

Mr Judah points out:

> Due to mistakes in the legislation and the unwillingness of the State Revenue Office to make clear rulings on regulatory issues, Australian tenants and corporations are forced to pay these taxes despite solid assurances that they wouldn't.

That is also anecdotally what we are hearing — that a number of Australian investors and a number of key groups are in fact being stung by these taxes when clearly that was not the intent of the Treasurer or the intent of the Parliament. I think people should be very concerned about that. Mr Judah goes on to say:

> The inconvenient truth is, foreign investor taxes hurt Victorian businesses because the taxes haven't been implemented properly.

This is a Treasurer who struggled with the implementation of these new taxes. We heard that last year. There had to be changes made — for the first time. I have been in this Parliament for 20 years, and I do not remember another general state tax bill of that type being amended due to blunders by the Treasurer and his people. Those things need to be on the record and on the record very clearly — that things are still not right. It is still catching people and groups it was not intended to catch. Mr Judah says:

> In the end, the most important question the Victorian community needs to ask itself is whether it is ready for the 21st century or not. With the world's attention fixed upon us, now is not the time to be doubting our long-term commitment to the global economy.

There is no question that the signal that has been sent out of Victoria with a number of these changes is significantly negative. I have spoken to overseas investors, and that is what they say. I do not say that lightly. Other states also see this. The *Gold Coast Bulletin* recently carried an article headed '"Open for business" charm offensive planned to bring disgruntled Victorian developers to Gold Coast'. Queensland authorities are rolling out the red carpet to attract investment and Victorian developers. It is very significant that places elsewhere in Australia are seeing an opportunity, and there is, I think, real risk in that.

It is also important to place on the record the risk that a number of these changes bring. There have already been federal changes. There are massive planning changes under this government which are having a significant impact and slowing development and slowing investment, particularly in central areas of Melbourne. Then you also have the decisions by the federal government to crack down, correctly, and apply the law as it is.

It is also important to see this in the context of the Australian Prudential Regulation Authority (APRA) and the recent changes APRA has made in its advisories to various lenders. One of the better discussion papers on this matter is a paper from 18 March this year from a Macquarie University financial risk day in Sydney written by Heidi Richards, the general manager, industry analysis, at the Australian Prudential Regulation Authority, titled *A prudential approach to mortgage lending*. It might be dry reading, but it is actually a very interesting read to understand what is happening. Ms Richards looked closely at what is happening and what has happened over recent times with the share of loan approvals, particularly investor approvals. It is worth noting the use that is made by APRA of loan-to-value ratios and some of the scenarios and stress testing that APRA has undertaken with a number of our lending institutions.

It is important in this context to see the encouragement to not lend to such high ratios. I am not arguing that this is the wrong approach. I am arguing that there is in fact

a genuine risk that we face right now and in the forthcoming months that the changed practices here will have an impact on those off-the-plan products bought by people, particularly foreign investors, who are now disadvantaged by the APRA changes. What I think is at risk of occurring relates to the sharper arrangements that have been put in place by APRA. I quote from page 5 of the paper by Ms Richards in which she refers to authorised deposit-taking institutions (ADIs) and the loan-to-value ratio (LVR):

> More recently, APRA's initiative to rein in growth in the investor segment of the market has prompted a number of ADIs to use LVR caps as a lever to reduce loan approvals in this segment.

They have been successful in reducing the number of loans. However, there is a significant hangover, and this I think risks being a real issue for metropolitan Melbourne. Where those who have put down payments on off-the-plan properties now come to settle two years later and the lending arrangements, particularly with Australian banks, have in fact been tightened, there will be a difficulty.

In conclusion, I will make some very sharp points. There is some risk — —

The DEPUTY PRESIDENT — Order! Time has expired.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (PUBLIC SAFETY) BILL 2016

Second reading

Debate resumed from 8 June; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Ms DUNN (Eastern Metropolitan) — I rise to speak on the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016. This bill seems innocuous on first sight. It repeals a historical artefact from law. In ordinary circumstances, this chamber would rightly approve such a bill with brief consideration due to it. Yet this bill, as modest as it is in length, opens up complex issues. This bill is being rammed through Parliament by the government with a sense of urgency. If only the government had applied a sense of urgency to the disruption happening to the taxi industry in this state, we would not find ourselves in the predicament we are in today.

Ridesharing services have been in Melbourne for several years and were well established by the time the Labor Party came to power in 2014. Since that time all we have seen on the part of members of this government have been a few public utterances on how they want to consult stakeholders in the industry and a quarterly stakeholder meeting, with too little progress between sittings. There has been absolutely no indication of a time line for introducing ridesharing legislation and regulation, with words like 'imminent' and 'soon' bandied about. There have been no regulations established to provide guidance to ridesharing platforms, leaving consumers and drivers in a legal grey zone in relation to appropriate and important protections. There has been no public indication of establishing industry-wide agreement on transitional arrangements, preserving hail and rank rides for taxis and compensation for taxidrivers and operators. Instead of being proactive and establishing a regulatory framework for ridesharing, the government abdicated responsibility to the courts.

Ridesharing can work in other jurisdictions. I am going to turn for a moment to describe a couple of jurisdictions that have successfully regulated ridesharing. I turn first to the ACT, where we see a successful Greens-Labor government. In relation to ridesharing, it has managed to regulate there for mandatory driver medical assessments, minimum driver training requirements, vehicle inspection by government-accredited inspectors, specific compulsory third-party insurance and property insurance. When we look at taxis in the ACT, we see it has managed there to regulate reduced fees of 75 per cent, a reduction of existing regulatory requirements and retaining sole access to rank and hail markets, and the disabled taxi scheme remains in place, providing subsidised fares.

I turn now to what is happening in South Australia, another jurisdiction that has managed to regulate successfully for ridesharing, which becomes effective on 1 July this year. In South Australia there is a $1 levy per ride across platforms to fund a compensation arrangement for taxi plate owners and drivers; a flat annual licence fee of $85, with hire car limousines reduced to the same licence fee; and safety and insurance checks for ridesharing. In terms of the taxis and how they are treated in that state, there is an $80 million compensation fund funded by that $1 levy; $30 000 compensation per plate; a higher tariff for taxi fares on Friday and Saturday nights, recognising that there are workplace safety issues at those times; and a general taxi fare increase.

It is not clear what the government hoped to achieve through letting the Brenner case take its course, but it is now clear it did not go as the government had planned and as a result we have this rushed legislative intervention. The government has claimed it urgently needs to repeal section 159 of the Transport (Compliance and Miscellaneous) Act 1983 to provide certainty to taxi industry regulators so that they can ensure that drivers who lose their accreditation are barred from driving a commercial passenger vehicle. Yet we know that there are 11 cases before the courts where UberX drivers have been charged with providing commercial passenger services without the accreditation and licensing expected of a taxi services provider.

If we look at the state of play as it currently stands after the decision by His Honour Judge Chettle, it would seem that in terms of the progression of section 159 a de-accredited driver who takes the decision to continue to drive may be prosecuted by the Taxi Services Commission and may take defence using section 159 as the mechanism to do so. There are a lot of ifs, buts and maybes in that. I have not even taken the time to talk about the number of passengers who might have been in that vehicle and whether they in fact were charged separate and distinct fares, which shows what lack of clarity there is around this matter.

It is clear that the taxi industry regulators have used power bestowed under the Transport (Compliance and Miscellaneous) Act to penalise ridesharing providers. In the absence of a regulatory framework for ridesharing, the repeal of section 159 will keep this path open for attacks on ridesharing providers, and many more UberX drivers and other rideshare providers may find themselves in the dock. The Greens are concerned that the repeal of section 159 will again make ridesharing illegal in Victoria. We care about the safety of all passengers — taxi and ridesharing passengers — and that is what makes regulation of ridesharing even more important. We note that the Director of Public Prosecutions will be appealing the decision of His Honour Judge Chettle. The Greens are concerned that this is an attempt to keep ridesharing in a legal grey zone and foist uncertainty onto the people who use it.

In its 19 months of existence this government has failed to put a bill before the house to address the urgent regulatory shortcomings in this sector. It has failed to provide certainty to the thousands of passengers that use ridesharing services each week. It has failed to provide certainty to the many drivers that have invested their own capital in vehicles to start their own businesses as ridesharing providers. It has failed to do anything proactive about the unstoppable disruption to the regulated monopoly of the taxi service industry. It is a perverse debate that we are concerned about taxidrivers and their accreditation while rideshare drivers are not required by regulation to hold any accreditation.

The Greens are well aware of the complexity of the issues. We know that passenger choice, passenger and driver safety, workers rights and fairness for drivers in the taxi and ridesharing industry are equally important. With each day passing that this state lacks a negotiated agreement on taxi services the ridesharing market will grow and the taxi industry will be weaker. The Labor government has not given this Parliament a solid time frame for the introduction of the legislative framework for ridesharing. It has not outlined the principles that would apply to such a legislative framework. Its record in the area of taxi services is poor.

In this light the repeal of section 159 of the Transport (Compliance and Miscellaneous) Act 1983 can only be seen as a retrograde step hurriedly designed to preserve a blunt instrument with which to attack providers of ridesharing services. I will of course explore these matters further in the committee of the whole.

The Victorian Greens therefore oppose this bill.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the opposition in relation to the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016. At the outset I say that the opposition does not oppose the bill, as articulated by the public transport spokesperson for the coalition in the other place, Mr Hodgett, on behalf of the opposition, and I just want to reiterate some of the points that Mr Hodgett made.

This bill is being rushed through the Parliament this week. As I understand from my discussions with Mr Hodgett and from reading his contribution to the debate in the other place, he received a call from the minister on Monday night at around 9.30 and was told that this is an urgent matter of public safety. So the opposition does not oppose this bill on the basis of what the minister said and the advice she has given to the opposition. We are acting in good faith in taking the minister at her word, because I have to say that neither the statement of compatibility in the name of Ms Pulford, the minister at the table, nor the second-reading speech really articulate the public safety issue to be addressed.

To pick up some of the remarks made in the other place and also by the previous speaker in this current debate, what an absolute shambles. Here we are. The minister

has been sitting on a report for 15 months in relation to the regulation of Uber. Other jurisdictions have done it. Even the ACT has managed to — —

Mr Barber — A Greens-Labor government.

Mr O'DONOHUE — Even with a Greens-Labor government, Mr Barber, it has managed to do it. You have to worry when the Greens-Labor coalition government of the ACT is showing this government up for not doing anything. That is an indictment if ever I heard an indictment. It is an absolute indictment if ever I heard one when the Greens-Labor coalition ACT government is showing this government up.

This is from the minister that has overseen the V/Line crisis and that has made so many mistakes when it comes to public transport. The revelations in today's press that the Premier has not bothered to meet with Uber and that the minister has only met with Uber on, I think, one occasion is very disappointing, because as Melbourne grows by 100 000 people per year, as our population grows across Victoria and there is more and more pressure on our infrastructure, we need more choice. We need more choice when it comes to transport options and we need a level playing field. We need regulation in the marketplace, and I would welcome the minister or any government speakers addressing the issue.

Rather than having a stopgap bill to address a particular issue arising from a court case that was presented to the opposition on a Monday night before a sitting week as urgent for public safety reasons, when are we actually going to see the bill that addresses the macro issue here and sets out the framework to regulate ridesharing and addresses these other issues?

Indeed out of frustration the Standing Committee on Economy and Infrastructure that my colleague Mr Morris chairs has commenced an inquiry into this issue to try to generate some action from the government. Indeed Ms Patten has introduced her bill. While the government flounders, flaps about and does nothing, the opposition and members of the crossbenches are undertaking activity — while the government creates a vacuum. We as an opposition take at face value the public safety issues raised by the government, and that is why we will not oppose this legislation, but I would call on government members to clarify when we will see legislation introduced into the Parliament to address the issue of regulating ridesharing.

I quote an email that Mr Kitschke of Uber sent to all members of the Legislative Council:

> Yesterday the minister was asked in the house to confirm that she would engage with Uber and meet — the minister did not respond to this.
>
> Yesterday the minister was asked to confirm if the Premier had ever met with Uber and if he intended to. The minister would not respond to this.
>
> The minister said yesterday no Australian jurisdiction had legislation for ridesharing. The minister is wrong. The ACT has passed legislation, the Tasmanian lower house has passed legislation, the NSW government has introduced ridesharing legislation and on 1 July the governments of South Australia and Western Australia will have regulations in place.

He also seeks undertakings from the government. I ask government speakers to respond to these propositions:

> an agreement not to proceed with an appeal to the Brenner matter;
>
> a commitment that if the repeal of section 159, if it proceeds, will not have retrospective operation; and
>
> a suspension of all prosecutions and all enforcement activity until there is a decision by government and a clear pathway for reform.

They are legitimate questions to pose, and I again ask government members to respond specifically to those three questions and ask whether the Premier has found time in his busy diary since his return from the US to make a time to meet with Uber.

With those words, let me just recap. This minister, the Minister for Public Transport, has overseen a range of blunders, issues and inactivity. Apart from the V/Line crisis that affected my constituents so greatly and those of Mr Morris — and I acknowledge his advocacy for his constituents on that issue — this lack of action on the regulation of ridesharing is having a detrimental impact on our economy. It is having a detrimental impact on the perception of Victoria as a place to do business, having a detrimental impact on consumers who are asking for choice and having a detrimental impact on people in industry who are seeking regulatory certainty and an appropriate regulatory framework so that all players in this space know where they stand.

While this bill may pass this place — I will not pre-empt that — it deals with one issue arising from a court case and does nothing for the broader issue of regulation in this space. The time for action is now. Let me also reiterate that point, to pick up some of the interjections from earlier. If the Labor-Greens coalition government in the ACT can do this, why cannot Daniel Andrews?

Ms PATTEN (Northern Metropolitan) — I rise to speak briefly to the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016. I have to say that I am pretty cynical about this bill, and I also think that the community is very cynical about it. The bill has been touted, to use a taxi word, as a public safety bill. We have been told that it is urgent and that if we do not pass it immediately, we will have rapists driving taxis and public safety will be `at imminent risk due to section 159 — a section of the act that has been in there for over 70 years and that has not been noticed up until now. Now that it has been used as a defence in a ridesharing case, it is all of a sudden of urgent importance to repeal it on grounds of public safety and not of ridesharing.

Frankly the community does not believe that, and I do not believe that. This is actually about trying to stop ridesharing and trying to prevent it from being regulated. This bill will not stop ridesharing, but it will stop regulation. This does not provide a plan. In fact in all of this government members have not spoken at all about what they plan to do with ridesharing, except for supposedly trying to fine it out of existence and trying constantly to fine the drivers.

I had to take it with a grain of salt when the Taxi Services Commission (TSC) told me that it could not press charges against anyone ever. In fact the TSC said it could not even do its job of monitoring and ensuring that suspended drivers, or refused drivers, were not driving — that it could not do anything, that its hands were tied until this legislation was passed and that then it could get back to the job of monitoring and managing the TSC. At this point the commission has now closed the books and is not doing anything. Its inspectors are not going out and are sitting in the office with nothing else to do, because section 159 has not been repealed and, until we do so, the streets are not safe, and neither are taxis, hire cars or limousines. They are not safe until section 159 is repealed.

It is interesting to note that section 159 is historically part of a ridesharing part of the act. Ridesharing was very popular at the beginning of last century. In San Francisco in particular it was so popular that the streetcar owners felt that they were losing business to ridesharing. So guess what they did? They colluded with government to close down ridesharing, and it disappeared until World War II, when it was in the best interests of government to promote ridesharing because of rationing of petrol and the like, so it started putting up posters. The government was actively promoting ridesharing. There is one particular poster that took my eye which says, 'When you ride alone, you ride with Hitler'. This was its promotion for ridesharing. After World War II the government again cracked down on ridesharing.

Mr Barber — Because Hitler was dead.

Ms PATTEN — Well, Hitler was finished; that is right. As I said, when it is in the government's interests, the government is right behind ridesharing. In the 1970s governments actively promoted ridesharing. Because of air pollution and congestion on the roads, governments were trying to promote ridesharing. These are very good reasons for us to be supporting ridesharing now.

This legislation is not going to stop ridesharing, it is not going to protect drivers and it is not going to protect passengers. The bill I introduced yesterday will go some way to doing that, and it will go some way to defining ridesharing and to actively regulating who can be involved in ridesharing. For the government's interest, I also hope it will carve out the definition of a rideshare facilitator so possibly they can be taxed. I suspect that once the government can get money from a ridesharing facilitator, its members will be much more interested in regulating ridesharing.

I would encourage people to look into the history of ridesharing. It is very interesting, and it is very interesting to see government's involvement in it and support for it when it was in the interests of government. But right now, when the government does not know what to do about the taxi industry, government members are almost washing their hands of it. They are not supporting ridesharing, not supporting regulation and not keeping passengers and drivers safe, which they could do.

I hope that over the next couple of weeks in this conversation government members could see fit to support my bill, which does carve out and set up a framework so that we can regulate ridesharing in a very modern and progressive way, in a way that is different from the ACT and South Australian regulation and in a way that would uniquely match the needs of Victoria and would enable the government not only to regulate it but also to receive some income from it.

Mr MORRIS (Western Victoria) — I rise to make my contribution to the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016. By way of beginning my contribution, I would also like to comment on the fact that this has been an exceptionally rushed bill, which I think is symbolic and emblematic of the shambolic government that we have opposite, which is rather unfortunate.

Mr O'Donohue has already stated that the coalition will have a not-oppose position on this particular bill, but I

would like to take up some of the points that have already been made with regard to the importance of ensuring that ridesharing in Victoria can be properly regulated. I would like to congratulate all the members of the Standing Committee on the Economy and Infrastructure for having the foresight to inquire into what needs to be done to ensure that ridesharing here in Victoria can be properly regulated. This is not just a case of trying to look after ridesharing companies, whether it be Uber, goCatch or others, but also a case of ensuring that there is a framework that is going to be supportive of the taxi industry as well.

Currently we have all losers here in Victoria as a result of the non-action of this Labor government with regard to what is happening. I feel that at the moment we have a government that is closing its eyes to the fact that ridesharing is occurring here in Victoria, in Australia and indeed throughout the world. It is something that is here, and it is here to stay. It is terribly unfortunate that the government has not taken any action whatsoever to regulate this important industry. What we are seeing with many of the disruptive economies that are occurring throughout the world is that governments need to respond and respond quickly to ensure that the best interests of the community are looked after in these scenarios. We have seen it with Airbnb and other accommodation-sharing services that some action has been taken by this government. However, with ridesharing there has been absolutely no action whatsoever.

I do note that in today's *Herald Sun* there is an article that says:

> Out of the six meeting requests, Mr Andrews has only replied once — last month, telling Uber his 'diary is full'.
>
> 'The Hon Daniel Andrews MP has asked us to relay his sincere thanks for extending him an invitation for an urgent meeting. Regrettably the Premier is unable to meet with you at this stage as he is currently overseas and his diary is full on his return', a letter seen by the *Herald Sun* says.

I do wonder who it is that Mr Andrews has been so busy meeting with. I wonder if it is representatives of the United Firefighters Union (UFU), whether it be Mr Marshall or others, trying to work out the very best way to sell out the Country Fire Authority, one of the most remarkable volunteer organisations, not only in Australia but in the world. It is urgent that the government take some action to ensure that the community's best interests are looked after with regard to ridesharing. As I said previously, ridesharing is certainly here to stay and needs to be appropriately regulated.

I suppose that with the minister who is currently looking after public transport here in Victoria we should not be surprised, because what we have seen under the leadership of Jacinta Allan here in the state of Victoria is chaos and disruption. Indeed the V/Line service that Mr O'Donohue referred to earlier has been in a shambolic state really since the Labor Party decided that it was going to launch its regional rail link timetable. From the very beginning of the rollout of that timetable, train services across regional Victoria were in absolute disarray, whichever line it might have been. On the Geelong, the Ballarat or whichever line it was that we saw, V/Line was in absolute disarray. Perhaps it is because the minister has been too busy trying to fix the problems that she has caused that she has not had time to see fit to ensure that ridesharing here in Victoria could be properly regulated.

It is always interesting to be informed of new things in this house. I was informed that it was the Greens-Labor coalition in the ACT that saw fit to pass legislation with regard to Uber, and if a Greens-Labor coalition can achieve anything, I would like to think that maybe the government here in Victoria might be able to achieve something similar. It is not the case that ridesharing has not been legislated or regulated throughout Australia and the world, and here in Victoria we would like to think that we are world — —

Mr Barber — It was the ACT Greens Minister assisting the Chief Minister on Transport Reform, Shane Rattenbury.

Mr MORRIS — Is that right? I thank Mr Barber. I would like to think we in Victoria can be world leaders in much of the work that is being done here, as we have been in many measures with regard to road safety, such as the introduction of seatbelts as well as other measures, to ensure that our community is kept safe. It is terribly unfortunate that this government has effectively just closed its eyes and pretended there is nothing to see here with regard to Uber and ridesharing.

But it does pose the question: why is it that this government has refused to take any action on Uber? Why is it that ridesharing overall has not been regulated here in the state of Victoria? One must wonder whether or not this government is too beholden to the taxi industry, whether or not there are certain lobbyists within the taxi industry to whom this government is beholden, much like Daniel Andrews is to the UFU and Peter Marshall, and whether or not it is beholden to certain lobbyists, certain people or certain interest groups within the taxi industry that have been placing pressure on this government not to take action in relation to regulating ridesharing here in Victoria. That

would be a most disappointing scenario, because ridesharing is not going away.

I have been fortunate enough to have utilised some ridesharing services, not here in Australia but outside Australia, and I have found that they provide an exceptional service. It is through competition, certainly with regard to ridesharing, that there can be great opportunities for ensuring that there is not a monopoly providing a service but rather a competitive place for people to be able to work in a scenario where the consumer has greater choice in what it is they are going to avail themselves of in terms of the other services that they choose to use, and I certainly found that outside of Australia. I think it is important that we do take a step in the right direction to ensure that ridesharing services are appropriately regulated here in this state of Victoria. With that short contribution, Deputy President, I conclude there and thank you for the opportunity.

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak very briefly regarding the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016. I always review legislation that comes into this house according to the effect it will have on people who are vulnerable, and for this reason this piece of legislation has been of particular interest to me. I read Minister Allan's second-reading speech, and I note that she said:

> The most serious implication —

of the judgement which led to this bill —

> is that where drivers are an obvious threat to passenger safety, for example, when an individual has a history of sexual assaults, the Taxi Services Commission will not be able to prevent them from driving a commercial passenger vehicle.

This was a huge concern for me. Section 159 has been exposed as a potentially serious loophole, and I commend the minister for acting as swiftly as possible to close it. As many people in this chamber know, I worked in the disability field for around 20 years, and I have worked with many people with disabilities who have experienced assault. I once worked with a woman with a disability who had been sexually assaulted by a taxidriver while on her way to her day placement. She suffered for many years — and her parents suffered for many years — as a result of this serious assault. The only solace they had was that the driver was charged and consequently would not be able to drive a taxi again and therefore would not have such easy access to prey on vulnerable women with disabilities again.

However, in light of this judgement we now establish that, as it stands, a driver could in fact operate a commercial passenger vehicle while on the sex offender register, while being a criminal under conviction and maybe even on parole, or even while just being unable to obtain a working with children check. This is unacceptable. This is a serious public safety issue, and the opportunity for this to be exploited, now that it has been exposed, must be addressed.

I do acknowledge the opinions of others — that this is an attempt to outlaw ridesharing service Uber by stealth — and there have been contributions here today regarding the regulations needed around ridesharing. In essence there have been claims that this could have been solved through legislation in this area. I note that this legislation has been used by members of this chamber to grandstand on ridesharing and on Uber. Somehow it was even tied to the United Firefighters Union in one contribution. However, this is off topic in terms of what this bill is about. This bill relates to our responsibility to first protect vulnerable people, and to use this bill to grandstand on other issues should cause members to reflect on their own role.

I believe that closing this potential loophole will assist in doing just that — that is, protecting vulnerable people. For me, this is not a move against ridesharing operators; it is a step towards ensuring public safety. I commend Minister Allan for this legislation and her commitment to ensuring safety in the transport industry.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise to speak briefly on the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016, and I thank other honourable members for their contributions on what is obviously a very short bill before the chamber. It is interesting to note that this seems to involve urgent action — and I think this has been raised by Mr Morris and others. I note the urgency with which we have had to deal with this issue, yet we are still waiting for some action with respect to Uber, the ridesharing component.

It is fair to say that I am a regular user of Uber when I am overseas because I find that the Uber application is quite interesting. The first Uber service I used was in Dallas, Texas. The reason I did it in Texas was that I had no surety that what was operating here in Victoria was legal; therefore I did not want to take the chance. But I knew I could use it in Texas. I used it across Texas and found the service amazing. What struck me the most was that most of the Uber drivers were women. That really struck me. As I used Uber around parts of the world I found that a lot of women drivers were utilising it as a form of supplementation of their income. They would drop their kids off — this is from personal conversations — and then go and do some

work on Uber, and come 3 o'clock, or whatever the time was, they would log off the app or whatever they do and then away they would go. So for me it was quite a revelation to see substantially more women driving Uber vehicles. Of course it goes without saying that the quality and presentation of the cars was quite substantially different. We did use taxis on the odd occasion overseas, and the comparison was just stark relative to what the Uber drivers provided.

So I am obviously not opposed to the bill as it is, but it really does make you wonder why we are having to deal with this urgent piece of legislation when we have literally thousands of Uber drivers across Victoria — I do not know what the number is — who are seeking some form of stability in what is clearly a growing industry. If the same urgency was brought to this chamber on that issue, we would probably pass relevant legislation with the same degree of aplomb with which we are doing so now.

Mr Morris interjected.

Mr DALLA-RIVA — Thirty thousand, Mr Morris? Thirty thousand in Victoria. Well, they are all a bunch of crooks — he says as a joke. It is just frustrating. Having seen this in operation around the world, I can say they are not crooks. They are actually people who want to do things in their own business and get on and provide a service. As I said, I can understand completely the reason this bill is before the chamber. I understand the circumstances behind it.

The only other thing I will raise, which I will finish with, is that I noticed there is a statement of compatibility. I will just draw a line through that at the moment, because the Scrutiny of Acts and Regulations Committee (SARC) has not reviewed it in the ordinary course of the process. That is one of those things that SARC does have the capacity to do. As the deputy chair of SARC, I will just put on the record that we will obviously review it and have the human rights lawyers go through it. It may be, as the minister opposite has indicated, that the bill does not raise any human rights issues. At this stage I will accept that. Obviously SARC will still report as it is required to do on bills either before or after they have been presented and passed. With those few words, I wish the bill a speedy passage.

Ms PULFORD (Minister for Agriculture) — I would like to thank all members for their contribution to this debate. I would also like to thank the coalition for its assistance in the speedy consideration of this bill. This is not something we would do if we believed it was avoidable. Mr O'Donohue invited me to provide some detail on the risks, which I will do in a moment. We have had a wideranging debate. I think Mr Morris probably took it further out of the park than anybody else. It has been a wideranging debate on a very simple and short piece of legislation. In relation to Uber, let me just say this: the government is developing a holistic and well-thought-out arrangement that will provide a level playing field and that has regard to the existing industry participants, those involved in ridesharing, those with taxi licences and of course the community interest. Our work on this is continuing, and I note that the work of the parliamentary committee in looking at these matters is also continuing. But we think this is an important and complicated reform with matters requiring detailed consideration, and so we will continue our work on that, and we certainly look forward to being able to outline how the government intends to proceed on the question of the regulation of ridesharing very soon.

I reassure members who think that this bill is some alternative to that work or some exercise in regulating Uber by stealth. That is not the case at all. What we believe has happened in the court case that members have referred to during their contributions is that an error has been made in this judgement. Section 159 of the Transport (Compliance and Miscellaneous) Act 1983, which this bill seeks to repeal, is a historic measure. It has served no purpose for a very long time, and it relates to the notion of separate and distinct affairs. Section 159 is a complicated mouthful of a sentence, but it is no longer an element of any offence under the act. That it still exists in legislation is a historical drafting oversight that has been brought to everyone's attention very quickly by this decision of the County Court. We note the work undertaken by Uber to encourage its drivers to take out a driver accreditation certificate — that is, the driving qualification issued by the Taxi Services Commission.

We do understand the community's very great interest in us working through these issues and doing so in a timely manner. We will provide for ridesharing, but we will do it in a way that ensures public safety and a competitive market and that is cognisant of the needs of and is fair to those who participate in the existing industry.

The section that we are repealing, just for the record, is headed 'Onus of proof on accused in certain cases'. It reads:

> In any prosecution against the owner or driver of any commercial passenger vehicle the onus shall lie upon the accused of proving that the passengers carried upon such vehicle were not carried for reward at separate and distinct fares for each passenger but the accused shall not be under any obligation to discharge such onus until the informant first

> discharges the onus of proving that the passengers carried upon such vehicle were carried for reward.

In essence that is based on the notion of separate fares for the one ride. Mr Dalla-Riva reflected on his experiences as an Uber passenger, and I am sure other members of the chamber have had the experience of either riding in the back of a cab or a rideshare vehicle and have no doubt noticed in those trips, frequent or infrequent, that what we are talking about is a hypothetical arrangement where you would have to have separate fares for the one journey.

The question of the public safety risk in essence goes to the question of why this legislation is here and why this bill is one that the government has deemed to be urgent and one that requires quick consideration by the house. Mr Dalla-Riva made the observation that the Scrutiny of Acts and Regulations Committee has not had the opportunity to consider this legislation. To that I would say that this is not something that we do lightly. It is something that we do very infrequently. We believe that the safety risks here are real.

People with a history of serious criminal offences frequently apply to be accredited as taxi and hire care drivers. The Taxi Services Commission and Victoria Police work very closely to identify drivers who have committed serious criminal offences and who should not be permitted to drive taxis or hire cars any longer. There is a great deal of cooperation that occurs here. The effect of the County Court judgement is that the regulations are not able to be enforced. So in relation to the arrangements that require the drivers of commercial passenger vehicles to be of a certain standard — a standard that is in keeping with the community's expectations — the judgement really has had the effect of rendering the authority unable to act. Mr O'Donohue questioned the urgency we have placed on this and the basis of the government's assertion that there is a public safety risk requiring our urgent consideration. We appreciate that he has taken this on face value, and I note that Minister Allan has provided briefings to all interested parties.

For example, in 2015 there were 27 licence cancellations, 39 suspensions and 71 licence refusals. When you add it up, on average over a year this is a couple of cases a week. This is not an unusual occurrence. In 2016, noting that we are only halfway through the year, there have already been 13 cancellations, 22 suspensions and 44 refusals. This is an issue that the Taxi Services Commission and Victoria Police literally manage on a daily, certainly on a weekly, basis. I have shared those statistics to give members some comfort that the reason we are pursuing this legislation and the reason we need to remove this loophole and do it quickly involve very real considerations of public safety.

The decision by the Office of Public Prosecutions on the question of appeal is of course something that will be considered in due course. This legislation does not remove the need for that to occur or the desire for that to occur, because the legislation, if supported by the house today, will not have a retrospective effect. It will only apply into the future.

The questions around the interpretation of that County Court judgement will continue to be aired in another place and on another occasion, but this particular part of the problem that arose as a result of that decision that has been reported in some media as being substantially about ridesharing and ridesharing regulation has indeed had an inadvertent consequence that I think we can all agree needs to be resolved and needs to be resolved quickly. I commend the bill to the house.

House divided on motion:

Ayes, 33

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

Noes, 5

Barber, Mr (*Teller*)	Pennicuik, Ms
Dunn, Ms (*Teller*)	Springle, Ms
Hartland, Ms	

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms DUNN (Eastern Metropolitan) — My first question is in relation to the bill being a response to a decision made by Judge Chettle in the County Court,

which was against an Uber driver. When can we expect a decision or time frame around legislation and regulation in relation to ridesharing services in Victoria?

Ms PULFORD (Minister for Agriculture) — As I indicated in the second-reading debate, the government is developing a holistic, well-thought-out set of arrangements so everyone in the Victorian community can move forward with confidence on these issues. We will be seeking for there to be a level playing field. We will of course also develop this in a way that is cognisant of the needs of existing industry participants as well as those who are participating in the rideshare business and of the significant community interest in these issues. The government will be in a position soon to outline its proposed way forward.

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. How long is it going to take to develop the process and regulation or legislation around that?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her further question. I note that the work of the parliamentary committee is under way and it has, I believe, a reporting date of December this year. This is something the government has been giving detailed consideration to, and it will be in a position to outline this in some detail soon. But I am not in a position to give Ms Dunn today a precise date.

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. Does that mean that the development of any regulation or legislation around ridesharing will not happen until the work of that parliamentary committee and its inquiry is completed?

Ms PULFORD (Minister for Agriculture) — No.

Ms DUNN (Eastern Metropolitan) — I thank the minister. Can the minister provide any definition of how long 'soon' is?

Ms PULFORD (Minister for Agriculture) — As I indicated, the government has been working on this. These are complex, challenging issues requiring careful consideration. As I also indicated to Ms Dunn, we will be in a position to provide further details on this soon, but I am not in a position to give Ms Dunn a date.

Ms DUNN (Eastern Metropolitan) — I thank the minister. I just want to turn to the appeal by the Director of Public Prosecutions in relation to the decision of Judge Chettle. Is the minister able to elaborate on why the government is appealing that and how long she believes that appeal may take to progress through the courts?

Ms PULFORD (Minister for Agriculture) — I am cognisant of the fact that this matter is before the courts, but what I would say to Ms Dunn is that any decision to appeal by the Director of Public Prosecutions (DPP) is a matter for the DPP. There is a short period of time available to it, a couple of weeks I am advised, by which time it needs to make the decision to act, if indeed it does. But it is not a decision of government.

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. I just want clarity. I believe the minister might have referred to this in her summing up, but there was a bit of toing and froing with acting chairs. I wonder if the minister can confirm that if this bill passes and the section is repealed, it will not be retrospective.

Ms PULFORD (Minister for Agriculture) — Yes, I can confirm that is the case.

Ms DUNN (Eastern Metropolitan) — I thank the minister. Can the minister elaborate on the intention of the government in relation to prosecutions and enforcement around ridesharing services until the reform of regulation and legislation for ridesharing?

Ms Pulford — On a point of order, Deputy President, I put it to you that this question is well beyond the scope of the bill. This is a short bill repealing a single clause in legislation that has not had any useful purpose since the 1940s. It is a drafting oversight that exists. Ms Dunn is veering well beyond the scope of our discussions this afternoon.

Ms DUNN — On the point of order, Deputy President, I would just like to highlight to you in considering that answer that this bill has in fact arisen out of a decision that was handed down in May 2016 and it relates directly to prosecutions and enforcements on ridesharing drivers, so it is relevant to the bill before us.

The DEPUTY PRESIDENT — Order! However, the bill before us is very narrow. I understand there are legal positions that have been adopted elsewhere, but the bill before us today, and indeed the purpose clause, is very narrow, so I ask Ms Dunn to narrow her questions to what is before us today.

Ms DUNN — Thank you, Deputy President, for that ruling. Can the minister confirm that should section 159 of the act be repealed and be no longer part of the act it will allow prosecutions and enforcements of ridesharing drivers as we have seen in the past?

Ms PULFORD (Minister for Agriculture) — What I would say to Ms Dunn on this question is that Uber services are not illegal currently, irrespective of what we do with section 159 of the Transport (Compliance and Miscellaneous) Act 1983. But what I would say is that Uber services are not illegal if drivers are accredited and their vehicles are licensed, so they are already regulated. Uber vehicles carrying passengers for hire and reward are commercial passenger vehicles, and Uber is seeking changes to legislation, or special treatment, and these are matters that, as I indicated, the government is giving active consideration to, and it will be in a position to provide further detail to the Victorian community, including of course members of Parliament — including Ms Dunn — on that soon.

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. In relation to the removal of section 159, what effect will that have on drivers of ridesharing services who are in fact accredited drivers?

Ms PULFORD (Minister for Agriculture) — There will be no effect.

Ms DUNN (Eastern Metropolitan) — In relation to this bill, has any consideration been given to transitional agreements and compensation to taxis as part of ridesharing arrangements?

Ms Pulford — On a point of order, Deputy President, again I put it to you that this is well beyond the scope of this bill.

Ms DUNN (Eastern Metropolitan) — Does the removal of section 159 impact on transitional arrangements and compensation to taxis as part of looking to the regulation of ridesharing?

Ms PULFORD (Minister for Agriculture) — I restate my previous answer: this is well beyond the scope of the matter that we are considering today. The repeal of section 159 will enable the regulations that ensure passenger safety and indeed driver safety to operate as I would like to think all of us intend. It is a very real proposition that there are people who do not satisfy, I think, the community's expectation about drivers of commercial vehicles for hire, and this is the problem that we are seeking to fix today. This has come about as a result of a County Court decision that we believe has been made in error. It places at risk public safety, and that is why we have declared this an urgent bill and sought the Parliament's urgent consideration of this matter so that the Victorian travelling public can proceed about their business confident that they will be safe.

Ms DUNN (Eastern Metropolitan) — I do thank the minister for her answer. I am wondering if the minister can confirm: has any de-accredited taxidriver used section 159 as a defence?

Ms PULFORD (Minister for Agriculture) — No.

Ms DUNN (Eastern Metropolitan) — This is my last question in relation to clause 1. Is the underlying motivation to remove section 159 to once again make ridesharing illegal and to buy more time in terms of thinking about regulation and legislation for ridesharing?

Ms PULFORD (Minister for Agriculture) — Of course it is not. This bill is about ensuring public safety, and, as I indicated, the government is giving consideration to the complex matters around ridesharing and the existing taxi industry. We will continue to do so. We will be in a position to outline the government's intention in this area of public policy soon. I think Ms Dunn's assertion is, frankly, a little offensive given we are talking about ensuring public safety. I note the Greens voted against this important measure at the second-reading stage, and I would very much like us to be able to move on to a discussion and consideration of this bill rather than the broader issues that are well beyond the scope of this bill.

Clause agreed to; clause 2 agreed to.

Clause 3

Ms DUNN (Eastern Metropolitan) — In relation to section 159, if it is deleted from the act, can the minister confirm that any unaccredited Uber driver can be picked up, charged and prosecuted and that is likely to succeed with the removal of section 159?

Ms PULFORD (Minister for Agriculture) — Yes, I can confirm that that is the case. I also indicate, as I did in the second-reading debate, that separate and distinct fares, which is what section 159 of the act relates to, are no longer an element of any offence under the act. Again I restate for the record in response to this question: Uber services are not illegal if drivers are accredited and their vehicles are licensed.

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. Can the minister confirm for the house what effect the omission of section 159 in its entirety has on the application of the act as a whole, especially section 158?

Ms PULFORD (Minister for Agriculture) — For the benefit of members, section 158 relates to the offence of operating without a licence, and these

provisions do not apply exclusively to taxis or rideshare but to any commercial passenger vehicle. That is just for context. So the repeal of section 159 will mean that section 159 will not any longer be a defence for an offence against section 158 — for example, a car dressed up to look like a taxi that is not a taxi.

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. Can the minister advise whether the government considered amending section 159 to remove the outdated reference to 'passengers', rather than 'passenger and/or passengers', and the reference to 'separate and distinct fares for each passenger' in its consideration of this matter?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question. Section 159 is a redundant provision — it has served no purpose since the 1940s — and so there is no need for it to stand.

Ms DUNN (Eastern Metropolitan) — I thank the minister for that answer. Can the minister confirm: with the deletion of section 159, does that mean that any accredited Uber driver can be picked up and charged and a prosecution is likely to succeed?

Ms PULFORD (Minister for Agriculture) — No, because if they are accredited and driving a licensed vehicle, then what they are doing is not illegal.

Ms DUNN (Eastern Metropolitan) — So in that case, if they are driving their own personal car as their ridesharing vehicle but they are an accredited driver — just to clarify — is the likelihood of a successful prosecution 'Yes' or 'No' under those circumstances?

Ms PULFORD (Minister for Agriculture) — I will provide Ms Dunn with the answer that I have provided on probably half a dozen occasions now. If they are licensed, they cannot be charged for being unlicensed. If they are driving a registered vehicle, they cannot be charged for driving an unregistered vehicle. So Ms Dunn is speculating that people will be charged for doing something, but I am not sure what — charged for what, under what provision? — because in those circumstances what they are doing is not illegal, which would suggest that the chances of a prosecution are non-existent because she is talking about an entirely hypothetical situation.

Ms DUNN (Eastern Metropolitan) — I thank the minister. I have no further questions.

Clause agreed to; clause 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a third time.

I thank all members for their contribution to this debate and for the speedy consideration of an important public safety issue.

Motion agreed to.

Read third time.

WITNESS PROTECTION AMENDMENT BILL 2016

Second reading

Debate resumed from 26 May; motion of Ms PULFORD (Minister for Agriculture).

Mr O'DONOHUE (Eastern Victoria) — I am really pleased that we have got to this bill this week, because it is a very important piece of legislation. The issue of witness protection is a really challenging and complex one, and let me say at the outset that the opposition will be supporting this bill. The issues that are contained in this bill have had an extremely long gestation period. There are some particular issues that have given rise to some of the reviews that have taken place which have led to some change. There was the Frank Vincent inquiry, which this bill by and large is about, plus some other residual issues. The issue of witness protection has been an issue for the community and for Victoria Police for many years, and it is an area which will always need constant refinement and examination, particularly with technology changes and the like. As I have said, I say unreservedly that I am very pleased that this bill is before us today and I am very pleased to say the coalition will be supporting the bill.

To give a bit of historical context I will quote from the Honourable Frank Vincent, AO, QC, in his report *Review of the Witness Protection Act 1991* — a review, I might add, that was commissioned by the former Minister for Police and Emergency Services, the Honourable Kim Wells, in March 2014. The review was publicly announced during the second-reading speech for the Witness Protection Amendment Bill 2014, when then Minister Wells introduced some reforms to the witness protection regime. I note that in his report Mr Vincent cites the terms of reference from the then minister and cites the affirmation by the incoming Minister for Police, the Honourable Wade Noonan, in December 2014.

These issues have had a long gestation — they cut across a number of police ministers — but they I think enjoy the support of the house because they are ultimately about community safety and about protecting witnesses, and that is a critical issue when it comes to bringing successful criminal cases and prosecutions. To quote from the report, on page 13 it says:

> Following the 2004 killing of Christine and Terence Hodson and the subsequent collapse of a serious criminal case involving alleged corrupt police and links to organised crime, the OPI in 2005 conducted an 'own motion' inquiry into the Victorian witness protection program. By their own choice, the Hodsons had not entered the formal witness protection program. The OPI inquiry made 30 recommendations including some for legislative reform and changes in Victoria Police practice.

The report then goes on to say:

> Following the 2010 murder in prison of prospective Crown witness Carl Williams, the OPI conducted an inquiry into the circumstances surrounding his death. It is not necessary for present purposes to attempt to state the circumstances leading to Mr Williams's death as reported in that inquiry.
>
> …
>
> Other matters that came to my attention, the details of which need not be addressed in this report, point strongly to the need for external independent oversight. This would not be directed to 'second-guessing' activities that were truly operational in character but designed to ensure that there were proper structures, guidelines and protocols in place and that the internal controls were operating effectively and in accordance with principles of witness protection.

It then goes on to refer to the Chief Commissioner of Police:

> The chief commissioner conducted a further review of Victoria Police's witness protection program. This was undertaken … in 2012. The 2012 review recommended both legislative and administrative reform.
>
> Parliament subsequently enacted a number of reforms that became operative on 1 July 2014. These changes:
>
> > empowered the chief commissioner to provide interim protection and temporary assumed identities for witnesses who are being considered for inclusion in the program;
> >
> > empowered the chief commissioner to suspend protection and assistance (for example, while a person is imprisoned or overseas) …

The report goes on to cite some of the other reforms.

As I say, this has had quite a long gestation. As he has done for many governments of many different flavours, the Honourable Frank Vincent has delivered an excellent report which clearly articulates the background to these issues, the complexity of these issues and the operational challenges, as I have just cited in passing — how you strike the balance of effective review without second-guessing the independent Chief Commissioner of Police. This report articulates those issues very clearly and provides recommendations to improve the effectiveness of the system. It does implement all eight recommendations of the Vincent review of witness protection. As I say, we support the bill.

In summary, the main provisions of the bill strengthen independent oversight, public reporting and mandated case reviews and introduce decision-making principles. The bill creates an independent oversight role, which will be split between IBAC and the Public Interest Monitor. The Public Interest Monitor will monitor witness protection decisions and provide assurances that decisions are made in accordance with witness protection principles and in the public interest, and IBAC will annually audit Victoria Police's compliance with keeping records under the act. As I say, these measures are designed to balance operational secrecy, security, public accountability and good governance while allowing police to get on and do their jobs without someone second-guessing every decision. The bill also extends the scope of the act's governance reforms to a broader range of police witness protection conduct.

It is very hard to imagine what it must be like to go into the witness protection program, which would require basically giving up your current life and assuming a new life, cutting ties with your friends, your family and people you have known and creating a new identity and lifestyle — becoming a new person. Given the seriousness and the challenges of such a decision, those sorts of measures must proceed with the full cooperation and consent of the person, and some high-risk witnesses may be either unwilling or incapable of operating with those kinds of measures.

At the moment Victoria Police protects these category B people, as they are referred to, through alternative arrangements outside the legislative framework. This bill will ensure that the new principles for decision-making and robust governance arrangements also apply to category B people and the activity associated with them. The statutory protections such as FOI exemptions in relation to criminal offences for those who knowingly expose the identity of such people and put them at risk will be extended to these category B activities, and the bill narrows the scope of the act's current broad immunity so that it is targeted to the key decisions of the chief commissioner to provide or not provide protective assistance and to facilitate any Supreme Court-ordered name changes.

The bill will deter witness intimidation through a new witness intimidation offence, which will attract up to 10 years imprisonment. This offence fills the gap in the law between the summary offence of harassing a witness, which carries a 1-year maximum penalty, and the common-law offence of attempting to pervert the course of justice, which carries 25 years. Again, that is a commonsense amendment. Consistent with attempts to pervert the course of justice, the offence covers intimidation of witnesses, potential witnesses or other justice system participants, such as judicial officers, prosecutors and jurors and their loved ones or business interests, where the requisite intent can be made out.

The opposition consulted with a range of stakeholders. There was only one minor issue raised in relation to the operational independence of the chief commissioner in our feedback, but I think, when weighing up the competing interests, the structure that has been created, as I say, does not second-guess the decisions of the chief commissioner but provides sufficient oversight of the system. As I say wholeheartedly, the opposition welcomes this bill. I congratulate Kim Wells, the minister at the time, who initiated this investigation.

There have been some unfortunate, to say the least, situations when it comes to witness protection in the past, and Frank Vincent has laid out in his report a clear pathway for reform to increase public confidence in the system, to increase the effectiveness of the system and to increase the scope of the regulation of the system to those category B witnesses, which is critical. I am very pleased to speak on behalf of the opposition and indicate the opposition's support for the bill. I look forward to the bill's speedy passage through the Parliament.

Ms SHING (Eastern Victoria) — Picking up from the excellent contribution made by my colleague Mr O'Donohue in relation to the review of the Witness Protection Act 1991 and the Vincent review considerations, they are the subject of a report which has been publicly available for some time and sets out very comprehensively the framework that was in place previously, the way that decision-making occurs across various jurisdictions and the interplay between witness security and national security, external monitoring and reporting, information and support and the protection of witnesses. The report provides a number of key recommendations relating to protective support for witnesses as being a fundamental and critically important part of our legal system and of confidence in the regulatory framework more generally.

Former Supreme Court judge Frank Vincent has in fact outlined extensively the consideration of various issues which are appropriate to this bill and to an amendment to the existing framework. All eight of the Vincent recommendations for legislative reform in the review of the Witness Protection Act 1991 focus on a clarification of the act, improving the governance and administration of the witness protection system and promoting community confidence in its operation, including, as is noted in the bill's summary, by expansion of the scope of the act to establish a framework for independent monitoring and limited public reporting of activity as well as inserting provisions into the Crimes Act 1958 to deter witness intimidation.

As Mr O'Donohue indicated in his contribution, a number of provisions of the bill amend the principal act to insert central objectives relating to witness protection, establishing principles which guide a regard to decision-making or action taken pursuant to the principal act and extend the scope of the act via alternative protection arrangements that can be made. Witnesses who in individual and specific circumstances might actually face a high level of risk because of previous or extant interaction with the criminal justice system may currently be in situations that fall outside the scope and contemplation of the Witness Protection Act. Therefore, by incorporating the changes that have been recommended by the Vincent review, the shortcomings and potential gaps in the framework are remedied.

This also harks back to an achievement of the broader principles around security and safety for witnesses' integrity in the justice system and a more stable and consistent operation of the framework as it relates to governance and administration. There are capacities to create independent monitoring of the operation of the principal act as well as limited reporting of activity, subject to appropriate safeguards, and revising immunities under the act as well as requiring Victoria Police to review protected witnesses' cases every two years. They are the amendments made to the principal act.

As I indicated at the outset, there are also corresponding amendments to the Crimes Act 1958. They are by way of a new offence being inserted into that act to prohibit the intimidation of and reprisals against witnesses and other persons because of their known or believed involvement in a criminal investigation or in criminal proceedings.

The way that the bill is intended to operate, amending the principal act and creating the new offence in the Crimes Act, acquits longstanding recommendations to government which have arisen from the publicly released 2005 review by the Office of Police Integrity

of the Victoria Police witness protection program and Justice Vincent's review, which is on the public record, and in fact a redacted copy of that review has been tabled as at the date of introduction of the bill.

The way that our witness protection system operates requires it to be beyond reproach and to every extent possible as watertight as it can be. This involves necessarily considering the various circumstances within which witness protection may be relied upon. For this to be achieved, the reforms need to have a certainty to them which will strengthen the framework in the principal act, create greater oversight and greater confidence and indeed enable the system to operate in the most efficient, effective and transparent way that it possibly can.

Implementing these recommendations will improve the witness protection framework and also deter witness intimidation. This is absolutely crucial for the way that the administration of justice occurs. It involved an extensive review by Mr Vincent of the way that witness protection operates across a number of jurisdictions and of the trust and confidence in the system. Whether it be through the conduct and processes of Victoria Police and agencies or the way the legal framework operates, it was necessary to conduct an entire and thorough examination of that framework.

In brief summary, the issues identified through the review include a concern that the purpose of the act was in fact unclear and that the implementation of the act depended upon the policy approach adopted from within Victoria Police, which was in and of itself not a static thing. It was vulnerable to change, depending upon the operational positions taken by the chief commissioner and the exercise of various discretions that he or she may have adopted from time to time. In this regard it is important to note that the bill introduces a very clear purpose and decision-making principles upon which decisions ought to be made. They will then guide the exercise by the chief commissioner of his or her discretion in decision-making and the implementation of those decisions.

Another issue identified in the Vincent review was that in embarking upon the witness protection program access to that program in and of itself requires very significant changes to be made to a person's identity and to their lifestyle. It in fact necessitates — as we all would have heard about anecdotally and through the annals of history and popular culture — very significant breaks in and cuts from ties with family and associates for the protection program to work. These sorts of initiatives cannot simply be foisted upon a person. They require full cooperation and consent. They require an absolute buy-in and preparedness to participate fully. That gives concern around some high-risk witnesses who might be unwilling to cooperate or incapable of cooperating with those measures.

Mr O'Donohue indicated in his contribution that Victoria Police protects these category B people through alternative arrangements outside the principal act. But there was no legislative framework to cover that particular class of witness and to regulate the alternative arrangements that might be made. The bill includes the governance arrangements to apply to a broader range of police witnesses and to protection conduct and to apply decision-making and robust governance arrangements to that category B activity, again infusing a level of certainty and a level of uniformity for the category B witnesses in the same way that the principal act has applied to other witnesses. So the statutory protections, such as FOI exemptions and criminal offences for those who knowingly expose the identity of such people and put them at risk, will also extend to the category B activity.

A further concern identified in the Vincent review was that police could not demonstrate adequate record keeping and active case management, and as we all know, this is a fundamental pillar of the effective administration of justice and the way in which Victoria Police, courts and other agencies interact. The bill in fact now requires a case review to be conducted every two years with an annual audit by the Independent Broad-based Anti-corruption Commission of Victoria Police's record-keeping arrangements, again ensuring that the confidentiality and sensitive nature of these arrangements and the content of those documents is maintained. Victoria Police must also, as a consequence of this bill, report annually on basic witness protection activity.

Another shortcoming identified by the Vincent review was that the current immunity is too broad and does not give police a proper incentive to honour their undertakings. In this regard the bill provides a narrower immunity, with the effect that key witness protection decisions will in fact remain immune but that Victoria Police will still be in a position to be held to any undertakings it makes, again striking an appropriate balance between the way in which immunity operates and the enforceability of undertakings as provided.

Mr Vincent also identified significant governance improvements that had been made, but also noted that under the pre-reform act external monitoring and public reporting was in fact needed to help maintain community confidence. As I indicated at the outset of my contribution, community confidence in a witness

protection system is absolutely crucial to making sure that it serves the purpose for which it is intended, and without a robust and very well considered framework this is not necessarily guaranteed to be the case in every individual circumstance. So the bill in fact establishes independent oversight, appropriate public reporting and statutory decision-making principles, with the independent oversight role to be split between the Independent Broad-based Anti-corruption Commission and the Public Interest Monitor in line with those different roles in the integrity system. This strikes an appropriate balance in the government's view and is in accordance with the comments of my colleague Mr O'Donohue between operational security, secrecy measures, accountability and good governance.

Noting also the gap that had previously existed in criminal law between the summary offence of harassing a witness, which carried only a 1-year maximum penalty, and the common-law offence of attempt to pervert the course of justice, which in fact imposes a 25-year maximum penalty, harassing a witness did not include behaviour directed at the family or loved ones of a witness, and the common-law offence was difficult in fact to prosecute as a consequence of its complexity. In this regard we note that — and this is something which has been broadly part of discussions in the public domain on fear and intimidation — threats need not be directed to somebody's person in order for them to have an enormous effect. We see in particular in the family violence space that it is often due to concerns for others' health, safety and wellbeing that people will not leave a situation which involves significant risk to their own health or safety and that in fact that leverage is often used and used to great effect.

Moving back to the subject matter as it relates to the bill, the bill establishes a witness intimidation deterrence mechanism through the introduction of a broad witness intimidation offence which attracts up to 10 years imprisonment. The new offence makes it crystal clear that witness intimidation will not be tolerated and that those who engage in it will incur the risk of a significant punitive response. It recognises there are individual victims involved in witness intimidation, and in contrast the offence of attempting to pervert the course of justice focuses on the damage to the justice system itself.

The implementation of these changes and the effect of enlivening the recommendations made in Mr Vincent's review will interact with the broader integrity review, as a separate piece of work led by the Special Minister of State. There is an awful lot of other work being undertaken to improve integrity, transparency and accountability, and this will continue long after this debate has occurred to make sure that the ongoing vigilance required around an effective deterrence system, education and the administration of activity to ensure public sector confidence and accountability goes on.

The bill does in fact go to the very heart of confidence in a system around witness protection. It makes a number of changes which do provide that greater level of certainty. It interacts effectively with the Public Interest Monitor and the Independent Broad-based Anti-corruption Commission as well as providing that level of public confidence around new offences created within the Crimes Act 1958 for a better administration of witness intimidation. This essentially makes sure that witnesses, bystanders and those involved in the commission of a crime can have better confidence in the system. I commend this bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Witness Protection Amendment Bill 2016. This bill has been introduced as a result of the review of the Witness Protection Act 1991 conducted by the Honourable Frank Vincent. The report of that review highlights a number of reforms which are needed to improve both the administration and the external oversight of the system and to better deter witness intimidation. The bill implements all eight of the recommendations of the Vincent review.

Under this revamped scheme the Chief Commissioner of Police will continue to have ultimate responsibility and broad discretion around witness protection arrangements and decision-making. However, this is to be done in reference to the principles and purposes of witness protection, which are outlined in the bill, and with the independent assurance of the Public Interest Monitor that the decisions being made are in the public interest and in accordance with the principles of witness protection.

IBAC will also oversee appropriate record keeping of witness protection files to ensure compliance with the act. The bill will create a new offence of intimidating a witness, with a maximum penalty of 10 years imprisonment. I note that this penalty goes beyond the 5-year maximum that was recommended by the Honourable Frank Vincent in his review, but the government says this is due to the seriousness of witness intimidation.

I take up the point that Ms Shing was making very eruditely with regard to the summary offence of harassment of witnesses and the common-law offence of intimidation of witnesses and the interplay between the two — there is a quite wide disparity between the

two and penalties attached et cetera — and the points that she and Mr O'Donohue were making with regard to the seriousness of the issue that we are dealing with concerning witness protection and people who find themselves, maybe inadvertently, in the position where they are witnesses to a serious crime and may be exposed to such harassment or intimidation. Of course that may extend to harassment and intimidation of their families and/or friends. In fact in many cases that may have more of an intimidatory effect upon them than threats made to or harassment of themselves.

As highlighted in the 2008 United Nations Office on Drugs and Crime report *Good practices for the protection of witnesses in criminal proceedings involving organised crime*, the investigation and prosecution of crime requires that witnesses who are the cornerstone for successful investigation and prosecution have trust in the criminal justice system for their own safety and protection in their role as a witness. They must have the confidence that, in coming forward to assist in law enforcement, they will receive support and protection from intimidation and harm.

Also, the rights of witnesses, including the right to life and to not be arbitrarily deprived of life, are recognised in the Victorian Charter of Human Rights and Responsibilities. It is very clear that the review of the Witness Protection Act 1991 by the Honourable Frank Vincent and the various recommendations made by him uphold these rights and recognise the reliance of the criminal justice system on the protection of witnesses in order to function effectively. As he stated in his conclusion, 'No witness equals no case', therefore the community should be willing to provide and should facilitate the provision of financial and other resources necessary for an effective criminal justice system, which includes adequately resourcing witness protection.

One of the issues raised in the Vincent review was that immunity for police officers and other staff under the current act is too broad and should be limited. Such broad immunity can have negative effects, including providing little incentive for police to exercise appropriate care in witness protection, thus depriving people of legal redress if misconduct or breaches occur; and allowing for little external scrutiny over conduct or decisions, and the immunity applies to all conduct under the act, even misconduct, which is a concern.

The Vincent review also highlighted the fact that participants who enter into alternative arrangements outside the act are not given adequate legal protections, and that an independent body to externally monitor the witness protection program would help restore public confidence and the confidence of witnesses in the system.

The review also found that there is currently a lack of appropriate record keeping regarding witness protection by police; that a cultural change also needs to occur within the force since witness protection has not been given appropriate significance; and that witness protection should be more highly valued by those within the police force, which may lead to the resolution of many issues, such as improved governance structures, better record keeping and more effective training for staff who are involved in the witness protection program.

The review recognised that, whilst violence related to organised crime was the original basis for the witness protection legislation, overall there can be much more risk of violence within family relationships. Family violence provides additional and unique challenges to witness protection, and witnesses in such circumstances or cases may also be harassed and intimidated by offenders. Furthermore, the separation of investigative and protective functions is crucial to maintaining the integrity of the process.

Finally, witness intimidation is a far more pervasive problem than is generally recognised in the community. Witness intimidation is not effectively covered by existing offences and the penalties do not reflect the seriousness of the crime of intimidation and harassment of witnesses, as I mentioned earlier. This bill generally implements the recommendations made to deal with these problems that were raised by the Honourable Frank Vincent.

It is also important to acknowledge, as outlined in the review, that a number of non-legislative measures can be used to make it more difficult for those cooperating with police to be identified by those who might do them harm. Anonymous crime reporting services, such as Crime Stoppers, enable people to assist police by providing information without being identified. Police practices can also assist, whereby police frequently use methods to obtain witness statements that do not make the person's cooperation obvious to the offender, neighbours or the surrounding community.

Areas that are more complex and problematic involve police obtaining information from witnesses in prison. Certainly we know of a very high profile case where perhaps certain care was not taken with regard to that, resulting in the death of a high-profile prisoner a couple of years back. Also, once a matter proceeds to court, the review highlights a number of measures currently used also to assist there.

The review makes eight recommendations to clarify the purposes of the Witness Protection Act. These involve: improving the governance and administration of the witness protection program, promoting community confidence in the program, and deterring witness intimidation. They are quite detailed recommendations. I will not go through them all in full detail, but I will outline some of them, because they are important to put on the record as to why this particular bill is needed to improve the witness protection program and the Witness Protection Act 1991.

The first recommendation goes to the purpose and principles of the act and states that the purpose and principles underpinning the act should be made clear on the face of the legislation, and that the provision of witness protection must be to give practical effect to the rule of the law by as far as reasonably possible protecting those who are exposed to risk of injury or death by reason of their participation in or cooperation with the criminal justice system.

Amongst the detail some important points are made, such as witness protection and support is intended to remove or reduce the barrier to cooperation and is not to be provided as a reward or inducement; protection arrangements need to be tailored to the individual's circumstances and risk faced by the witness and the community; the safety of the witness must take priority over a successful conduct of a prosecution; the interests of children involved in or affected by witness protection arrangements must be separately considered and their welfare a powerful factor in decision-making; and, consistent with the need for operational security, there should be public accountability for the operation of the witness protection system.

These are amongst the key points made in recommendation 1, and I think they are very important to put on the record with regard to the system or the program. I support what Mr O'Donohue was saying, in that very few people have been put in a position where they have to come into contact with the witness protection system. In many cases it involves a complete or significant disruption to their lives, and they may be in that position inadvertently through being a witness to a crime or wrongdoing in the community, so it is very important that all these interests are taken into account.

The second recommendation goes to the extension of the scope of the act and recommends that persons encompassed by the legislation should include people who have reported crimes or otherwise cooperated with authorities in relation to investigations; witnesses in criminal proceedings as well as other proceedings of a related or broadly similar kind, such as IBAC investigations, royal commissions and parliamentary inquiries; those who seek to secure their safety through the justice system — for example, those who are taking out intervention orders; other participants in the justice system, such as police officers, jury members and judicial officers; and/or family members of all of the above, such that the scope of the act should be extended to those entering into what are currently categorised by Victoria Police processes as category B arrangements. This will have the effect that the witness protection principles, external monitoring, reporting and confidentiality provisions in the act apply to the alternative arrangements provided to high-risk witnesses who have been considered for but either declined — as some people may well do — to enter the program or have been considered unsuitable for other various reasons.

Recommendation 3 is that discretion should be maintained by the chief commissioner. Recommendation 4 is about the obligations and protections under the act, and it is that the act be amended to remove the unjustifiably wide immunity presently available for police conduct in relation to witness protection arrangements that I mentioned earlier. Recommendation 5 goes to the rights of protected people such that the act should be amended to ensure that the terms of memoranda of understanding entered into in both category A and category B levels should be legally enforceable by persons entering into them. Recommendation 6 is regarding mandatory case review. To ensure a basic level of active case management, the legislation should require all persons protected under the act to be reviewed at least every two years.

Recommendation 7 goes to the issues of public accountability, monitoring and reporting. To ensure appropriate public accountability, an independent body should monitor the operation of the act to provide assurance that the witness protection principles recommended are given practical effect, and subject to necessary safety and operational caveats, there should be public reporting on the operation of the act. Recommendation 8 is with regard to deterring witness intimidation such that there should be a new indictable offence triable summarily that would cover the range of witness intimidation behaviours addressed in the various interstate provisions and that that offence should have a maximum penalty of 5 years; as we know, the bill makes that penalty 10 years.

With regard to the bill, the bill does the following things. It does clarify that the central objective of witness protection is to give practical effect to the rule of law by, as far as reasonably possible, protecting

those exposed to the risk of injury or death due to their participation in or cooperation with the criminal justice system, and that is done by inserting new section 3AAA via clause 5. The bill requires the chief commissioner, police officers and certain other persons to have regard to new witness protection principles when making decisions or taking action under the act. These include that protection and assistance provided to a witness should be tailored to the individual circumstances faced by the witness and the community; that the safety of the witness should take priority over the successful conduct of a prosecution; and that the interests of children involved in or affected by the provision of witness protection and assistance should be separately considered and that their welfare should be a powerful factor in decision-making.

The Scrutiny of Acts and Regulations Committee queried the principle that, as far as practicable, there should be a clear separation of the investigative and protective functions of Victoria Police to be inserted in new section 3AA(2)(b). The minister's response says that this is compatible with the right to a fair hearing because such words recognise the practical limitations that may be present in some places where Victoria Police provides protection to witnesses and their families; because the bill does not alter that discretion of the court to hear, limit or exclude evidence; and because, where a court decides to hear evidence that a witness's evidence has been contaminated, probative value will be apportioned to that evidence in the usual way.

The bill provides that the Public Interest Monitor will ensure that the witness protection principles are being properly considered when decisions are being made. In relation to alternative protection arrangements, the bill expands the scope of the act to include a witness who is facing a high level of risk because of that witness's participation in or cooperation with the criminal justice system and who has been considered for but not provided with the Victorian witness protection program. Clause 12 of the bill inserts new division 3A, which inserts new sections 9O and 9S, and the bill requires the chief commissioner to consider providing these witnesses with alternative protection arrangements, which will extend certain protections to a broader range of witness and so protect them, their families and their children.

The bill ensures that the chief commissioner will be required to review all cases of witness protection under the witness protection program or alternative protection arrangements at least every two years, which is contained in clause 17, which inserts new section 15AA. The chief commissioner will be able to suspend or terminate the provision of protection and assistance under alternative protection arrangements on certain statutory grounds — for example, if a witness committed an offence.

To ensure confidentiality of the scheme, the following measures have also been introduced in the bill: disclosure by a witness or family member concerning a memorandum of understanding is punishable by a maximum of five years imprisonment; disclosure of sensitive protected witness information by any person without lawful authority or, in the case of a witness provided with alternative protection arrangements, without lawful authority or reasonable excuse is punishable by a maximum of 10 years imprisonment; disapplication of the Freedom of Information Act 1982 in respect of sensitive, protected information, under clause 22, to protect those who are in witness protection or alternative arrangements; and the protection of sensitive witness information against disclosure in court proceedings, under clause 14.

The bill amends the Crimes Act 1958 by making it an offence to use intimidation towards or take reprisals against a person known or believed to be involved in a criminal investigation or criminal proceeding — that is, a witness — and this offence, which is inserted by clause 40, is punishable by a maximum of 10 years. This offence will be broad enough to cover witnesses of alleged crimes and their families, jurors and various other people involved in the criminal justice system, such as police officers, legal practitioners and judicial officers, who also may be the subject of harassment and intimidation in criminal proceedings. The offence has safeguards in that it does not apply to conduct engaged in by a person performing certain official duties.

Defences are also available for conduct engaged in without malice in the normal course of a lawful business, industrial disputes, political activities or public affairs communication. The offence also only prohibits association, expression and movement that the person either knows or ought to know would be likely to arouse apprehension or fear in another person.

This is an important piece of legislation to assist in criminal prosecutions as far as is possible following the recommendations made by the Honourable Frank Vincent in his review of the act. It does strengthen the act and, I think, improve the confidence of those who may be called to be witnesses in these types of high-profile cases and who do expose themselves to being intimidated, harassed or threatened. This bill will go a long way to improving the protections provided to such people. For those reasons the Greens will be supporting the bill.

Ms CROZIER (Southern Metropolitan) — I rise to speak on the Witness Protection Amendment Bill 2016. In doing so I also state, as Mr O'Donohue did in his contribution, that the opposition will be supporting the bill.

I would just like to make a few comments in relation to the bill before us this afternoon, as it follows on from the interim legislative provisions introduced by the coalition in March 2014 via the Witness Protection Amendment Bill 2014. Significant work was undertaken by the coalition in relation to various elements that surround the witness protection area, and I know that the former Attorney-General, the Honourable Robert Clark in the other place, did significant work. Indeed it was he who asked for a review to be undertaken, and of course the report of the Honourable Frank Vincent, AO, QC, was tabled in March of this year. I note that this bill undertakes to look at many of those recommendations that were provided in Justice Vincent's review.

Frank Vincent is a man of great knowledge in this area of law. He has spent much of his career working on the area around parole or witness programs and dealing with some very difficult cases in the justice system, so I think it was very apt for him to have undertaken this review. As someone who has worked with him closely on a previous inquiry, I understand the level of detail he would have gone into and his deep and thorough knowledge, so although I have not read this report — and I understand that much of it for obvious reasons has been redacted — I have no doubt that it would have been undertaken very thoroughly and would have provided excellent recommendations to government which government can be guided by. Hence the government has been so guided in formulating this bill.

As has been highlighted, the bill itself also looks at the governance and administration of witness protection in Victoria to include strengthened independent oversight, public reporting, mandated case reviews and the introduction of decision-making principles. The independent oversight role will be split between IBAC and the Public Interest Monitor, and in that role the Public Interest Monitor will monitor witness protection decisions and provide assurance that decisions are made in accordance with the witness protection principles and in the public interest.

So the bill is very much looking at what needs to be done in terms of those decisions that are made in these important areas. As other members have stated, these are particular cases where people need particular protections, so those decisions are very significant and they need to be provided with those assurances. IBAC will annually audit Victoria Police's compliance with keeping records under the act. These measures balance operational secrecy, security, public accountability and good governance. That also goes to that aim of the bill — to provide for assurance and to ensure that independent oversight and governance is adhered to.

The bill also extends the scope of the act's governance reforms to a broader range of police witness protection conduct. I will not go through all of those elements because I think that has been highlighted by other speakers in their contributions. They have spoken eloquently about the difficulties and complexities in relation to some of the witnesses who may come before the witness protection program. Obviously every case would have to be based on its complexities and the issues surrounding it, but should somebody be taken into witness protection, then there are significant concerns for that individual and their family.

Other members have highlighted some of the very serious undertakings witnesses make, whether they be the need for them to change location or change their identity, which are things that are not done lightly. They are taken very seriously, and they need to have a proper and thorough process and proper governance and principles applied around those elements. Certainly with the review Frank Vincent has undertaken highlighting those various elements, this bill acts on those recommendations he has provided.

I understand that, as I have said, the bill amends both the Witness Protection Act 1991 and the Crimes Act 1958, and it aims to implement all those recommendations that have come out of the Vincent review. As Ms Pennicuik and others — I know Ms Shing went through elements in her contribution — have highlighted some of the more technical aspects of the background to this bill, I will not endeavour to do that this afternoon.

I just put on the record that the coalition supports the bill. The coalition considers that the Witness Protection Amendment Bill, with those recommendations made in the review undertaken by Frank Vincent, will provide greater security for the community and greater security for the police and other agencies involved in witness protection programs and the like and will provide that reassurance for both the community and all those who are involved. With those few words, along with my colleague Mr O'Donohue, I support the bill.

Mr EIDEH (Western Metropolitan) — I am delighted to rise to speak on the Witness Protection Amendment Bill 2016. This bill represents the Andrews Labor government's commitment to take

every measure required to keep the Victorian community safe. The Vincent review was announced in March 2014. It was established to examine whether the Witness Protection Act 1991 remains fit for purpose and whether amendments are necessary to improve witness protection in Victoria.

A well-functioning witness protection program is vital to maintain the rule of law. Without a witness, there would be no case. This review builds the case for sensible and targeted legislative change to improve the governance and administration of witness protection structures. Upholding the criminal law and maintaining civil order depend on witnesses being prepared to give evidence in court. The bill will amend the witness protection and crimes acts to implement all eight of Mr Vincent's recommendations.

The amendments will improve the governance and administration of the witness protection system; extend the scope of the Witness Protection Act to potentially include high-risk witnesses currently given protective assistance outside the act; clarify the purpose of witness protection and set out witness protection principles that must be considered when certain witness protection decisions are made or witness protection actions are taken; increase police accountability for delivering protective assistance that police have agreed to provide; increase community confidence in witness protection through strengthened independent oversight and appropriate public reporting; and create a new offence with up to 10 years jail for intimidating a witness.

This bill reaffirms the Premier's commitment to ensuring safety in Victoria. He has made it clear that Victoria Police will have the resources it needs to bring these offenders to justice and keep the community safe. We have proudly delivered this. This is another promise kept by the government. Those opposite like to talk tough about crime but it is Labor that works with Victoria Police to deliver the resources it needs, and we are proud of that.

The Chief Commissioner of Police has said our investment places Victoria Police as a national leader in being able to respond to emerging challenges. The announcement of our $596 million public safety package gives police the necessary resources and capability to respond to gang-related crime, gun crime, terrorist threats, the scourge of ice and family violence. This reflects what a modern, smart police force should look like. We have provided funding for an extra 406 sworn police and 52 support personnel. We have provided a total of 300 extra frontline police to be deployed across Victoria. The chief commissioner has indicated that deployment will focus on responding to local crime issues in growth corridors and other areas of greatest need. That is to be determined in consultation with the police association, which is important to my electorate.

I commend this bill to the house.

Mr HERBERT (Minister for Training and Skills) — It is an absolute pleasure to sum up on this bill. If you live long enough, you see all sorts of things. Maybe it is because we have a new police minister, Lisa Neville, and this is the first bill she has brought before this place or maybe it is just the quality of this bill, but we have the opposition, the Greens, Labor and probably the crossbench all in agreement on a police bill. I have often said that when it comes to law and order there is usually a long elastic band with different people on different parts of the spectrum, but perhaps there is something about this bill that has made us all aligned right on the mark, all in agreement.

There are no amendments to the bill. Why is that? It is of course because this is an important bill. We all recognise that protecting witnesses who give evidence to help with successful prosecutions, protecting witnesses in our fight against crime, protecting witnesses in our battle with organised crime and protecting witnesses who are absolutely crucial to the operations of some of the more sophisticated law enforcement processes and actions of the state is of vital importance. It is important that we recognise that the system we have needs to be improved. The original act, introduced in 1991 and passed in this very chamber, was the first witness protection legislation passed in Australia. Things have moved on, and we need to improve that act.

As people have said, Justice Vincent reviewed the original act and made eight recommendations. The review recognised that often 'No witness equals no case', to quote Mr Vincent. The recommendations of Mr Vincent's inquiry have all been included in this bill. The recommendations are around being clear about what our witness protection system is and giving it objectives. Mr Vincent recommended that the government establish principles that certain people must have regard to when making decisions on witness protection — 'certain people' being the Chief Commissioner of Police, their delegate, police officers or other approved authorities.

The bill introduces the principle that when working through witness protection matters for criminal investigation and prosecution, protection and assistance should not be provided as a reward or an inducement for a witness to give evidence. The bill requires that

there be a clear separation between the investigative and the protective functions of Victoria Police, and it requires that our witness protection program be tailored to the needs of the individual and the risks they face. There are a whole range of factors in here. When it comes to children, as has been said, the bill ensures that the welfare of the child is the most powerful factor in our decision-making in relation to witness protection.

This is a good bill. It has principles that relate to health and safety, to how investigations are conducted and to what protective powers there are. Importantly the bill recognises that you need more than one approach to witness protection. For many people who voluntarily enter witness protection, a change of identity is the way to go — it is very important — but others may not be in a position to change their identity or may not want to but still face a high risk when giving evidence. There are other formal things that the police can put in place to help protect a witness — CCTV cameras, home security, silent phone numbers and advice on how to change your routine to protect yourself better. There are a whole range of things that often happen currently but that are not formally part of the witness protection program. Formalising that is an important measure.

The bill also enhances the framework for independent monitoring. Under this bill the Public Interest Monitor, Mr Brendan Murphy, will sit in on protection decisions and ensure that the principles enshrined in this act are taken into consideration when there are recommendations made to the chief commissioner. IBAC of course is also a part of it. IBAC will be able to audit the recorded information of Victoria Police. Clearly you need a separation of powers. IBAC will not perform this function when the actual protection issues are being worked through, but it will go back and have a look at the records and check that Victoria Police has operated according to the act.

The bill revisits the immunities under the act, particularly in regard to civil actions. It requires Victoria Police to review protected witnesses cases every two years, and in doing that it actually strengthens the case management of the witnesses under the act, which is important because there have been cases in the past where long-serving witnesses under protection perhaps have not been getting the case management they need right through the program. Ms Pennicuik is nodding on this one. It also inserts a new offence into the Crimes Act 1958 to prohibit intimidation or reprisals against witnesses or other persons, which is an important part and has quite serious penalties.

As such, this is part of a modernisation of our witness protection scheme. It comes from a very substantive review. It is supported by all in this chamber, I believe — certainly all major parties — and I wish it a speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

APPROPRIATION (2016–2017) BILL 2016 and BUDGET PAPERS 2016–17

Second reading

Debate resumed from 7 June; motion of Ms PULFORD (Minister for Agriculture) and motion of Mr RICH-PHILLIPS (South Eastern Metropolitan):

That the Council take note of the budget papers 2016–17.

Ms PULFORD (Minister for Agriculture) — I rise to speak on this motion and to reflect on what is a terrific budget for Victoria and very much a budget that makes great investment in infrastructure in regional Victoria. The budget is an annual opportunity for any government to make a very clear statement about its values, and this budget certainly demonstrates the Labor government's values. As a consequence you see very strong investments in schools, in our health system and in a number of initiatives that are designed to make our economy strong, to support greater diversity in our economy, which of course is the thing that underpins its strength, and to grow jobs.

In regional Victoria there are significant investments in infrastructure, perhaps most notably a $1.3 billion investment in regional public transport. Our regional public transport network has, in the earlier part of this year, experienced significant challenges that have been the source of great frustration to commuters. This investment will see the work continue to get the system back on track after what was a very disappointing start to the year and to take the regional rail network from strength to strength.

It is a shame that Mr Ramsay is not in the chamber, because I would love to remind him that it is a Labor government that will be delivering that fourth rail service for Warrnambool. It is something that we have

argued about a lot over the years. There is an additional rail passenger service to Maryborough, as part of a very extensive package of investments, and significant works on the Ballarat line as well, which will deliver great improvement in the reliability and frequency of that service. Our regional cities are growing and growing fast, and a modern regional public transport service is something that our regional centres will benefit from, as will the smaller communities that are connected to those. I also note improvements to the service to Shepparton as well.

The budget demonstrates that the Andrews Labor government has the Victorian economy back on track. Confidence is returning. The budget provides a surplus of $2.9 billion and a forecast growth rate of 3 per cent. This is up from the forecasts 12 months ago of 2.75 per cent and from an actual growth rate of 2.5 per cent in the Labor government's first year. Debt levels are being contained certainly at no greater levels than those which we inherited.

Whilst there is a need for government to invest in infrastructure, keeping the balance right between a sustainable and manageable debt and a strong infrastructure program is something that our government is very focused on. Of course the rating agencies confirmed the strength of this budget by reaffirming Victoria's cherished AAA credit rating.

As I said, the diversity of our economy is our strength, and the budget provides for a significant boost to the Future Industries Fund. This is about growing jobs in a number of key sectors in the Victorian economy — those where we believe our people in Victoria and the work that they do are poised to lead the world and, in doing so, create a great many jobs for people in communities across Victoria.

I would like to reflect for a moment on the other investments in regional and rural Victoria. The budget provides for the $200 million Regional Health Infrastructure Fund. There are three specific projects that we outlined on budget day that will be supported by that fund. There is $1 million towards the $3.5 million Wimmera cancer centre, $2.1 million for an urgent care centre at Moyne Health Services at Port Fairy and $1 million to plan the West Gippsland Health Care Group redevelopment at Warragul hospital. I am less familiar than I am sure other people are with the West Gippsland project, but the other two are in my electorate of Western Victoria Region.

The community campaign for improved cancer services in the Wimmera has been a tremendous thing. There has been significant local fundraising. There is a great level of support in the Wimmera communities for better access to cancer services. At the moment many services can only be accessed in Ballarat or indeed further north. Most people in those communities I think access services in Ballarat. We know that the health outcomes for people in rural Victoria are poorer than they are for people in our larger regional cities and when compared to those in Melbourne. This is an incredibly welcome investment.

The urgent care centre at Moyne Health Services at Port Fairy is a very welcome investment for the Western Victoria Region electorate as well. As you can tell, Acting President, the $4.1 million allocated on the day of that initial announcement is just a small proportion of the $200 million fund, and the department of health will be working closely with regional and rural health services — —

Mr Ramsay interjected.

Ms PULFORD — Hello! You were not here when I was talking about the Warrnambool rail service that is going to be improved by a Labor government.

Mr Ramsay interjected.

Ms PULFORD — Yes, but you did not do it over four years, did you? You only commit to it when it does not matter.

It is wonderful to see investments being made into our rural and regional health services. This can only provide relief to those experiencing ill health and their families and loved ones, resulting in less travel time and less time away from home. But I do want to give credit to the people who have been leading the push for the Wimmera cancer centre in Horsham and to congratulate them for their advocacy for that.

The budget also makes considerable investment in our rural and regional schools. Again, a number are in the Western Victoria Region electorate — Brauer Secondary College, Natimuk Primary School and Donald High School, just to name a few. There are 61 school projects funded in this budget. We are continuing the work on asbestos removal and needs-based funding, which of course Labor governments, state and federal, hold incredibly dearly. So many schools across rural and regional Victoria have a demonstrated need for upgrades to their facilities, and this budget means that kids in rural Victoria will have better educational opportunities and better facilities, and that is something we are incredibly proud of.

I also reflect on the significant investments in regional Victoria to create jobs. There is $325 million for infrastructure and services, which includes a number of important irrigation upgrades and water security projects as we continue to build Victoria's water grid. There is funding for work on removing mobile blackspots. That is a big project, but we are getting on with it. We had a great result in round one of the federal funding program, with Victoria doing very well.

Mr Dalidakis interjected.

Ms PULFORD — Indeed Mr Dalidakis and I have shared a passion and interest in this. Mr Dalidakis reminds us that this is less just one program in the budget than one that is just part of our ongoing work from the last budget in improving ICT connectivity for people on the rail service that I mentioned earlier.

A big boost as part of that is our $101 million Regional Tourism Infrastructure Fund. There are many recommendations in the report of the Regional Economic Development and Services Review that the government conducted in the first half of last year, but one of the things that really came through very strongly from our regional communities was the lack of opportunity to create jobs and the lack of fully realised potential in regional tourism. Close to one in six regional Victorians in work work in the visitor economy, so this is one of the most important areas of investment. The $101 million includes a very significant project at Phillip Island, and we are working with regional tourism boards and local councils to identify regional tourism infrastructure projects across the length and breadth of the state. I have had a look at some of these ideas, and there are no shortage of fantastic ideas. Whether it is on the scale of something like the Brim silos or something like the visitor experience at the Twelve Apostles, there is literally something for everyone in regional tourism.

In that vein I also mention the $20 million Regional Events Fund. Again there is a great deal of important reform and work being led my colleague the Minister for Tourism and Major Events, John Eren, to grow our tourism industry and to share the benefits of that across the state. Events funding is something that our regional communities need some further assistance with. It is not really possible for smaller regional events to compete with events like the Australian Open Tennis Championships or the Australian Formula One Grand Prix, but regional events can provide an extraordinary boost to regional economies. We do not need to look any further than Bendigo and the Marilyn Monroe exhibition and the record-breaking visitor numbers they have had there. The work that the Bendigo Art Gallery has done in creating an amazing program of events is complemented by investment being made by people with businesses in View Street and throughout Bendigo. The Regional Events Fund is about supporting more great initiatives like this across regional Victoria.

I would also like to make a couple of observations about the agriculture portfolio. This is a great budget for our primary producers. There are some changes in the area of the Treasurer's responsibility relating to the treatment of some parcels of land. They are modest changes but really welcome and important ones. This is the biggest water infrastructure budget since 2009, which was probably about the time when the desalination plant was built. That is going to be a hard record to beat, but certainly this is the biggest water infrastructure budget in a very long time. Then of course in agriculture we have worked hard to restore the biosecurity funding black hole that we inherited. There is some investment in the budget in new equipment and many other things that I have spoken about in the house and in other forums before.

At the outset I talked about a budget being an opportunity for a government to express its values, so in addition to health, education and creating jobs in all of the industries that are going to be such an important part of our future, the government has made a significant investment in implementing the most urgent of the family violence royal commission's recommendations. There is the second iteration of the *Ice Action Plan* and things that will make our communities safer and make our communities stronger.

In that vein I also note that in the agriculture portfolio there is $7.3 million to continue our work in medicinal cannabis. This is in addition to resources in the health portfolio for medicinal cannabis, but this is landmark reform. Ms Patten was interested in pursuing some questions earlier in the week on this matter, and I note the interest of many members in the house about our progress on this. I can report to the house that the plants that the Victorian government has in a secure facility and that it is nurturing are coming along very nicely. They are growing well. They will be essential to the supply for the first cohort of patients in a landmark reform.

This budget demonstrates that we are getting on with it and that we are making Victoria a stronger and better place and a more compassionate and fairer society.

Mrs PEULICH (South Eastern Metropolitan) — I just regret the fact that I have only 15 minutes to give a

full appraisal of what I think has been a debacle of a government after only 18 months in office.

Ms Crozier — Look at today.

Mrs PEULICH — Well, look at this week. The Andrews Labor government promised so many things but has delivered so little in terms of tangible outcomes financially, in terms of infrastructure, in terms of its social capital programs and in terms of accountability — all of those four pillars that I typically use to judge the performance of a government. As I said, Labor promised a lot, has delivered so little, has wasted so much and has missed so many opportunities. Unfortunately it will take another Liberal government to clean up the mess that is being left behind.

The Premier, Daniel Andrews, has been embarking, however, on a Daniel Andrews Labor cultural revolution. This is derailing his government, and we see it lurching from crisis to crisis each day. In the meantime the government is also trampling over communities, lighting fires with a display of arrogance and incompetence across Victoria and also across the South Eastern Metropolitan Region, which I have the pleasure of representing. It appears that Daniel Andrews and his Socialist Left faction, which is in charge of the government, is driven by a pro-union, left-wing and pro-Labor mates agenda.

The three or four most obvious examples that come to mind include what the government is trying to do in terms of a growth strategy for unions and for its favoured mate, Peter Marshall, the secretary of the United Firefighters Union, in sponsoring and facilitating a takeover, a rape and pillage, of the Country Fire Authority (CFA), our treasured and iconic institution which signifies all that Australia stands for, and of volunteers who have stood by their communities in times of need. Indeed we have seen one minister cannibalised, and we have seen another minister disgraced today and forced to make a personal explanation for basically misleading the Parliament.

Also there is the hide of this government in trying to make the Safe Schools Coalition compulsory for primary and secondary schoolchildren, forcing a left-wing sexual agenda that is not about bullying or an anti-bullying program. It is about changing our institutions, changing the family, changing education and changing the mindset of our children. The government is embarking on areas that are not the responsibility of the state and certainly not the responsibility of one that is driven by this cultural zeal. The agenda has been exposed, and it is one largely driven by Roz Ward, a self-proclaimed Marxist whom the Premier and the Minister for Education have on repeated occasions defended. They have attacked anyone who holds a contrary view and called them bigots. If we actually have a look at the *Oxford English Dictionary* definition of a bigot, we see that it is a person who holds a particular view to the exclusion of others. I would have thought that that term applies to Ms Ward very appropriately. Her outrageous comment that the Australian flag is a symbol of racism I have great pleasure in denouncing. She ought to be ashamed of herself. The Premier should have denounced it. Her wish to replace the Australian flag flying above this Parliament with a red one, the symbol of communism, really does shine a light on Daniel Andrews's social and cultural agenda.

In terms of accountability — well, there has been none. The government deals with mates. It is doing deals with Trades Hall. There is a $10 million grant to Trades Hall for refurbishments so it can free up more of its funds to conduct campaigns against its political foes.

Financially we now have rivers of gold coming into the state's coffers, but so much money is wasted. There is no better example of that than the $1.1 billion wasted on tearing up the east–west link contract, which was justified by Daniel Andrews on the grounds that it had not been taken to an election. However, clearly the contract was torn up as a way for the government to try to save its four inner metropolitan seats from the political threat of the Greens.

Yet in the same breath, 18 months later we have sky rail, which also has not been taken to an election, being rolled out in the Southern Metropolitan Region and the South Eastern Metropolitan Region. YouTube clips quite clearly show the Premier promising level crossing separations, and because of the successful ones that the coalition undertook, including the Springvale level crossing, everyone assumed that it was going to be underground, which certainly would be welcome. It is something that I have been calling for, in particular for the Clayton level crossing, which the member for Clarinda in the Legislative Assembly had never mentioned in all of his time until I put that on the agenda because of its proximity to the Monash hospital.

We saw the rorting of electorate office budgets, and that investigation continues. We have seen this place being used contemptuously by the ministers because this chamber had the gall to move and pass a motion to suspend the Leader of the Government for not complying with the wishes of the chamber.

We have seen, as I said, the CFA under attack, and I will absolutely be outraged — and the Premier will never live it down — if tomorrow, as is rumoured to be the case, he announces the gutting of the CFA. Whether or not Ms Garrett, who I think has shown some fortitude and backbone, is sidelined is yet to be seen, but she has clearly been cannibalised in trying to do the right thing and was defended by former emergency services minister André Haermeyer. The CFA board and the chief executive officer have nowhere to go except to observe the act which governs them. It is bloody-minded arrogance and incompetence to take on 60 000 volunteers and all of the supporters that they have versus 800 professional firefighters.

What in actual fact has the South Eastern Metropolitan Region benefited from during one and a half years of this Labor government and all of the promises that it came to office with? In Kingston the Mordialloc bypass has been abandoned, there is just $4.25 million plus change for the Mordialloc electorate compared to the $250 million that was delivered in just four years of a Liberal government, there is no money for local sporting facilities, dozens of schools are still waiting for upgrades and emergency service units have been forgotten. There are no projects in the Kingston part of the Carrum electorate, and Cheltenham Secondary College is receiving only $231 000 out of the promised $6.3 million.

In Greater Dandenong there is no Dandenong bypass connected to the South Gippsland Freeway; there is no construction money allocated for Keysborough South schools; there is no additional multicultural affairs funding in order to deal with some of the issues involving our young people from multicultural, and in particular African, backgrounds; and the Dandenong High School project is running late.

In Frankston $3.1 million is missing from the Frankston TAFE upgrade; there is no sign of Labor's promised freeway-style interchange at the intersection of Ballarto Road and the Western Port Highway; there is still no contribution from the state government to the Frankston Basketball Stadium; the Thompsons Road-Western Port Highway intersection has been downgraded from a freeway flyover to a set of traffic lights, and $6.22 million has been cut from the project, with completion now delayed to 2019; and the Thompsons Road upgrade has been downgraded, with traffic lights to replace the flyover, as I have mentioned.

There is no new primary school or secondary school for Casey, despite demand and growth; there are no funds allocated for the Hallam Road or Monash Freeway upgrades; there is only $2 million for Casey Hospital, not the promised $106.3 million that Labor went to the election with; for Cranbourne Secondary College there is only $331 000 of the $9 million promised; there is no extension of the Cranbourne train line to Clyde; and there is no progress on Jude Perera's cinema for Cranbourne. The RACV said that Casey needs $1.2 billion in roads just to meet today's requirements, and that number grows with each new family, and this budget will not match the growth, let alone the backlog.

Similarly, in the bits of my electorate that are covered by the City of Monash only two school upgrades have been provided, as well as some funding for Monash Medical Centre. There is debacle after debacle across each portfolio.

In terms of multicultural affairs, my other shadow portfolio, I think the government has lost the plot. I think it has broadened the diversity agenda so far that it has certainly moved the focus away from multicultural communities. It has failed to be proactive, and it has failed to marshal resources to areas of need to develop social programs and to support the emerging communities that are faced with so many challenges — ranging from parenting through to employment, through to the interface with the justice system and a range of others. There is nothing there. For investment in medium and long-term strategies there is nothing being rolled out in the short term. I have used this place time after time to call for short-term measures to be taken to support our emerging communities, but nothing has been done as yet.

The entire multicultural affairs portfolio has been restructured. The power of allocation of grants has now been largely centralised in the minister's department and therefore in the minister's office, and the Victorian Multicultural Commission has really been left to be almost like a front, with very little responsibility, with no genuine involvement in decisions of grants allocation, with most of its responsibilities having been gutted away from the chair and now with its staff directly reporting to Office of Multicultural Affairs and Citizenship (OMAC) staff.

We have had no increase in consultations with our culturally and linguistically diverse communities at a time when consultation is so important in framing and promoting social cohesion and diversity policies that will better enhance and integrate our multicultural and emerging communities. There is no emphasis on boosting Cultural Diversity Week attendance or flagship events such as, for example, Viva Victoria; no specialised employment services for disadvantaged job seekers from migrant and refugee backgrounds — and this in particular affects those who have come here through refugee programs and also those who have come here as international students and who seek to

achieve their permanent residency; and no funding for capacity building for ethno-specific community services or for culturally diverse aged care.

The government completely mucked up the family violence royal commission by not making sure that the causes of family violence were fully investigated and that a keen voice was given to people from multicultural backgrounds whose experience of domestic violence, family violence, is very different and often much more dramatic than that to which we are accustomed here in Victoria, in Australia. There is also no funding to sustain and develop services in local councils experiencing higher than average demand on services due to an increase in residents from new and emerging communities. The multicultural grants process has been politicised. Despite the best interests of the minister, the net effect of it will be that it will be politicised.

The success of our policy has resulted from its multicultural foundations. I will bet my bottom dollar that there will be a progressive shift away from that. Before, when organisations received grants, they were obliged to invite speakers from all political sides. Now that is decreasing of course because the funding comes out of the Department of Premier and Cabinet, or OMAC specifically. We now see the government logo, the government speakers being marshalled and other parties being left out in the cold. Multicultural consultation is wishful thinking, and so on. So there is certainly a lot of disgruntlement.

In particular, could I say I have called on the minister on numerous occasions to pull together a multi-agency task force to address the problems facing our young people, in particular those who were involved in the Moomba riots or any other of the riots where there was a cultural element. Unfortunately, although he is meeting with young people from one of those communities, he has failed to bring together a multi-agency task force to actually get to the root of the problem. He did establish, as the Acting Minister for Police, a task force, but its focus is on policing rather than actually understanding the fundamental problems that underpin those issues.

This government is an absolute debacle. But the biggest debacle is the way it has trampled over local communities on local issues. One of those is of course sky rail. We have had hundreds of petitions tabled, both here and in the lower house, and communities coming together — Greens voters, Labor voters, Liberal voters, swinging voters — all working together to make sure that it does not destroy the bayside amenities if it is rolled out along the Frankston line. My heart goes out to those who are now having to contend with it, from Caulfield through to Dandenong. I know of one gentleman, Chris Papapavlou, whose house will back onto it, who has no peace of mind and neither have his family, because sky rail will only be 10 metres away from his home. This government has treated those communities with contempt. The Minister for Planning, Richard Wynne, and the Premier have dug their heels in in relation to the Waverley Park Residents Action Group. They promised a lot but they have done nothing, and their conduct is more and more arrogant each day.

Lastly — but not least, of course — is the debacle involving City Life. Assembly member Paul Edbrooke led a task force lasting 14 months, spending $70 000, to try to find a home for this most important service, but it found that in actual fact there is nothing. This government is a debacle, and I look forward to — —

The ACTING PRESIDENT (**Mr Eideh**) — Order! Time has expired, thank you.

Debate adjourned on motion of Ms LOVELL (Northern Victoria).

Debate adjourned until next day.

ROAD MANAGEMENT AMENDMENT (BUS STOP DELIVERY POWERS) BILL 2016

Introduction and first reading

Received from Assembly.

Read first time for Ms PULFORD (Minister for Agriculture) on motion of Mr Dalidakis; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), Mr Dalidakis 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 Road Management Amendment (Bus Stop Delivery Powers) Bill 2016.
>
> In my opinion, the Road Management Amendment (Bus Stop Delivery Powers) Bill 2016, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The Road Management Amendment (Bus Stop Delivery Powers) Bill 2016 (the bill) provides the Public Transport Development Authority (PTDA) with power to install and modify bus stop infrastructure and bus stopping points, and to exercise related powers and to perform related functions, which are currently vested in the Secretary to the Department of Economic Development, Jobs, Transport and Resources (secretary). The bill also validates the past exercise of those powers and performance of those functions by the PTDA instead of the secretary.

Human rights issues

Human rights protected by the charter that are relevant to the bill

The only right that is relevant to the bill is the right contained in section 20 of the charter act: a person must not be deprived of his or her property other than in accordance with law.

It is unlikely that the effect of the bill is to deprive a person of property rights, even non-traditional and less formal rights however widely defined. Even if that were to be the case, the impact of the validation provisions on property rights is not arbitrary and is lawful.

I do not therefore consider that the right is limited by the bill. In any event, the bill promotes an important objective of ensuring that public transport in the form of bus services are available to the community and that routes and bus stopping points are in appropriate places.

Jaala Pulford, MP
Minister for Agriculture

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This is a small bill which is primarily aimed at giving power to Public Transport Victoria to install and maintain bus stops and to conduct related activities. An important purpose of the bill is to validate past actions undertaken by PTV without sufficient authority.

Victoria's population is growing. This will bring both challenges and opportunities in the future, but one thing is certain: our growing population will put increasing pressure on the state's transport system. We need an efficient public transport system that delivers excellent service and ensures access to work, education and lifestyle opportunities for all Victorians. Buses are the most flexible mode of public transport and will play a critical role in meeting Victoria's transport needs into the future, particularly in high growth areas.

As part of the government's commitment to creating a world class public transport system, a $100 million bus package was funded in the 2015–16 state budget. This investment broadly focuses on improving access to major education facilities, improving public transport options in growth areas, and better engaging with the community regarding service needs.

To deliver these commitments, PTV needs to create infrastructure including bus stops. PTV needs the power to designate bus stop locations and install or modify bus stop infrastructure. Powers in relation to bus stops and related activities are currently contained in the Road Management Act 2004 and are conferred on the Secretary of the Department of Economic Development, Jobs, Transport and Resources.

PTV was established in November 2011 and commenced on 2 April 2012. PTV took over many but not all of the public transport functions of the former Director of Public Transport and the former Department of Transport. The activities include:

designating new bus stopping points;

designating locations for the installation of new bus stop infrastructure;

the identification of existing bus stop infrastructure requiring modification and upgrading;

the identification of bus stopping points and bus stop infrastructure to which temporary changes are required for special events or temporary bus service changes; and

other sundry and minor works required to generally improve bus stops.

After some years of designating bus stopping points and installing or modifying bus stop infrastructure PTV identified that it did not possess sufficient statutory power to undertake these bus stops activities. The agency has subsequently continued to perform the activities under an agreement where it acts as the agent of the secretary of DEDJTR. The arrangement is administratively cumbersome.

The only way to remedy PTV's absence of power for the future and the past is to make statutory change. Accordingly, the bill amends the Road Management Act to give appropriate functions to PTV and validates past acts undertaken by PTV when PTV did not have authority to use these powers.

The government regrets the need to introduce this bill. It demonstrates the need to take great care when establishing new entities.

The circumstances that have led to the development of this bill provide a timely reminder that statutory agencies can only act if statute provides them with sufficient power. Accordingly, agencies need to be vigilant and must ensure they have power at all times to support their activities.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 16 June.

JUSTICE LEGISLATION (EVIDENCE AND OTHER ACTS) AMENDMENT BILL 2016

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Mr Dalidakis; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Mr Dalidakis 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 (Evidence and Other Acts) Amendment Bill 2016.

In my opinion, the Justice Legislation (Evidence and Other Acts) Amendment Bill 2016, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

Presumption in favour of audiovisual hearings

The bill introduces a presumption that most hearings in the Magistrates Court where an adult accused is in custody will proceed via audiovisual link. This is to encourage and increase the use of this technology, and to acknowledge that an in-person attendance by a prisoner is not required in all hearings.

The government has invested in improved audiovisual technology in prisons and in the Magistrates Court. The aim is to facilitate efficient court hearings and avoid the transport of prisoners unless it is in the interests of justice for a person to appear in person. More audiovisual court hearings will also help reduce numbers in police cells so that prisoners who do attend court can be accommodated in those cells and appear in court when scheduled.

Expanding Victoria Legal Aid board

The board of Victoria Legal Aid (VLA) currently consists of a chairperson, managing director and three directors. The current non-executive directors are predominantly from finance, banking, government and legal backgrounds. The current composition reflects the Legal Aid Act 1978 which requires that at least one director must have financial management experience, and at least one must have business or government experience.

The bill will amend the Legal Aid Act 1978 so that the board has two additional directors, taking them from three to five. The additional members will not be required to be experts in any particular area. The quorum for a board meeting will increase from three to four members. The amendment will provide greater coverage for board-related committee work, and increase the diversity of experience on the board, so that the board can better deal with current and future challenges.

Human rights issues

Presumption in favour of audiovisual hearings

Right to liberty and security of the person

Section 21(5)(a) of the charter provides that if a person is arrested or detained on a criminal charge they must be promptly brought before a court.

The purpose of this provision is to ensure that a person is not arbitrarily arrested or detained and that the justification of any such detention is subject to the independent scrutiny of the courts. The bill does not impede a person being brought promptly before the court. New section 42JA(3) provides that if an accused is taken into custody and is required to be brought before a bail justice or the Magistrates Court then the accused must be brought physically before the Magistrates Court in person unless the accused consents to appear before the court by audiovisual link.

Fair hearing

Section 24 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.

An accused's right to a fair hearing may be engaged by the proposed amendments. However, if a fair hearing requires a person to attend court in person, the court may order this and overturn the presumption of an audiovisual hearing. Under amended section 42L(1)(a) of the bill the Magistrates Court can order a person to appear in person regardless of new section 42JA(1) of the bill if it is in the 'interests of justice' or appearing by audiovisual link is not reasonably practicable. A fair hearing will always be in the 'interests of justice'.

Without limiting the Magistrates Court determination of what is in the 'interests of justice', new section 42L(1A) of the bill sets out two specific considerations that the Magistrates Court must take into account in deciding whether a direction to attend court in person is required in the interests of justice. The Magistrates Court must consider the ability of an accused to comprehend proceedings and to communicate with their legal representatives and give instructions or express wishes to the representatives.

Further section 42R of the Evidence (Miscellaneous Provisions) Act 1958 sets out the minimum requirements for an audiovisual link to ensure that the transmission quality is fit for purpose. The legislated minimum requirements mean that if a matter proceeds by audiovisual link, an accused can still fully participate in the proceedings, be heard by the court and give necessary instructions to their lawyer.

An audiovisual hearing will also be public because anyone in the courtroom will be able to see and hear the proceedings and see and hear the accused via the audiovisual technology.

Rights in criminal proceedings

Section 25(2)(d) of the charter provides that an accused has the right to be 'tried in person' and to defend himself or

herself personally or through legal assistance. The purpose of this provision is to ensure an accused is not tried in their absence and has the right to fully participate in their trial and defence.

The presumption of appearing via audiovisual link will not apply for the following types of Magistrates Court hearings: appearance before a bail justice after arrest, the appearance before a magistrate after arrest, a fitness to plead inquiry, a summary hearing of a plea of not guilty, or a committal hearing. For these hearings, when an accused is challenging the allegations against them or challenging their mental capacity to be tried, a physical attendance at court will be required. (Consistent with the current law, an audiovisual link may still be ordered in these cases by the Magistrates Court but usually, only where the accused consents to an audiovisual hearing.)

In any event, an accused still participates in their hearing 'in person' even if they attend by audiovisual link. The accused is not being tried in absentia. Due to the requirements of the section 42R of the Evidence (Miscellaneous Provisions) Act 1958 the audiovisual technology must be of such a standard that the accused can 'see and hear the person appearing before the court or giving the evidence or making the submission'. This requirement will ensure that the audiovisual court hearing enables the accused to be fairly tried in person albeit by audiovisual link.

Section 25(2)(b) of the charter also provides, that a person charged with a criminal offence is entitled to have adequate time and facilities to prepare his or her defence and to communicate with a lawyer.

Increased use of technology to facilitate lawyer/client conferences and different arrangements for conferencing with clients mean the reforms will not unduly impact on an accused's access to legal advice and representation. In some circumstances it may actually enhance that access and provide more time for an accused to communicate with a lawyer and prepare his or her defence.

If the use of an audiovisual facility was going to impact adversely on an accused's ability to communicate with a lawyer and prepare his or her defence then a magistrate could simply order that it was in the interests of justice that an accused be brought physically to court. Section 42L(1A) of the bill requires consideration of these issues when deciding if a physical hearing is required in the interests of justice.

Indeed section 42R(3) of the Evidence (Miscellaneous Provisions) Act 1958 specifically provides that for an audiovisual hearing to take place, both the court and the prisoner's location must be equipped with facilities that enable private communication to take place (at any time during the hearing or any adjournment of the hearing or at any time on the day of a hearing shortly before or after the hearing) between the accused and any legal practitioner at the court representing him or her in the proceeding. It also provides that there must be the facilities for documents to be transmitted between the accused and their legal practitioner.

Expanding Victoria Legal Aid board

The amendments to the Legal Aid Act 1978 do not engage rights in the charter.

The Hon. Steve Herbert, MP
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Evidence (Miscellaneous Provisions) Act 1958 makes audiovisual hearings possible in certain circumstances, but they are the exception, not the rule in most matters.

Current legislation only permits the use of audiovisual hearings but never requires it. Excellent quality audiovisual technology linking courts and prisons is currently available but is not used as frequently as it could be.

Legislative change is necessary to increase the use of audiovisual court hearings for prisoners in the Magistrates Court, to allow the Magistrates Court to operate efficiently.

Accordingly, today I bring a bill to the house that will amend the Evidence (Miscellaneous Provisions) Act 1958 to introduce a presumption that prisoners appear via audiovisual link for certain court hearings in the Magistrates Court, rather than appear in person.

In recent months the courts have been unable to deal with some cases listed before them, as Corrections Victoria has been unable to bring some prisoners to court. Those accused of offences who are in custody are generally required to be lodged in police cells before they are brought to court for their hearings. When police cells are full then prisoners cannot be brought to court. Overcrowding in police cells therefore leads to significant court delays.

The non-attendance of prisoners at court is a problem that must be addressed. We must equip the justice system with the ability to deal with the problem currently facing the court, in a way that makes the most of new technologies.

A fair hearing is a fundamental requirement of the justice system, but there is more than one way of achieving this. Audiovisual hearings, in appropriate circumstances, can ensure effective, efficient and fundamentally fair hearings. This bill aims to have more hearings proceeding via audiovisual link.

The government has allocated $14.7 million on upgrading technology in the courts to encourage the use of audiovisual links in court hearings. Increasing the use of audiovisual links will make the most of this investment by helping the system to cope with increased prisoner court hearings.

The primary aims of the bill are:

to ensure that prisoners attend court in person when it is really necessary; and

to ensure most hearings will take place by audiovisual link, which will minimise disruption to the prisoner, pressure on police cells and court delays.

The bill will specify the particular types of hearing for which a prisoner must be physically present and will require all other hearings to occur by audiovisual link.

The bill will also provide for a magistrate to direct appearance by audiovisual link in what would otherwise be physical attendance cases or to direct physical attendance in what would otherwise be audiovisual appearance cases in certain circumstances.

Presumption in favour of audiovisual court hearings

The bill will provide that for most hearings in the Magistrates Court, where an adult accused is remanded in custody on those proceedings, the hearing should proceed via audiovisual link.

Many appearances in the Magistrates Court are primarily of an administrative nature. Frequently in the Magistrates Court there are three or four and often more hearings before a matter is finally determined. Not all of those hearings require a prisoner to be physically present if they can participate adequately in that hearing via audiovisual link.

Jurisdiction

The amendments incorporated by the bill will apply to the Magistrates Court only. The vast majority of cases in Victoria are heard in the Magistrates Court, which is the busiest court in Victoria, with 53 different locations around Victoria. It handles approximately 90 per cent of all cases that come before Victorian courts each year. The court deals with about 250 000 criminal and civil cases every year.

Overcrowded police cells therefore have a much bigger impact on the Magistrates Court than on any other court, and the greatest benefit of the proposed changes is to be achieved in the Magistrates Court.

The proposed amendments will apply only to adult accused, not to children. All matters involving allegations of criminal offending by children obviously need to be handled with special care and sensitivity. We have a separate Children's Court which was created and equipped to do that. There are already provisions in the Evidence (Miscellaneous Provisions) Act 1958 that relate to the appearance of a child in court, and there is no intention that the proposed amendments be extended to children.

Physical appearances

The amendments do not presume that all hearings must or even should occur by audiovisual link. It is well recognised that there are substantive hearings where it is generally more appropriate for a prisoner to appear physically. These are hearings for:

an appearance before a bail justice after arrest;

an appearance before a magistrate after arrest;

a fitness to plead inquiry;

a hearing of the charge if the accused is pleading not guilty; or

a committal hearing.

Commencement of any criminal proceeding is a serious matter, so it is important that an accused and the court are directly involved at an early stage. Where a person has been arrested and police consider it necessary to remand the person in custody, then that person will have the earliest opportunity to appear before a bail justice and/or a magistrate and make an application for bail.

It is also unfortunate, but true, that many of those accused of criminal offences struggle with serious mental health issues. Cases where there is a real issue about the state of the accused's mental health are likely to benefit from the attendance in person of the accused. If there is a question as to whether an accused is mentally fit to plead, then it will be presumed that the accused will be present at court and, as far as possible, involved in proceedings.

Summary hearings of a plea of not guilty and committal hearings involve evidence being called can be complex and may require documentary material to be considered. That can be done more easily if the prisoner is at court. Therefore the accused will be physically present for this category of hearings.

Exceptions to presumed physical appearances

While the sorts of appearances I have just mentioned would usually be conducted with the prisoner physically in court, there may well be occasions on which it is fair, reasonable and appropriate to conduct those sorts of hearings by audiovisual link. So there will be an option for a prisoner to attend by audiovisual link where:

in the case of an appearance before a bail justice and/or a magistrate following arrest, the prisoner consents; and

in the case of a fitness to plead inquiry, a summary hearing of a plea of not guilty, or a committal hearing, an appearance by audiovisual link is consistent with the interests of justice, is reasonably practicable in the circumstances, and the parties consent. If the parties do not consent, the matter can still be conducted by audiovisual link, but only in exceptional circumstances.

These exceptions do not represent any change to the current law.

Audiovisual appearances

In the interests of an efficient and effective criminal justice system, and, in particular to avoid the present unacceptable level of delays in prisoners attending court, it is essential to ensure that matters appropriate for hearing by audiovisual facilities are actually heard via those facilities. Therefore all matters other than those just mentioned will be conducted via audiovisual technology.

Matters which are primarily of an administrative nature, such as adjournments, mentions, special mentions, committal mentions, second and subsequent remands, as well as bail applications made at any time after the first appearance, and sentencing hearings, will be heard by audiovisual link.

Exceptions to presumed audiovisual hearings

There may well be occasions on which it is more appropriate to conduct these audiovisual hearings by the prisoner physically appearing in court. The bill provides for a

magistrate to make a direction that a prisoner appear physically at court where:

> it is in the interests of justice for the prisoner to physically appear; or
>
> it is not reasonably practicable for the prisoner to appear by audiovisual link.

It is not possible to foreshadow all of the various circumstances where a court would direct that it is in the interests of justice for an accused to appear physically. However it is likely that a significant number of those sorts of directions would involve accused prisoners with special needs, such as prisoners with mental health problems, physical disabilities or those who need interpreters. What is appropriate will depend on the circumstances in each case.

In order to provide some guidance to a court as to what should be taken into account in determining what is in the interests of justice in these sorts of cases, the bill contains a short non-exhaustive list of matters that a magistrate should consider when determining whether a physical hearing is in the interests of justice. This does not limit the court's considerations but underlines matters the court must take into account when determining what is in the interests of justice.

Technological/practical considerations

It is important to ensure that lawyers and clients can communicate so that full and proper instructions can be taken in a timely way, allowing court hearings to proceed effectively, efficiently and on time. Instructions are often taken in hearings where a prisoner physically attends court either in the cells, dock or at the bar table. It can be challenging to obtain instructions over a court to prison audiovisual link. However, technology being rolled out will allow legal practitioners to book conferences with clients and link to them via their own iPhones or tablets.

Some courts will also provide a separate room where a practitioner can link to a prisoner via audiovisual facilities. The court may also adjourn briefly during a hearing so that a practitioner and prisoner may use the courtroom audiovisual link for a confidential conference.

This will ensure that a prisoner is not disadvantaged by having a hearing conducted by audiovisual link.

Victims

It is of course essential that the interests of victims are carefully considered in relation to any change to the way in which criminal proceedings are conducted. I am pleased to say that I consider that the increased use of audiovisual facilities as a result of the bill will provide more comfort for victims who attend court knowing that a hearing is more likely to proceed because of use of the technology.

Expanding Victoria Legal Aid board

This bill also deals with increasing the number of directors on the Victoria Legal Aid board.

Victoria Legal Aid plays an essential role in the criminal justice system in this state, so it is important that it receives appropriate guidance, support and direction from its board of directors. The Victoria Legal Aid board of directors (the board) is responsible for ensuring Victoria Legal Aid meets its statutory objectives and carries out its functions and duties in accordance with the Legal Aid Act 1978.

These include, among other things:

> using best endeavours to make legal aid available throughout the state;
>
> determining priorities for the provision of legal aid; and
>
> controlling and administering the legal aid fund.

It is important to ensure that the board has sufficient numbers of directors with sufficiently varied experience so that it can fully and properly undertake the extensive and varied work required of it by the Legal Aid Act.

Current board

The board currently consists of the chairperson, the managing director and three directors.

The current directors are predominantly from finance, banking, government and legal backgrounds. The Legal Aid Act requires that at least one director must have financial management experience, and at least one must have business or government experience.

New board

The bill will amend the Legal Aid Act so that the board has two additional directors, taking the number of directors from three to five.

The additional members will not be required to be experts in any particular area and will be funded from the existing VLA budget.

Increasing board membership will increase the diversity of experience on the board, which will provide greater coverage for board-related committee work. The board will also then have greater capacity to deal with current and future challenges.

This bill will create a more effective and efficient criminal justice system by providing the Magistrates Court with increased opportunities to make use of modern technological facilities.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 16 June.

RURAL ASSISTANCE SCHEMES BILL 2016

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Special Minister of State) on motion of Mr Dalidakis; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Mr Dalidakis 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 Rural Assistance Schemes Bill 2016 (the bill).

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

Overview

The bill:

provides for a new statutory body, the Rural Assistance Commissioner;

provides the Rural Assistance Commissioner with the necessary objects, functions and powers to administer state and commonwealth rural schemes of assistance or other schemes on behalf of the state of Victoria (Crown); and

facilitates the transfer of property, rights and liabilities of Rural Finance Corporation of Victoria (RFCV) to the Rural Assistance Commissioner as RFCV's successor in law.

Human rights issues

Human rights protected by the charter that are relevant to the bill

Section 20 of the charter ('property rights') is relevant to the bill. The powers conferred on the commissioner include the right to:

'acquire, hold or dispose of real or personal property' (section 9(2)(a) of the bill);

'acquire … hold, accept as a security, or otherwise deal with, any intellectual property right' (section 9(2)(f) of the bill); and

'assign, grant, lease, license, sell, mortgage, use as a security, or otherwise encumber or dispose of, any intellectual property right' (section 9(2)(g)).

Are the relevant charter rights actually limited by the bill?

The bill does not affect a person's property rights protected under section 20 of the charter. The bill allows the commissioner to lawfully deal with property — these powers are clearly articulated in the bill. However, in the event the commissioner uses this power it will not impinge on other people's property rights. This is because the powers the commissioner will have are a transfer of powers held by an existing entity (RFCV).

Gavin Jennings, MLC
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

In 2014, the commercial loan book of the Rural Finance Corporation of Victoria (RFCV) was sold to Bendigo and Adelaide Bank (Bendigo). RFCV remains obliged under the Rural Finance Act 1988 to perform certain non-commercial services such as administration of commonwealth and Victorian government initiatives to assist, promote and develop rural industries and regional communities. The remaining RFCV entity oversees, on behalf of the Victorian government, continued delivery of the non-commercial and community service aspects (such as natural disaster support programs).

The sale of RFCV to Bendigo resulted in the divestment of the RFCV loan book and most of its staff. Under the business sale agreement, RFCV's remaining activities, including non-commercial activities and administration support have also been outsourced to Bendigo under a non-commercial activities services agreement (NCASA).

RFCV's role is now mostly the administrative oversight of the NCASA contract with Bendigo. The government has determined that the RFCV be wound up and the remaining functions of RFCV be transferred to a new body, the Rural Assistance Commissioner. The functions of the commissioner are, where appropriate, to be delegated to the departments that are currently responsible for the delivery of these programs.

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) has policy responsibility for the majority of the current loans administered by Bendigo and overseen by RFCV via the NCASA. Therefore the commissioner sits within DEDJTR and will report to the Minister for Agriculture through the DEDJTR Secretary.

The bill provides the commissioner with the power to administer state and commonwealth rural schemes of assistance. This will ensure the continued operation of the non-commercial functions that were formally performed by RFCV and are currently outsourced to Bendigo.

The loans associated with the commonwealth schemes will be transferred from the RFCV balance sheet to the commissioner's balance sheet.

Rural Assistance Commissioner to be successor in law to RFCV

RFCV currently manages the NCASA on behalf of individual departments and agencies. Any department or agency requiring services from Bendigo under the NCASA must go through RFCV (who are ultimately responsible for managing and funding the provision of the services by Bendigo to the department or agency).

A condition of the commonwealth assistance programs is that the assistance loans are booked on the balance sheet of a state entity. RFCV is currently providing this function. Upon the wind up of RFCV, these loans will need to be booked with another state entity. The commissioner meets this requirement. The bill transfers all property, rights and liabilities of RFCV to the commissioner as RFCV's successor in law.

The commissioner has the power to delegate to secretaries of other departments any of its functions in relation to rural schemes of assistance

Following the transfer of RFCV's functions to the commissioner, it is the intent that the department with the policy responsibility for a particular scheme of assistance be given the power to liaise directly with Bendigo (or whichever service provider that is delivering the scheme).

This is more efficient as it removes DEDJTR from the process when they do not have policy responsibility for a particular scheme.

The bill therefore allows the Rural Assistance Commissioner, with the approval of Secretary of DEDJTR and the Minister for Agriculture, to delegate relevant functions to secretaries of other departments. This provision is to allow departments, with the policy responsibility for certain existing and new rural schemes of assistance to engage directly with a third party under a head of agreement managed by the commissioner. For example, DTF engaging Bendigo under the NCASA for the provision of natural disaster relief related services.

The commissioner will manage the standing offer arrangement or 'head agreement'. Other departments or agencies are then able to engage Bendigo (or an alternate service provider) directly to provide services by completing a purchase order under the head agreement. The terms of the individual purchase order contract may be predetermined, but in any case must not be inconsistent with the head agreement.

The NCASA will need to be amended by agreement to allow for this structure to be implemented and this can occur prior to wind up. The government will negotiate with Bendigo to seek changes to the NCASA to facilitate this proposal. If the NCASA is not renegotiated by the time the bill commences, the bill will still be effective with the commissioner replacing RFCV, and the responsible minister replacing the Treasurer in the NCASA as successors in law. Note however, the ability of the commissioner to have the functions effectively delegated to other departments will be restricted until the NCASA can be renegotiated.

The significant benefit of this structure is that each department and agency requiring services can engage with Bendigo directly, while a central contract and relationship management point is retained between government and Bendigo to manage higher level issues.

Winding up of the RFCV and the Young Farmers Finance Council (YFFC)

The YFFC is a statutory body established under the Young Farmers Finance Council Act 1979 (YFFC act). The functions of the YFFC are to encourage the establishment of young people in farming and one of the programs established to assist with this was the Young Farmers Finance Scheme (YFFS). This scheme commenced in 1981 and provides concessional loans to prospective young farmers.

Following the divestment of RFCV's loan book, Bendigo has assumed funding for the YFFS and will continue to maintain this scheme on the same terms and conditions as agreed in the service contract. Consequently there is no longer a need for the YFFC. The bill repeals the Young Farmers Finance Council Act 1979.

Following the transfer of RFCV to the commissioner, the RFCV will have no remaining functions. Therefore it is proposed that the Rural Finance Act 1988 be repealed. RFCV and YFFC will then cease to exist. The residual reporting requirements required under the Financial Management Act 1994 will be conducted by the commissioner.

Consequential amendments

Consequential amendments will be required to the Estate Agents Act 1980 and the Subdivision Act 1988, and the Freedom of Information Regulation 2009 to reflect the proposed repeals and the fact that the RFCV and the YFFC will cease to exist.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 16 June.

ADJOURNMENT

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the house do now adjourn.

Dairy industry

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Agriculture, and it is regarding her incomprehensible decision to deliberately delay signing up to the federal government's dairy recovery concessional loans and the negative impact that this will have on farmers. My request of the minister is that she immediately sign up to the federal government's dairy recovery concessional loans so that farmers who are eligible are able to access immediate assistance.

Very early on Wednesday morning last week I was appalled to read that the minister was playing politics with the dairy recovery package and was delaying signing up to the federal government's concessional loans package. The minister's blatant attempt at political game playing was evident in her attempt to misrepresent the amount of money offered to Victoria as around 5 per cent. It was clear from the federal government's announcement that the initial allocation for concessional loans would be $55 million, with a

further $400 million in the following two financial years. At $30 million, Victoria has been offered 55 per cent of the initial $55 million allocation, and this money needs to be made available to dairy farmers as soon as possible.

Just the day before, I had been at a community barbecue for dairy farmers in Numurkah, and I had spoken to many farmers who each had different but all immediate needs. Some needed immediate access to concessional loans. Any move by the Victorian government to delay access to the loans is as unconscionable as the act of the dairy companies to retrospectively slash the farmgate milk price. If the minister was on the ground speaking to devastated farmers on a daily basis, as I am, she would recognise the need to get the money available to farmers as soon as possible.

The community as well as peak industry lobby groups such as Australian Dairy Farmers are all pleading for fast action. Since the price cuts, applications for the farm household allowance have tripled in northern Victoria — just more proof that our farmers are desperate for help and their need is right now. The federal government's offer to the state of an initial $30 million for concessional loans is money that should be available to farmers immediately. This offer was made following consultation with the federal opposition, which indicated Labor would neither delay nor stand in the way of the federal coalition government providing assistance to dairy farmers. It is therefore disappointing to see the Victorian Labor Party playing politics with much-needed assistance for dairy farmers.

To put the offer in context, the commonwealth is making the money available and is taking all the financial risk. All the Victorian government has to do is process the applications for funding. The commonwealth has already paid the Victorian government to deliver $30 million in concessional loans to farmers this year, and I understand that so far Victoria has processed less than half that amount. So the commonwealth has provided the funding, it is taking all the risk and it has already paid Victoria to process the loans, but the Victorian government is holding up providing the loans, because the minister wants to play politics.

This is the hour of need for the dairy industry, and this is when it needs to be able to rely on the Victorian government for support. My request of the minister is that she immediately sign up to the federal government's dairy recovery concessional loans so that the farmers who are eligible are able to access immediate assistance.

End-of-life choices

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter tonight is for the Minister for Health. I call on the minister to reject recommendation 49 of the *Inquiry into end of life choices — Final Report*, which calls for the establishment of an assisted dying framework here in Victoria. I note that the report is extensive. I have not had a chance to read all 1000 submissions that were received with this report, but my understanding is that 78 per cent of the substantive submissions — that is, the detailed submissions and those from health providers, lobbyists et cetera — were either against assisted dying frameworks or were best described as neutral, with these submissions focusing, I believe deliberately, on areas such as palliative care and advance care directives.

I want to thank Daniel Mulino for his minority report, which is attached to the final report. I commend this report to the minister for her to read. In his report he urges us to look at the nuances of requests for assisted dying rather than the emotive stories — to look at this at more than just face value. He also sets out that assisted dying is a disproportionate response which would cause more harm than good. He says:

> Euthanasia and assisted suicide involve broader policy questions in relation to how the medical system can best work in the interests of individuals who are either terminally ill or in grave physical or mental distress.

I urge the minister to reflect on these broader policy questions and to address in particular palliative care, advance care directives and elder abuse — both the incidence of and the prevention of elder abuse. I believe that these questions need to be addressed prior to the consideration of assisted dying frameworks, which I believe will bring problems. It will be like opening a Pandora's box. We will see pressure on vulnerable people. There are many issues of informed consent around this. The process of dying will lose focus on the individual, with competing interests coming into play. And there are of course the risks for GPs who have no specific training in this area and who will be faced with complex situations outside their area of expertise.

I just want to use this opportunity to urge the minister to reject attempts to investigate assisted dying regimes here in Victoria in lieu of a renewed and ongoing focus on increasing and expanding care and support options for people who are being supported palliatively in the late stage of their lives.

Technical schools

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Education, James Merlino, and it is concerning the announcement that one of the 10 new technical schools will be located at the campus of the former Greensborough TAFE, which was unfortunately closed by the previous government. I want to compliment Vicki Ward, the member for Eltham, on her advocacy around this particular TAFE reopening, along with her advocacy and the work that has been done on locating the Banyule tech school at that particular site. It struck me that a lot of good work is getting done by the $125 million investment for 10 tech schools to be established around the state. Because some sites were already available or were available earlier, some of those tech schools may be more advanced, as is the one at Lilydale. My colleague Mr Mulino is doing a lot of good work around establishing that.

The action that I seek from the minister is that he facilitate some visits by different working groups to different tech schools that are being established to help with developing ideas and cherrypicking the best parts of each other's projects so that they can have the best 10 tech schools that the state can produce.

Country Fire Authority enterprise bargaining agreement

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Industrial Relations, Natalie Hutchins, and it concerns the confusion with the Country Fire Authority-United Firefighters Union (CFA-UFU) agreement today. My action will seek certainty for my constituents, who are among the 60 000 CFA volunteers across Victoria.

Today in Parliament the Minister for Industrial Relations made a statement attributing remarks to the president of the Fair Work Commission, Iain Ross. Minister Hutchins claimed President Ross personally supported the CFA-UFU enterprise bargaining agreement (EBA), saying:

> President Ross assured me that the proposed agreement will improve diversity in the CFA. The commission has recommended an objective that the parties, in implementing the agreement, will act consistently with equal opportunity and anti-discrimination legislation. Improving diversity is a shared responsibility in workplaces — something they don't know about — and proposed agreements do not get in the way of section 65 of the Fair Work Act.

This afternoon shadow Attorney-General John Pesutto and shadow emergency services minister Brad Battin spoke with Justice Ross, who clearly not only denied making these specific statements Minister Hutchins made but also denied ever getting into the merits of the proposed EBA. After it became clear that she had misled the house, Minister Hutchins told Parliament that she did not grasp a complex issue and had misspoken.

In the *Age* of 3 March 2015, the Premier said:

> I will not be lied to, and I will not accept incompetence.

If this is still his position, he should immediately request Minister Hutchins's resignation, and she should provide it. The minister is either incompetent or a liar; she cannot be neither.

The PRESIDENT — Order! I would ask Mr Ondarchie to withdraw that comment characterising the minister as being a liar. I would point out that where a member makes that sort of criticism, it needs to be by substantive motion. I accept that most of what Mr Ondarchie said was okay, but I seek a withdrawal of his last comment.

Mr ONDARCHIE — I withdraw.

It is clear the minister misled the lower house today, and that has led to a lot of confusion for the CFA volunteers. The action that I seek from the minister is that she provide me with an assurance that the CFA-UFU EBA will not disadvantage the CFA volunteers in my electorate.

Coal seam gas

Mr PURCELL (Western Victoria) — My adjournment matter this evening is for the Minister for Resources, Wade Noonan. I urge the government and the minister to implement a permanent ban on coal seam gas exploration and production, and I request that they do it now. Farmers and the broader community need the assurance of a permanent ban on onshore gas exploration and mining, and they do need it at this particular time. There is no room for compromise here, and it is an issue that I have raised in this house on many occasions.

The risk that coal seam gas and gas exploration in general potentially pose to the watertable is of serious concern to the agricultural sector — for me, particularly in western Victoria — and to our farmers' way of life. There is no science that I have seen that guarantees that the mess made by this kind of mining will not endanger the agricultural assets that we all enjoy. We cannot go on limping along like we have been.

I understand that it is only a few years since the moratorium was put in place, but it certainly seems like decades for the community that I represent. There needs to be an outright ban so that the uncertainty can end. There are plenty of clean energy resources and opportunities that are available to provide energy in the area. The risk to our farming and tourism industries is far too great. Within western Victoria there are numerous communities which have undertaken surveys of the support — or lack of — for coal seam gas exploration, and I think all of them are in the range of 80 to 90 per cent of people opposing coal seam gas and unconventional gas exploration and production.

The Dilwyn aquifer in my area is one of our largest aquifers, and if it is penetrated in any way, it could cause significant problems. The Andrews government response has been to put off this decision again until August, and one of the real concerns, as has been said before, is that one of the holders of the major exploration licences in western Victoria is Lakes Oil, and I see a real problem with it working in the best interests of our community.

Fracking is a concern. I know that there have been a number of licences previously granted, and there needs to be a stop to that immediately. The issue I raise tonight is to urge the government and the minister to implement a permanent ban on coal seam gas exploration and production and to implement it now.

Country Fire Authority enterprise bargaining agreement

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Emergency Services, the Honourable Jane Garrett, and the action I seek is for her not to sign off on a proposed enterprise bargaining agreement (EBA) through the United Firefighters Union (UFU) and the Country Fire Authority (CFA) that impacts on our CFA volunteers.

I refer this chamber to a number of clauses in the EBA that in fact do that very thing, including clause 42, which gives the UFU the power of veto over CFA policies and management; schedule 20, whereby volunteers are not allowed to wear the same uniform as paid firefighters; clause 44, whereby CFA volunteers will be forced to stand and wait until seven professional firefighters are on the fireground before they can respond to a fire; clause 45, whereby volunteers are not allowed to ride in the same truck as paid members; clause 152, whereby all CFA volunteers, irrespective of rank or years of service, will now have to report to a professional firefighter; and schedule 22, where CFA volunteers will have restricted access inside integrated fire stations and use only certain doors and rooms.

I also note the UFU is seeking as part of this EBA the prohibition of firefighters from changing a tyre or putting air in one. The UFU is seeking to have full and unrestricted access to the CFA email systems. The UFU is seeking to have permission to provide for adverse findings against firefighters' conduct on their file, and that has to be removed after one year. As well as seeking a prohibition of part-time work, the UFU is seeking demands that the taxpayer pay for the drivers licence fees and the ambulance and gym memberships of firefighters, as well as seeking 1 hour of fully paid leave per day to attend the gym. Also as part of the EBA it is seeking a $125 sports voucher per year as well as seeking two sick days every week without a medical certificate. They are also seeking five weeks annual leave, a 5 per cent daily loading if working with contractors and a 19 per cent daily increase.

While I certainly do not have issue with the UFU seeking increases in salary entitlements, I certainly have concerns where the EBA is going to impact significantly on the normal work routine of a CFA volunteer. That is why the action I am seeking from the minister is that she do all in her powers — and I congratulate her steadfast support of the CFA board and the CFA volunteers up to this stage — and that she does not sign off on an EBA that will impact on the CFA volunteers as I have disclosed in the clauses that the UFU is seeking in the proposed EBA as it is now.

Youth employment

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Training and Skills, the Honourable Steve Herbert. The recent Victorian state budget is testament to the commitment the government has to Victorians and investing in our economy. It is also testament to the commitment we have in investing in young people and in their skills for the future. The 2016–17 state budget includes $20 million for the Reconnect program. The Andrews Labor government is focused on linking jobs with industry and workforce needs, and this funding will allow that to happen. The Reconnect program seeks to support vulnerable young people who left school early or who are experiencing long-term unemployment by preparing them for training and work.

Overall there has been a decline in the number of young early school leavers enrolling in vocational education and training programs, which is why the government has responded with the Reconnect grants. A total of

$14 million will be provided specifically to re-engage people with training, and $6 million will be provided as an added incentive for registered training organisations to take on early school leavers doing their Victorian certificate of applied learning. This funding will support more than 2300 young people across the state, many of whom reside in my electorate. I ask the minister to explain to my constituents what the government is doing to support early school leavers in Melbourne's south-western suburbs and how this funding will be used to support these early school leavers within my electorate.

Larmenier school

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Education. It concerns the imminent closure of Larmenier specialist school in Hampton East, Victoria. This is a school which caters for children with autism and similar disabilities, and it has a particularly good record. It has been operated from various sites throughout metropolitan Melbourne since 1976 and was originally set up by the Sisters of Nazareth.

The school is a unique model within the entire education system and serves to support and educate disabled children with severe social, emotional and behavioural issues. The school focuses on two key areas: enrolment and outreach support. Firstly, students are removed from their mainstream schools and enrolled at Larmenier for a set period — generally 12 to 24 months — in which time an intensive intervention program is undertaken to modify behaviour and to support the family and the mainstream school to finally enable a successful transition back to the child's mainstream school.

Secondly, the school, with its knowledgeable and expert staff, also provides outreach support to Catholic schools within the Catholic Archdiocese of Melbourne. This outreach includes education and upskilling for staff and provides support to the teachers and families through parent support group meetings conducted each term. Both of these components are crucial to the school's viability and in ensuring it secures funding each year. The problem is, as has been explained to me by parents of children who attend the school, that on 12 August this year Catholic Education Melbourne has announced the school will close and teachers will be let go on 26 August. This seems to me to be an absolute tragedy, and it is obviously causing enormous grief for parents and students alike.

I know that there is nothing that we in this place nor the minister can do to impress upon Catholic Education Melbourne the need to keep this school open — I am well aware of that — but I really think that once this asset is lost, it will be very, very difficult indeed to replace, and I see enormous potential for this school in the state education system. We need more resources, not less, for families with children with autism, and if Catholic Education Melbourne will not keep this school open, and I think it is pretty clear that it will not, the government, I believe, should buy it and make it a very, very exciting and viable part of education for children with autism here in Victoria. So I ask the minister to direct his department to open discussions with Catholic Education Melbourne to purchase Larmenier specialist school so it can continue providing a very important extra service for families with children who have autism in Victoria.

Local government reform

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Local Government — a very set upon individual today who may have said one or two things in the lower house that she ought not have. Besides that, the Victorian Ombudsman brought down a very important report today titled *A report on misuse of council resources*. It follows three case studies, headed 'Driveway quid pro quo', 'Use of a fuel card for private purposes' and 'Procurement and recruitment'. These relate to different councils, so a number of councils are involved, and some of them are quite small amounts and some of them larger amounts. I pay tribute to the work of the Ombudsman, Deborah Glass, on this. I think it is a very important report because it points to weaknesses in our integrity system that need to be dealt with in a systematic way.

What I want to do in the first instance is draw this report to the attention of the Minister for Local Government and ask her to act upon it. I point out that in each of the three case studies the councils themselves are not named. I understand why the Ombudsman might not have named the councils, although I think there will be natural curiosity about that. But in each of the cases the allegations were largely proved to be true, and I accept the Ombudsman's findings on these matters. I am not going to go into detail here other than to say that the three case studies show weaknesses in our integrity system.

In paragraphs 264 to 275 on page 43 of the report are a number of key conclusions that were reached by the Ombudsman. I am going to quote paragraph 274:

> It was evident from my investigations that longstanding employees who have not adopted new codes and policies as their cultural norm present a particular risk …

It is also important that she puts this in the context of recent IBAC reports. I think she is quite right to see this as part of a broader issue, potentially in the case of councils situations where small crimes and misdemeanours build to bigger things, and that this points to weaknesses in the integrity system.

Councils need to look at their gift registers. I think there is a role for the Municipal Association of Victoria and the Victorian Local Governance Association here, but in particular I ask the minister to review this important report of the Ombudsman and to act and to send further guidance to all 79 councils in Victoria. This is an important weakness, and it needs to be addressed.

Local government reform

Mrs PEULICH (South Eastern Metropolitan) — Mr David Davis and I share a passion, and that is for local government. I would also like to raise a matter for the attention of the Minister for Local Government — it may well be the same one when we get the answer, but certainly there is a lot of work that remains to be done.

I have in the past called for the minister responsible for WorkCover to intervene in the plans announced by the recently elected mayor of Monash — elected following the retirement of Stefanie Perri, the Labor candidate for the federal seat of Chisholm, who was mayor — who has succeeded in instituting a humiliating method for councillors to raise points of order by forcing them to put their hands on their heads or, alternatively, one hand if it is a procedural motion. As I said at the time, I believe that this engages a number of provisions of the Occupational Health and Safety Act 2004, for which there is a general purpose that requires organisations to safeguard employees and other persons at work and which says members of the public are to be given the highest level of protection against risks to their health and safety that is reasonably practicable in the circumstances.

I believe this principle is fairly broad. It also applies obviously to mental health. I am not aware that the minister has taken action. I believe there are responsibilities here for the chief executive officer to ensure that the act is observed and that appropriate investigation is undertaken. There are provisions in relation to general functions and powers and the authority of the minister to undertake appropriate inquiries. There are other provisions in relation to protecting health and safety that are clearly engaged in part 3, division 1, section 20(1), and many others that clearly show that the consequences could actually be quite substantial.

I am disappointed to hear that no action has been taken, but in view of that I believe there is a shambolic interpretation of standing orders across the sector. Some require a majority of councillors to sign a rescission motion, which means that if a political party controls a council, no-one has got a chance of moving a rescission motion. Others have ridiculous by-laws — for example, that motions cannot be amended.

I believe that a model set of standing orders needs to be developed. It needs to be developed as soon as possible to improve governance of local government. It should certainly allow for some customisation, but some quick and speedy work needs to be done to prevent this sort of debacle and the discrediting of a very important sector that I actually value and want to see well represented.

Registered training organisations

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Training and Skills, the Honourable Steve Herbert. The minister has repeatedly said that in his role as Minister for Training and Skills he is committed to providing quality training to achieve real outcomes for people. In May 2016 he talked about reforms:

> … to build a training system that meets our economic needs and the community needs and that provides jobs for people, real outcomes for people and real productivity for businesses.

Tenders went out to registered training organisations (RTOs) to renew their contracts in October 2015, and typically RTOs were informed as to whether their contracts would be renewed by December 2015. However, some were not told until the training year had started and students had enrolled in their courses for the forthcoming year.

Statistically we know that in the country there are often great barriers to rural students performing well in terms of educational outcomes. The Morwell-based RTO TBM Training ceased trading in April 2016. Whilst private providers have closed in my electorate, the Labor government still needs to be able to provide real solutions to students who are left stranded to enable them to complete their courses locally. It is a mess, and it needs to be sorted.

A constituent of mine, Mrs Wells, enrolled in a certificate IV in community service with TBM but cannot successfully complete her course. She was about to start a placement at a local secondary school to complete a formal placement component of the course, subject to TBM's formal application. However, this was not achieved due to TBM's closure. In attempting

to complete her course elsewhere, Mrs Wells states that she is unable to meet the requirements of the TAFE training provider Federation Training, which has advised her that she has until the end of June 2016 to complete 150 hours of formal placement, which is unattainable. Mrs Wells tells me that she is a mother of four in a one-income family, that she so wants to get this achievement and that she is gutted by her present predicament. She is passionate and wants to work in this field.

The action I seek tonight is for the minister to work with an alternative training provider, whether it is Federation Training or another provider, to help Mrs Wells find a viable option to complete her course and, as she puts it, complete this important leg of her educational journey. Government members need to put their money where their mouths are. They talk the talk, and they need to walk the walk, especially in terms of regional education and educational outcomes for our country people.

Palliative care

Ms FITZHERBERT (Southern Metropolitan) — Today the end-of-life choices report was tabled, and it highlights the importance of palliative care. In fact most of the recommendations in the report concern palliative care in Victoria. There are currently 24 beds for palliative care between Geelong and the South Australian border. There were, in addition to this, 24 beds that were planned several years ago as palliative care beds to be added to University Hospital Geelong, and this would obviously have made a massive difference to the number of beds in this very large area. The issue of hospital beds and different kinds of hospital beds has come up in other ways. It is relevant in terms of the government's own inquiry into end-of-life choices, and it also came up with the Travis review into beds and points of care in Victorian hospitals.

The action I am seeking from the minister is to clarify the fate of these 24 extra palliative care beds and whether they will be provided, as was originally planned. This was planned some years ago by the Napthine government and the ward in question was finished a year ago but was unfunded by the Andrews government. The hospital has now announced that it will open these beds when staff are recruited, that the beds will be used for acute care during winter and that some of them may be used down the track for palliative care, but it is unclear how many of these beds will be used. So the action that I am seeking from the minister is clarification of the number of beds and their use.

Responses

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Tonight we have had adjournment matters from Ms Lovell to the Minister for Agriculture regarding signing up to the federal government's dairy concessional loans.

Dr Carling-Jenkins raised a matter for the Minister for Health asking her to reject recommendation 49 in the *Inquiry into end of life choices* report.

Mr Leane raised a matter for the Minister for Education in relation to the planned Greensborough technical school. Mr Leane called upon the minister to provide the working group with resources to undertake planned visits to other technical school sites to ensure that the Greensborough technical school is as good as it can be.

Mr Ondarchie raised a matter for the Minister for Industrial Relations asking her to provide him with an assurance that the Country Fire Authority volunteers in his electorate will not be disadvantaged by the enterprise bargaining agreement.

Mr Purcell raised a matter for the Minister for Resources asking the minister to implement a permanent ban on coal seam gas extraction right now.

Mr Ramsay raised a matter for the Minister for Emergency Services asking her not to sign the enterprise bargaining agreement for the Country Fire Authority and the United Firefighters Union.

Mr Eideh raised a matter for the Minister for Training and Skills asking him to visit his electorate to explain what the government is doing to support early school leavers with budget-funded programs.

Mr Finn raised a matter for the Minister for Education in relation to the imminent closure of the Larmenier school for children with autism, which is run by the Catholic education system, and asked that the minister direct the department to purchase the school and provide enough resources for it to continue operating.

Mr Davis raised a matter for the Minister for Local Government asking her to act upon the Ombudsman's report on local government's misuse of council resources.

Mrs Peulich raised a matter for the Minister for Local Government asking her to review local government standing orders across the sector.

Ms Bath raised a matter for the Minister for Training and Skills asking him to work with Federation Training

or another provider to help Mrs Wells complete her course.

Ms Fitzherbert raised a matter for the Minister for Health asking her to clarify exactly how many of 24 palliative care beds will in fact be used for palliative care.

That brings the adjournment debate to an end, President, but if I may be indulged for just a moment longer. After reflection on comments that you provided to this chamber I, having made some comments about Mr Ramsay on Tuesday, sought him out yesterday to personally apologise to him, which he very gracefully and graciously accepted. I wish to record in *Hansard* my apology to him for making those comments. The standard, President, that you have asked us to set is a standard that I have let this chamber down on this week with those remarks, and I apologise to Mr Ramsay and to the chamber.

The PRESIDENT — Order! There are no written responses to adjournment matters. Thank you, Minister Dalidakis. On that basis the house stands adjourned.

House adjourned 6.04 p.m. until Tuesday, 21 June.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

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

27 May to 9 June 2016
Long-range acoustic devices

Question asked by: **Ms Patten**
Directed to: **Minister for Training and Skills**
Asked on: **25 May 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

I am advised:

The devices referred to in recent media reports relate to the Long Range Acoustic Device LRAD 1000RX unit, which is an anti-personnel acoustic shock device.

I have been advised that there a number of different LRAD models and that Victoria Police has not acquired, or intends to acquire, any LRAD 1000RX devices.

The Victoria Police Critical Incident Response Team has three LRAD 100X units, which are a different device to the LRAD 1000RX model.

The LRAD 100X units is public broadcasting equipment, It is not an anti-personnel acoustic shock device.

The LRAD 100X units are effective in communicating clearly, live or recorded broadcasts over distances to individuals, small groups and large crowds. Victoria Police advise that when used these devices are never placed within short distance of any person.

Importantly, these units are can also be used by trained police negotiators in live siege situations or for training purposes. The deployment of these devices enhances the safety of the public while providing police negotiators time to assess and respond appropriately to critical incidents.

I am further advised that the number of times a LRAD 100X is deployed is not separately recorded. The deployment of these is however, recorded in deployment debrief documents and Victoria Police has advised that the units are used when police command determine they are necessary in the circumstances.

RESPONSE TO SUPPLEMENTARY QUESTION:

I am advised:

There are no guidelines for the use of long-range acoustic personnel devices, as Victoria Police does not have any of these devices and, therefore, has not established any guidelines for their use.

In contrast, where police deploy items that are defined as weapons under the Control of Weapons Act 1990, the use, possession and carriage of such weapons is guided by the requirements of that Act and the Regulations.

Dhurringile Prison

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Corrections**
Asked on: **26 May 2016**

RESPONSE TO SUPPLEMENTARY QUESTION:

The Cultural Review of Dhurringile Prison is an internal document to improve and strengthen operations and workplace practices at the prison. As you are aware, a copy of the review was released, in part, to the Shepparton News under the Freedom of Information Act 1982. Any redactions were applied in accordance with the legislation.

The Department of Justice and Regulation has accepted all recommendations from the review. This work is a priority for the prison, and management and staff are working together to address the recommendations, some of which have already been implemented.

International students

Question asked by: **Mr Davis**
Directed to: **Minister for International Education**
Asked on: **26 May 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

We will not tolerate antisocial or illegal behaviour towards any people living in or visiting Victoria, including international students.

By any world standards, Victoria is a safe place to live and study, and we continue to invest in Victoria Police, the best police force in our nation.

In the 2016-17 State Budget, the Government announced a $596 million Public Safety Package to increase police resources, which will give Victoria Police an extra 406 sworn police and 52 support personnel. Last month a dedicated taskforce to tackle gang violence was also established. Operation Cosmas has been rolled out, providing additional resources to prevent, deter and investigate incidents across the state.

Victoria remains strong in its commitment to enhancing positive student experience and to ensuring the welfare of around 175 000 international students who are currently living and studying in our community.

All international students can access assistance through the Study Melbourne Student Centre, a unique welfare and support service providing free and confidential 24-hour and seven day a week assistance across the State. International students are encouraged to become familiar with their campus security services.

In addition, the Victorian Government's International Student Welfare Grants Program is providing $4 million for projects that improve the well-being and welfare of international students.

The Victorian Government has been and will continue to coordinate with universities, Victoria Police and student groups to ensure the well-being of all international students and respond to safety concerns.

RESPONSE TO SUPPLEMENTARY QUESTION:

When any crime such as this robbery is reported by Victoria Police, my department works with Victoria Police to ensure that the full suite of Study Melbourne services are available to affected students.

This includes the support of the Study Melbourne Student Centre, a dedicated welfare service available to international students 24 hours a day, 7 days a week.

In response to this crime, Victoria Police have issued a media release: (a) affirming Melbourne's relative safety; and (b) clarifying that contrary to media reporting, international students have not been deliberately targeted.

Myself and my department have also been working closely with the Consul General for China in Victoria, education advisors, education providers, the Government's offshore staff in China and international student associations to understand and respond to student concerns.

International trade

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **26 May 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

The Andrews Labor Government keeps our election commitments, one of which was to open additional overseas offices, which were chosen because these locations are within strategic and rapidly growing markets.

RESPONSE TO SUPPLEMENTARY QUESTION:

I reject the premise of the question. Mr Davis may wish to cast his mind back to the short period for which he was himself a minister — he may recall that a great deal of work goes on behind the scenes, by both Ministers and Departments, before a government is in a position to make an announcement on an achievement.

International trade

Question asked by: **Mr Rich-Phillips**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **26 May 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

As I said at PAEC, Victoria is experiencing unprecedented growth within the start-up community. In the ecosystem we are seeing our digital stocks grow exponentially. It does take some time for the official statistics to catch up with the growth in activity so I will look forward to updating the house in due course when these numbers are available.

RESPONSE TO SUPPLEMENTARY QUESTION:

No.

Minister for Small Business, Innovation and Trade

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **26 May 2016**

RESPONSE:

Information about the key activities undertaken by my Department to facilitate exports and assist Victorian business is publicly available on the Trade Victoria website. Information about the Victorian Government Business Office overseas network, which I also oversee as Minister, is also available at this location.

FURTHER RESPONSE:

It is of course completely up to Victorian businesses whether they export, what they export, and to which markets they export.

My role, and the role of the Victorian Government, is to assist Victorian businesses who have chosen to explore export opportunities to access the relevant markets effectively and make connections with relevant international businesses, governments and industry partners, which we do both through the education, assistance and facilitation programs offered through Trade Victoria (details of which can be found on their website) and through the Victorian Government's network of offices in key international trade markets across the world.

E-cigarettes

Question asked by: **Ms Patten**
Directed to: **Minister for Families and Children**
Asked on: **26 May 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

The marketing and use of e-cigarettes has the potential to undermine the work that has been done to date to denormalise smoking, particularly for children and young people, who are susceptible to advertising and marketing.

In line with the approach in other states and territories, the Victorian Government is taking a precautionary response by regulating e-cigarettes in the same manner as tobacco products. This approach will minimise potential harms, especially those arising from children accessing e-cigarettes and being exposed to e-cigarette marketing.

The regulation of e-cigarettes is supported by the Australian Medical Association, the Cancer Council Victoria, Quit and the Heart Foundation.

While the sale of e-cigarettes that contain nicotine will remain illegal in Victoria, the reforms will not prevent adults purchasing and using non-nicotine e-cigarettes from retail outlets and using them in the community.

The government's response is flexible and can accommodate possible future developments and evidence in e-cigarette safety and efficacy.

I am advised that if a particular brand of e-cigarette is approved as a smoking cessation aid by the Therapeutic Goods Administration, it can be excluded from the restrictions.

RESPONSE TO SUPPLEMENTARY QUESTION:

In November and December 2015, as part of a review of the Tobacco Act 1987, targeted consultation was undertaken with a range of stakeholders with an interest in Victorian tobacco legislation. This process included consultation about e-cigarettes.

I am advised that participants included representatives from large and small scale retailers, local government, unions, public health bodies, the hospitality industry, and various government agencies.

Country Fire Authority enterprise bargaining agreement

Question asked by: **Ms Wooldridge**
Directed to: **Minister for Agriculture**
Asked on: **7 June 2016**

RESPONSE:

The Andrews Government understands the concerns expressed by some CFA volunteers and others in the community about the impact of any Agreement on volunteers.

The Government will continue to work on resolving outstanding issues with the EBA and is undertaking further work around the Fair Work Commission's recommendation, particularly relating to 'seven on the fire ground', consultation and dispute resolution, and diversity issues.

Our government wants to ensure any agreement protects the vital role of volunteers; is consistent with Fire Services Review recommendations; supports the delivery of 350 extra CFA firefighters for growing outer suburban and regional centres as per our election commitment to deliver hundreds of extra firefighters; and is consistent with the Bushfires Royal Commission recommendations to improve the interoperability of emergency services.

The Andrews Government wants a strong and united CFA, where volunteers and career firefighters work together to continue to keep Victorians safe.

The Liberals are the only party encouraging volunteers to quit the CFA by peddling misinformation.

Deaths in custody

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Corrections**
Asked on: **7 June 2016**

RESPONSE:

– All aspects of a secure, well-run and modern corrections system are a priority.

– Deaths in Victorian prison are consistent with trends across the general Australian population, with an increasing number of older prisoners dying from natural causes, particularly heart disease, cancer and respiratory diseases.

– Determining the cause of death of prisoners is a matter for the Coroner. The Office of Correctional Services Review (OCSR) also undertakes a review of the circumstances of every death. The provision of health services is reviewed by Justice Health.

– The Department of Justice and Regulation (the Department) addresses any recommendations arising out of the Coronial Inquests and investigations undertaken by the OCSR.

– The Department monitors and reviews health trends in the prison system with a view to ensuring the provision of health services meets the needs of prisoners.

– As at 7 June 2016, there have been 18 deaths of Victorian prisoners during the 2015-16 financial year:

  – 16 deaths appear to be from natural causes (2 confirmed by the Coroner)

  – The cause of two deaths remains unclear and have not yet been verified by the Coroner.

– Of the 18 deaths, half were over 65 years, with an average age of 80 years.

– Of the 18 deaths, 13 were at Port Phillip Prison, two were at Hopkins Correctional Centre, one was at each of Loddon Prison, Marngoneet Correctional Centre, and Langi Kal Kal.

Youth justice centres

Question asked by: **Ms Crozier**
Directed to: **Minister for Families and Children**
Asked on: **7 June 2016**

RESPONSE:

The contract relates to the ongoing engagement of G4S security.

G4S are contracted to provide security personnel to both Parkville and Malmsbury Youth Justice Precincts to staff the front entry points where screening and processing of youth justice staff and visitors to each centre occurs.

G4S staff do not have any direct client contact, nor do they staff any of the youth justice accommodation units.

The 45 day contract period did not provide any additional security levels. It was an administrative process relating to procurement and contractual continuity of security services.

The extension is unrelated to WorkCover or stress leave.

CommunicAsia

Question asked by: **Mr Rich-Phillips**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **7 June 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

I publicly referred to a number of success stories from the trade mission, which included Melbourne-based software developer flexAnswer being recently awarded a three-plus-two year Whole of Government contract for the provision of a Virtual Assistant (VA) system to all Singapore Government agencies, and has now also been awarded a contract with Tenaga Nasional Berhad, the largest Malaysian electricity supplier. Victorian laser technology company Optotech successfully developing and commissioning three new innovative laser-based systems for hard disk drives for leading computer hardware company Seagate in Malaysia. Seagate holds 40 per cent of the world market for hard disk drives and data storage devices. Cloud-based software company Urbanise also announced it has selected Singapore as its base in the region and is partnering with a number of global companies in the property and facility management sectors to deliver and improve building efficiencies and reduce operational costs.

These deals further highlight Victoria's reputation as a magnet for tech investment in the Asia Pacific. Victoria's tech industry now generates more than $34 billion in annual revenue and employs more than 83 000 people across the state.

Of course it takes time for leads to turn into meetings, and in turn meetings into orders and ultimately sales. So we will keep supporting our businesses long after they return home and I look forward to updating you with their successes as they occur.

RESPONSE TO SUPPLEMENTARY QUESTION:

As Mr Rich-Phillips previously led the Victorian delegation to CommunicAsia in 2013, he would be aware of the objectives of a trade mission of this type. To quote his own media release, dated Wednesday 28 August 2013:

"The Mission provided an excellent setting for Victorian companies to meet their South East Asian counterparts, showcase their capabilities, and investigate new business opportunities".

Gambling advertising

Question asked by: **Dr Carling-Jenkins**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **7 June 2016**

RESPONSE:

The Victorian Government is concerned about children's exposure to sports betting advertising and the potential effect on their well-being.

The regulatory environment for sports betting advertising is complex and ideally requires a nationally consistent approach. In November 2015 the Victorian Government made a submission to the Review of the Impact of Illegal Offshore Wagering. The Victorian Government made a submission that the review develop options for how the Australian Government and states and territories could achieve nationally consistent standards for advertising online gambling products and services.

The Australian Government, in response to the Report of the Review of Illegal Offshore Wagering, has announced that it will work with the states and territories to develop a national consumer protection framework for online wagering.

This will include an examination of the consistency of existing rules that apply to the advertising of online wagering across states and territories, including social and digital media.

In addition, the Minister for Consumer Affairs, Gaming & Liquor Regulation is considering advice from the Responsible Gambling Ministerial Advisory Council on action that could be taken to address the proliferation of sports betting advertising. Relevant research, such as the work commissioned by the Victorian Responsible Gambling Foundation, will also be considered.

The government is likely to announce policy proposals to address this issue in the near future.

Emergency services funding

Question asked by: **Mr Purcell**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **7 June 2016**

RESPONSE:

The Victorian State Emergency Service (VICSES) is funded by governments and other sources. Most funding is provided by government entities — In 2014-15, $50.8 million of $54.7 million total income came from government grants.

Local governments provide funding to their local VICSES units, with the amount depending on local arrangements and the size of the unit. They may also provide land, buildings and maintenance for SES units. The total amount of local government funding is unknown.

The Fire Services Property Levy (FSPL) funds 87.5 per cent of the MFB's budget and 77.5 per cent of the CFA's budget. The remainder of the fire services' budgets are funded by the Government's statutory contribution.

Western distributor

Question asked by: **Ms Hartland**
Directed to: **Minister for Agriculture**
Asked on: **7 June 2016**

RESPONSE:

Major infrastructure projects, such as the removal of Melbourne's 50 worst level crossings, building Melbourne Metro and constructing the Western Distributor Project are all key initiatives that the Victorian Government is committed to investing in, to ensure our transport network can meet the demands of a growing population.

The Western Distributor Project will deliver benefits of immediate travel time savings of 20 minutes a day, provide a vital alternative to the West Gate Bridge, take 6,000 trucks off the Bridge and create 5,600 new jobs. The project will also improve freight access to Australia's busiest port, and deliver an $11 billion boost to Victoria's economy.

The city connections of the Western Distributor Project will better distribute existing traffic heading into the city, including to the learning and medical precincts north of the CBD. By creating a southern bypass of the CBD, the project will relieve pressure on Spencer and King Streets by around 4,000 cars per day.

With the reduction of unnecessary trips through the CBD, there are opportunities to improve cycling, walking and public transport in the central city.

The City of Melbourne is an important stakeholder in the project. The Government is working with council officers to understand and address their concerns regarding traffic, and to identify opportunities for urban design and pedestrian and cycling improvements.

High quality urban design is an important objective of the project. We are working with local councils and the Office of the Victorian Government Architect to develop an Urban Design Strategy to guide the project's design.

An important step in the planning process is an Environmental Assessment Statement (EES), that will be prepared to rigorously assess the project's environmental, economic and social effects. This will include the project's

potential traffic effects. The EES investigates existing conditions in the project area then assesses potential impacts and suggests ways to avoid or mitigate them.

The EES will be exhibited in early 2017, whereby the community and local government can view the specialist assessments and make a submission.

Medicinal cannabis

Question asked by: **Ms Patten**
Directed to: **Minister for Agriculture**
Asked on: **8 June 2016**

RESPONSE:

The horticulture trial is testing a range of cannabis types and strains to find out what particular strain will be suitable for the first patient cohort and for other potential patients in the future.

The type of cannabis being grown in the horticulture trial is Cannabis indica and Cannabis sativa. Nine strains are currently being tested, however, this number is expected to increase. The strains have been chosen to cover a range of cannabinoid profiles, including a mix of high cannabidiol (CBD) and low-tetrahydrocannabinol (THC), an equal mix of CBD and THC, and a mix of low CBD and high THC.

The first patient cohort will be children with severe epilepsy. A high CBD and low-THC profile is expected to suit this first patient cohort.

In accordance with the Access to Medicinal Cannabis Act 2016, the final approved medicinal cannabis product(s) for the first patient group will be specified on the publicly accessible register kept by the Health Secretary. In accordance with the Act, the Health Secretary must ensure that an entry for an approved medicinal cannabis product includes sufficient information to identify the product.

The horticultural trial is being conducted indoors with seeds that have not been genetically modified.

Recreational fishing

Question asked by: **Mr Bourman**
Directed to: **Minister for Agriculture**
Asked on: **8 June 2016**

RESPONSE:

Victoria is home to hundreds of thousands of recreational fishers.

Recreational fishing isn't just a hobby. It contributes $2.3 billion to our social and economic wellbeing, and it encourages kids and families to get outdoors and learn more about our environment.

That's why the Andrews Labor Government is committed to delivering our Target One Million plan for recreational fishing, which aims to grow participation to one million anglers by 2020.

By working with fishers to boost fish stocks, support local clubs and improve access and facilities, Labor will grow recreational fishing and get more families outdoors.

Fisheries management plans identify policies and strategies for the ecologically sustainable development of Victoria's fisheries. The development of these plans is an open process that includes valuable input from a wide range of stakeholders.

While being respectful of any work that may be undertaken by the Commonwealth, management plans for the recreational, commercial and aquaculture sectors in Victoria are undertaken by Fisheries Victoria.

The Andrews Government is absolutely committed to getting more people fishing, more often.

VicForests

Question asked by: **Ms Dunn**
Directed to: **Minister for Agriculture**
Asked on: **8 June 2016**

RESPONSE:

The Victorian Auditor-General has previously confirmed that VicForests is harvesting within its sustainable harvest level.

VicForests does not 'liquidate' forests.

VicForests is harvesting in accordance with legislation and its Timber Release Plan.

Leadbeater's possum

Question asked by: **Ms Dunn**
Directed to: **Minister for Agriculture**
Asked on: **8 June 2016**

RESPONSE:

The Member makes a number of assertions.

The installation of nest boxes to support existing colonies in areas of declining natural tree hollows was in fact a recommendation of the Leadbeater's Possum Advisory Group.

It is one of many initiatives within an $11 million package to support the recovery of the Leadbeater's Possum. There is encouraging evidence that nesting boxes and artificial hollows are providing habitat for Leadbeater's Possums.

Remote sensor cameras have spotted these animals building nests in specifically designed hollows which have been carved into trees in forests around Warburton, Powelltown and Noojee. Seventy-two hollows have been created across 18 sites and the first round of monitoring found 11 of these hollows either occupied by Leadbeater's Possums or containing evidence of nests at different stages of development.

The Andrews Government released terms of reference for the Forest Industry Taskforce that will provide recommendations about the future of the timber industry, including job protection and economic activity, and protection of our unique native flora, fauna and threatened species, such as the Leadbeater's possum. It is due to report back to the Government by the end of this month.

Country Fire Authority enterprise bargaining agreement

Question asked by: **Ms Lovell**
Directed to: **Minister for Agriculture**
Asked on: **8 June 2016**

RESPONSE:

The Fire Services Property Levy is made up of two parts: a fixed charge and a variable charge based on the property's capital improved value.

I understand that the Country Fire Authority variable rate for 2016-17 for primary production properties has been reduced from 27.7 to 26.0 cents per $1,000 of capital improved value. For 2016-17, the fixed charge on commercial, industrial, primary production, public benefit and vacant property is $213.

The operation of the Fire Services Property Levy is a matter for the Treasurer.

Prisoner transport

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Corrections**
Asked on: **8 June 2016**

RESPONSE:

No contempt charges have been brought against Corrections Victoria for failing to present prisoners to court.

Between 20 April and 7 June 2016 $32,471 in costs were awarded against Corrections Victoria, relating to 62 matters. This is in comparison to the height of unprecedented pressures on police cells from September to December 2013 where costs of $143,722 were awarded for 245 matters.

Code Club Australia

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **8 June 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

The Andrews Labor Government understands the importance of the digital economy and the tech sector. As of June 2015, the Victorian digital technology sector generated more than $34 billion in revenue, and it is estimated that by 2020, Victoria's digital economy could be worth as much as or more than $50.8 billion.

Victoria is on the verge of unprecedented growth in our start-up ecosystem and we are seeing our digital stocks grow exponentially.

In the past year alone, we have seen global tech leaders like Slack, Square, Zendesk and GoPro all set up regional headquarters in Victoria -joining locally-grown success stories such as Nitro PDF, Seek, 99 Designs, Catapult, Red Bubble, Culture Amp, and Appster, among many others.

Innovation is key to the future of our economy - not just in Victoria, but across the entire Asia Pacific region and the world. Digital technology will disrupt and be the dominant force in the creation of jobs, businesses and industries of the future.

The digital tech sector in Victoria directly employs more than 83,000 people across approximately 8,000 companies. The demand for tech skills is experiencing massive growth.

In 2015 alone, Victorian companies' demand for skills in digital technology increased by 30 per cent.

Those skills will be even more in demand when the children participating in Telstra's Code Club are starting to enter the workforce. They're also skills that will be essential for the entrepreneurs of tomorrow.

Digital skills like those taught by Telstra's Code Club will not only be needed in the tech sector, but will be essential across many industries - an IBISWorld economic report estimates 13 out of Australia's 19 industry sectors will be changed by or gain significant gain from digital technology.

Telstra's Code Club is not only teaching the essential skills of the future, it's also building the problem solving skills, creative thinking and confidence of the children who participate.

The Andrews Labor Government wants every child in Victoria to have the opportunity to learn the skills of the future, which is why we have introduced a new Victorian school curriculum that includes a new Digital Technologies curriculum, which includes coding.

Digital technologies are going to drive our economies - and will create the new products, new markets and new ways of conducting business.

That's why we are working hard to keep Victoria at the forefront of Australia's expertise and capabilities in cyber security, which is critical to safeguarding our digital economy. As society becomes more and more digitalised this becomes a more important issue - which is why the Andrews Labor Government is investing heavily in this space.

RESPONSE TO SUPPLEMENTARY QUESTION:

Details of grants are made publicly available in the Department of Economic Development, Jobs, Transport and Resources Annual Report.

Minister for Agriculture

Question asked by: **Ms Bath**
Directed to: **Minister for Agriculture**
Asked on: **8 June 2016**

RESPONSE:

I have not sought advice from my department to tell me there is a significant difference between the testing of chemicals on live animals for the purposes of cosmetics development and the control of pest species using humane methods.

Animal welfare is a high priority for this government and I am equally committed to supporting our farmers and land managers to control, or, where possible, eradicate pest species that cause significant damage and distress.

I would refer the Member to comments from Victorian Farmers Federation president Peter Tuohey who, following the Victorian Budget 2016/17, told print media he couldn't remember any government investing in rural Victoria in recent times like the Andrews Government has.

Mr Tuohey told the ABC on 28 April 2016 that "[i]t's great to see a government actually recognise the value of agriculture and invest in agriculture and rural communities". Prior to that, in 'The Weekly Times' on 3 August 2015, he was quoted as saying that the Andrews Labor Government "has committed to agriculture in a big way and we're very happy about that".

Our government's record and commitment to agriculture stands in stark contrast to the former Liberal-Nationals Government which slashed funding for biosecurity, limiting Victoria's capacity to prepare for and respond to an emergency livestock disease outbreak.

Ms Bath would do well to remember that in August, the Auditor-General reported to the Parliament that the Member's colleagues, when in government, cut funding for core livestock biosecurity activities by 49 per cent between 2009-10 and 2014-15. They also oversaw a 42 per cent decrease in the number of key animal health officers and veterinary officers in the agriculture department, because they weren't considered 'front-line' services by the Baillieu/Napthine Government.

Game Management Authority

Question asked by: **Mr Young**
Directed to: **Minister for Agriculture**
Asked on: **9 June 2016**

RESPONSE:

The Hon. Roger Hallam resigned from the Game Management Authority effective from 15 April 2016. Other members continue in their role on the Board of this important regulator, with Wendy Greiner acting as Chairperson.

The former Minister for Environment, Climate Change and Water and I, at all times, jointly made decisions based on the advice of the Game Management Authority and our departments. In the case of emergency closures (made under Section 86A of the Wildlife Act 1975), this has also included consideration of the views of the Emergency Closures Advisory Committee.

On 23 March 2016, following the closure of Lake Elizabeth, I indicated to the House that I believed the closure had demonstrated the need for improvements to the legislation. The Government wants to respond to changing conditions as quickly as we can, both to protect endangered species but also to reopen wetlands where it is appropriate. The Primary Industries Legislation Amendment Bill 2016, currently before the Legislative Assembly, proposes amendments that will improve the functioning of relevant sections of the Wildlife Act 1975.

In 2014, the former Coalition government released the Hunting and Game Management Action Plan. Unfortunately for hunters, this was a plan released without a timeline for implementation, nor any funding.

Ensuring that hunting in Victoria continues to be a safe and sustainable recreation for future generations is a key focus for the Government.

That's why I have lead the development of a sustainable hunting strategy.

The Andrews Government has been consulting with key hunting stakeholders and representative organisations and provided funding of $5.3 million in the 2016/17 Victorian Budget to support safe, responsible and sustainable hunting.

This funding will enable a number of government agencies, including the Game Management Authority, to work with hunters to improve the promotion of responsible hunting, provide better hunting opportunities, and ensure our game species remain sustainable. It will fund the implementation of a Sustainable Hunting Action Plan that will be released in coming months.

The role of the Game Management Authority is not limited to the actions that will be delivered through the Sustainable Hunting Action Plan. The Authority is already subject to a Ministerial Statement of Expectations as well as the provisions of the Game Management Authority Act 2014.

As an independent statutory authority responsible for the regulation of game hunting in Victoria, the Game Management Authority delivers programs to improve and promote responsible hunting in Victoria.

The Authority is responsible for issuing Game Licences; managing open and closed seasons for game species; enforcing game hunting laws; and educating and informing hunters on how to hunt legally in Victoria.

The Game Management Authority also has an important role in managing natural resources across Victoria; working with public land managers to improve the management of State Game Reserves and other public land where hunting is permitted; and making recommendations to government about game hunting and game management, the control of pest animals, declaring public land open and closed to game hunting, open and closed seasons and bag limits.

The Government supports the Authority's mission to work with the community as an effective, independent regulator and an authoritative facilitator of sustainable game management and quality hunting opportunities in Victoria.