

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 22 June 2016**

**(Extract from book 10)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

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# HANSARD<sup>150</sup>



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<br>for Veterans . . . . .   | The Hon. J. H. Eren, MP      |
| Minister for Housing, Disability and Ageing, Minister for Mental Health,<br>Minister for Equality and Minister for Creative Industries . . . . . | The Hon. M. P. Foley, MP     |
| Minister for Emergency Services, and Minister for Consumer Affairs,<br>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<br>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<br>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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| Treasurer .....   | The Hon. T. H. Pallas, MP    |
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| Minister for Energy, Environment and Climate Change, and Minister for Suburban Development .....  | The Hon. L. D'Ambrosio, MP   |
| Minister for Roads and Road Safety, and Minister for Ports .....  | The Hon. L. A. Donnellan, MP |
| Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans .....   | The Hon. J. H. Eren, MP      |
| Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries ..... | The Hon. M. P. Foley, MP     |
| Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation .....                                    | The Hon. J. F. Garrett, MP   |
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| Minister for Training and Skills, Minister for International Education and Minister for Corrections .....                                 | The Hon. S. R. Herbert, MLC  |
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| Special Minister of State .....   | The Hon. G. Jennings, MLC    |
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| 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  |
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| Minister for Planning .....   | The Hon. R. W. Wynne, MP     |
| Cabinet Secretary .....   | Ms M. Kairouz, MP            |

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry** (from 20 June 2016)

|  |                              |
|--|------------------------------|
| Premier . . . . .  | The Hon. D. M. Andrews, MP   |
| Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016] . . . . . | The Hon. J. A. Merlino, MP   |
| Treasurer . . . . .  | The Hon. T. H. Pallas, MP    |
| Minister for Public Transport and Minister for Major Projects . . . . .  | The Hon. J. Allan, MP        |
| Minister for Small Business, Innovation and Trade . . . . .  | The Hon. P. Dalidakis, MLC   |
| Minister for Energy, Environment and Climate Change, and Minister for Suburban Development . . . . .   | The Hon. L. D' Ambrosio, MP  |
| Minister for Roads and Road Safety, and Minister for Ports . . . . .   | The Hon. L. A. Donnellan, MP |
| Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .  | The Hon. J. H. Eren, MP      |
| Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .  | The Hon. M. P. Foley, MP     |
| Minister for Health and Minister for Ambulance Services . . . . .  | The Hon. J. Hennessy, MP     |
| Minister for Training and Skills, Minister for International Education and Minister for Corrections . . . . .  | The Hon. S. R. Herbert, MLC  |
| Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .   | The Hon. N. M. Hutchins, MP  |
| Special Minister of State . . . . .  | The Hon. G. Jennings, MLC    |
| Minister for Consumer Affairs, Gaming and Liquor Regulation . . . . .  | The Hon. M. Kairouz, MP      |
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| Minister for Planning . . . . .  | The Hon. R. W. Wynne, MP     |
| Cabinet Secretary . . . . .  | Ms G. A. Tierney, MLC        |

### Legislative Council committees

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

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

### Legislative Council standing committees

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

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

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

# participating members

### Legislative Council select committees

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

### Joint committees

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

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

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

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

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

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

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

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

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

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

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

### Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Ms G. TIERNEY

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

**Leader of the Government:**  
The Hon. G. JENNINGS

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

**Leader of the Opposition:**  
The Hon. M. WOOLDRIDGE

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

**Leader of The 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 <sup>2</sup>       | Eastern Victoria           | Nats   | Mulino, Mr Daniel                     | Eastern Victoria           | ALP    |
| Bourman, Mr Jeffrey                | Eastern Victoria           | SFP    | O'Brien, Mr Daniel David <sup>1</sup> | 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     |
| Drum, Mr Damian Kevin <sup>3</sup> | Northern Victoria          | Nats   | Pulford, Ms Jaala Lee                 | Western Victoria           | ALP    |
| Dunn, Ms Samantha                  | Eastern Metropolitan       | Greens | Purcell, Mr James                     | Western Victoria           | VILJ   |
| Eideh, Mr Khalil M.                | Western Metropolitan       | ALP    | Ramsay, Mr Simon                      | Western Victoria           | LP     |
| Elasmr, 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 Jaelyn                      | Northern Victoria          | ALP    |
| Jennings, Mr Gavin Wayne           | South Eastern Metropolitan | ALP    | Tierney, Ms Gayle Anne                | Western Victoria           | ALP    |
| Leane, Mr Shaun Leo                | Eastern Metropolitan       | ALP    | Wooldridge, Ms Mary Louise Newling    | Eastern Metropolitan       | LP     |
| Lovell, Ms Wendy Ann               | Northern Victoria          | LP     | Young, Mr Daniel                      | Northern Victoria          | SFP    |
| Melhem, Mr Cesar                   | Western Metropolitan       | ALP    |                                       |                            |        |

<sup>1</sup> Resigned 25 February 2015

<sup>2</sup> Appointed 15 April 2015

<sup>3</sup> Resigned 27 May 2016

**PARTY ABBREVIATIONS**

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



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**Wednesday, 22 June 2016**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.**

**PETITIONS**

**Following petition presented to house:**

**Elevated rail proposal**

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

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

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

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

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

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

**By Mr DAVIS (Southern Metropolitan) (497 signatures).**

**Laid on table.**

**PAPERS**

**Laid on table by Clerk:**

Gene Technology Act 2001 — Reports of the Office of the Gene Technology Regulator (Commonwealth) —

pursuant to section 136 of the Act for 2005–06 to 2014–15.

pursuant to section 136(A) of the Act for the periods —

1 January to 31 March 2001–15.

1 April to 30 June 2001–15.

1 July to 30 September 2001–15.

1 October to 31 December 2001–14.

Ombudsman — Investigation into Casey City Council’s Special Charge Scheme for Market Lane, June 2016  
(Ordered to be published).

**MINISTERS STATEMENTS**

**Apprenticeships and traineeships**

**Mr HERBERT** (Minister for Training and Skills) — I rise to inform the house of the latest apprenticeship and traineeship data from the National Centre for Vocational Education Research. The full-year 2015 national data on apprenticeships and traineeships has recently been released and shows a significant decline in national effort for training. This decline of course comes after \$2.5 billion in cuts from the federal coalition government and the debacle of the VET FEE-HELP scheme, which continues to undermine confidence in our higher level vocational skills across Australia.

If there is any good news in this, it is that the decline in Victoria is less than in the national effort. We have seen that nationally apprentices and trainees in training declined 12 per cent across the country. In Victoria it was 11 per cent, but when you look at comparable states — New South Wales, 14 per cent; South Australia, 21 per cent — you see we are doing better in this state, particularly when you consider that 50 per cent of the total decline in student numbers has been due to the government’s crackdown on low-quality, dodgy training in this state. When it comes to the construction trade, some of the high-end apprentices of course, the news is relatively good, with apprenticeships and traineeships increasing by 20 per cent in Victoria in 2015.

Can I say that these figures are worrying nationally. As a government we are having a good look at community attitudes and whether they have changed regarding training in this state. We have a range of mechanisms in place to improve traineeship and apprenticeship numbers, including mandating that 10 per cent of the workforce on all major projects over \$20 million be apprentices or trainees, half-price car registration for apprentices and a major investment in our TAFE system to rebuild it after the devastation of the previous government. We are continuing to fund apprenticeship support officers, with \$2.7 million. We are investing money to see why completion rates are low. We have set up skills and jobs centres. We are funding group training centres, and we are completely cracking down on dodgy providers and realigning our training systems with the needs of industries. It is a worry, the national training decline, but in Victoria we are starting to rebuild.

## MEMBERS STATEMENTS

### Social responsibility

**Ms PENNICUIK** (Southern Metropolitan) — Like everyone, I have been deeply affected by the events of the past 10 days. Firstly, there was the horrific killing of 49 people and wounding of 53 at a nightclub in Orlando, Florida, which is difficult to comprehend. Ms Hartland and I attended Victoria's show of solidarity with Orlando at Federation Square last week. My heart goes out to the families and friends of those who lost their lives and to those who have been wounded or otherwise affected by this terrible event.

The death of Jo Cox, a member of the British Parliament and tireless campaigner for human rights and a better world, is an awful and shocking tragedy. It is devastating that an MP could be killed just going about her work in her electorate. I fully agree with the statements made in here yesterday about Mrs Cox by Ms Hartland, Ms Springle, Ms Symes, Ms Pulford and Dr Carling-Jenkins, and I extend my sympathies to her family and friends and to her parliamentary colleagues who paid tribute to her in Parliament yesterday.

The events of the past 10 days have brought home just how important what we say and how we behave, both as individuals and as a community, and the tone and conduct of debate in society are in providing the framework within which others speak and behave. Those who are leaders or role models have a responsibility to understand this and act accordingly. Otherwise, dire consequences can result. That is why three high-profile males saying they would hold a woman under water and 'What do you reckon, guys?' is ugly and not a joke. Some men actually do this to women, not as a joke but to terrorise them. It is this type of comment, heard all over the country every day and too easily brushed off, that legitimises putting women and girls down and assaulting them in the street and in the home. We all need to call it out whenever we hear it or any other comments that disparage people based on sex, sexuality, gender identity, ethnicity or religious belief.

### Victorian Comprehensive Cancer Centre

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Premier Daniel Andrews needs to put aside his ego and admit he made a mistake by cutting 42 beds and 4 operating theatres from the Victorian Comprehensive Cancer Centre (VCCC). The VCCC will open later this month and will open with a completely empty floor. Daniel Andrews needs to backflip on his captain's call to cut that Peter Mac Private facility. We know that

\$20 million in philanthropic donations has been lost because of Daniel Andrews's original decision. The well-respected board chair, Wendy Harris, was forced to resign, and 10 000 cancer patients each and every year are going to miss out on treatment because of Daniel Andrews's axing of Peter Mac Private at the VCCC.

But there is hope on the horizon, if only Daniel Andrews can put his ego aside and actually put Victorians with cancer first. The criteria for the use of this floor are very clearly consistent with patient care. It is about saving lives through collaboration to prevent, detect and treat cancer and to be a magnet for the best and brightest minds. Daniel Andrews must support this proposal by Healthscope to put patient care into the 13th floor at the VCCC, and take a step back from the decision he made to the detriment of Victorians and actually do the right things for Victorians with cancer.

### Tourism and accommodation awards

**Mr MULINO** (Eastern Victoria) — I rise to congratulate all nominees and winners at the 2016 tourism and accommodation awards. I was privileged to be able to attend the awards last week on behalf of the Minister for Tourism and Major Events, John Eren. Melbourne is a national and indeed a global leader in the area of tourism and accommodation services. These services form a significant part of our economy. Tourism and accommodation are both major employers and indeed major export earners for our state. Winners were announced across more than two dozen categories, and it was my privilege to meet and present an award to one of the rising stars of the industry, from a highly competitive field with more than 12 nominees.

### Gippsland Community Leadership Program

**Mr MULINO** — I also acknowledge the fantastic work of the Gippsland Community Leadership Program. Along with my Eastern Victoria Region colleague Harriet Shing, I attended a session yesterday and met with this year's fellows. The many people who take part in this program represent the full geographic, industrial and social diversity of the region.

This program is in its 20th year and has produced over 500 fellows. It is a one-year program which benefits people through networking and through the development of leadership skills and much else, and I congratulate the program on another fantastic year.

### **Country Fire Authority enterprise bargaining agreement**

**Ms LOVELL** (Northern Victoria) — The future of the Country Fire Authority (CFA) has gone from bad to worse to catastrophic under Labor Premier Daniel Andrews. I agree with veteran radio host Neil Mitchell, who last week said Daniel Andrews's mishandling of the CFA-United Firefighters Union (UFU) dispute has shown us that we cannot trust him.

The Premier's actions are a direct snub of the 60 000 CFA volunteers who have protected us from fire, natural disasters, accidents and other incidents. In the past fortnight it has become apparent that the single biggest issue in the CFA-UFU dispute is the Premier's appalling handling of the situation. He has overridden an experienced CFA board which he, in a gross abuse of power, fired when it became more than obvious that he was not going to be able to bully it into submission. He bullied his former Minister for Emergency Services and the chief executive officer of the CFA into resigning.

The Premier's actions are driving a wedge between CFA volunteers and career firefighters, and it is straining working relationships between both groups. I have spoken to both local CFA volunteers and local career firefighters, and neither group wants the divide being caused by the Premier's mishandling of the situation.

We all support career firefighters' right to negotiate an enterprise bargaining agreement (EBA) that gives them fair remuneration and working conditions — just not at the expense of volunteer firefighters. Following Friday's announcement of the new CFA board, the Premier must not force a decision on the EBA through before Volunteer Fire Brigades Victoria has nominated its four members so the board has a full complement of directors to negotiate a mutually agreeable EBA.

### **Orlando shootings**

**Ms PATTEN** (Northern Metropolitan) — I rise to speak on the horrific events that occurred at Pulse nightclub in Orlando on 12 June. Nightclubs have been a historically safe space for the LGBTI community, a place without fear, without stigma or judgement. The victims were gay, and many of them were people of colour. All of them were in what they thought was a safe space.

We must not hesitate to blame the level and breadth of violence on the ease of access to deadly weapons designed to kill rapidly and indiscriminately. We must

not fail to acknowledge that the target location was reflective of hatred and anger towards the LGBTI community. And we must not be afraid to call out religion, in this case Islamic extremism, for what it can be — a fuel, match and spark for this violence and bigotry.

I express my deepest condolences to the families and friends of victims and to the entire LGBTI community.

### **Colac and Cobden police stations**

**Ms TIERNEY** (Western Victoria) — I congratulate members of the Colac community, who are thrilled that their outdated 1930s police station will be replaced thanks to a commitment by the Andrews Labor government to spend \$11.7 million on a new complex — a new police station that the previous government talked about but could never deliver. Colac residents have long recognised the need to upgrade their police station so that the local police officers can operate in a better and safer workplace while they get on with the most important job of safeguarding their community. I was very pleased to visit Colac and take part in the announcement. Locals were ecstatic to find that the Colac police station will become the modern facility that they deserve.

On another note, the Cobden community was delighted to be told that funding has been announced to improve the Cobden police station to make it a secure and modern facility. The refurbishment of the police station at Cobden is yet another investment in public safety to ensure that Cobden police are better equipped to support victims and hold perpetrators to account to assist officers in carrying out their critical work.

The Andrews Labor government believes that community safety is paramount in regional Victoria and is also delivering on its commitment to the residents of Colac and Cobden to provide better resources for a modern police force. Both projects are part of a \$36.8 million package for regional and rural facilities, which will see the replacement or refurbishment of regional and rural police stations across the state. This clearly shows that this government is committed to having a stronger police presence and better resourced police force in country Victoria.

### **Native forest logging**

**Ms DUNN** (Eastern Metropolitan) — I have spoken in this place a good many times about the sound and irrefutable science pertaining to the proper management of Victoria's precious forests. Today I rise to talk about the contrast between good science and science that is

garbage. Last Saturday I hosted a community forest forum in Eastern Metropolitan Region at which prominent forest research scientist Dr Chris Taylor was joined by the eminent Dr Bob Brown.

This forum was graciously hosted by the Blackburn Bowls Club, a club, I might add, that is very proud to operate pokie machine free and has declared it never will have pokies on site.

At this forum good and irrefutable evidence was forwarded as to why native forest logging should cease in Victoria and why the Great Forest National Park should be created. During this forum an industry group placed leaflets under the windscreen wipers of cars parked in the car park. The name of this group is the Institute of Foresters of Australia. The very act of leafleting cars is illegal in this state, as it is an act of littering in contravention of section 45N of the Environment Protection Act 1970. Native forest logging is exempt from environment protection laws. Ironically, this act of propagating junk science, native logging industry-sponsored pseudoscience, violated the laws that the industry has immunity from.

I commend the proper work of credible individuals and organisations such as Dr Chris Taylor and the Fenner School of Environment and Society at the Australian National University. I look forward to a time when our forests are valued for their air, carbon, water, biodiversity and intrinsic beauty.

### Queen's Birthday honours

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to take this opportunity to congratulate the five members of my community who were awarded Order of Australia medals in this year's Queen's Birthday honours. They are Mr Albert Hoegerl of Patterson Lakes for service to the international community of Timor Leste through eye health programs; Mr Peter Harris of Edithvale for service to surveying and mapping; Mr Allan Lorraine of Edithvale and Mentone for service to the community, particularly to aged care; Mr William Rogers of Berwick for service to veterans and their families; and Mr Gregory Wragg of Dingley Village for service to the international community of Fiji. Each has done a terrific job for the community and it is wonderful to see that recognised.

Other worthy recipients of a Medal of the Order of Australia (OAM) I know well and would like to congratulate include Mrs Carol Porter of Officer for service to the community of the south-east of Melbourne, and can I say that with over 45 years of community service it is great to see an ordinary

Victorian and ordinary Australian recognised for that extraordinary commitment; Mrs Vivienne Edlund for service to the community of Victoria, certainly richly deserved; and Mrs Adrienne Fleming of Ashwood for service to the aviation industry, especially located in Moorabbin.

I would also like to congratulate recipients of the Officer of the Order of Australia award: the Honourable Kay Patterson and the Honourable Alan Stockdale; and a recipient of the Member of the Order of Australia award, Dr Kevin Donnelly. I also congratulate the many worthy recipients for their work in multicultural affairs. There are quite a number, all playing a vitally important role in our community.

### Red Nose Day

**Mr PURCELL** (Western Victoria) — Today it gives me great pleasure to rise to speak about Red Nose Day, which is this Friday, and a very special little girl called Sylvie Watty and her family from Yambuk, just west of Port Fairy, which has a population of approximately 200. Sylvie Jules Watty was just 15 months old and a vibrant, happy and healthy little girl when she died in her sleep for no identifiable reason. It was 9 September 2013 when little Sylvie did not wake up. Since then her parents, Emma and Steve, and her sister, Lena, have kept her memory alive through a variety of amazing initiatives, including raising \$154 000 for SIDS and Kids through their involvement in Run Melbourne.

This Friday is Red Nose Day, the biggest fundraising activity held each year for SIDS and Kids. Each year 3500 families tragically experience the unexpected loss of a baby or child through stillbirth or during the first month of life from sudden infant death syndrome, fatal sleeping accidents or sudden unexplained death in childhood. As Emma, Steve and Lena continue their journey, I would like to congratulate them on their hard work and wish them well as they will soon become a family of six, with twins due to arrive very soon, which will be a substantial boost to the Yambuk population.

### Victorian Comprehensive Cancer Centre

**Mr EIDEH** (Western Metropolitan) — I recently spoke on the new Victorian Comprehensive Cancer Centre in Parkville. In a few days the new centre will be fully operational and provide Victorians with world-class cancer research, care, treatment and education. I commend the Premier on his recent visit to the United States of America where he met with US Vice-President Joe Biden and invited him to the official opening of the centre. We share a strong partnership

with the USA, and having Mr Biden at the opening of the centre will be testament to that partnership.

Members of this house will agree that Victoria already has some of the best medical facilities and institutions. In fact the Andrews Labor government and previous Labor governments have been responsible for most of them. Working closer with other nations will further strengthen our reputation as a world leader in medical research and treatment and will promote the wonderful work of the Peter MacCallum Centre.

The fact that Victoria and the Victorian Comprehensive Cancer Centre are collaborating with international research institutes, including the National Cancer Moonshot Initiative, institutes under the auspices of the Harvard Medical School in Boston, the Dana-Farber Cancer Institute, the Peter MacCallum Cancer Centre, the Royal Melbourne Hospital and the Parkville genomics alliance shows the significance of the trust held by these institutes. It shows the rest of the world that we have the capacity to deliver the best treatment and care to cancer patients and to improve cancer survival rates.

### **Ballarat police resources**

**Mr MORRIS** (Western Victoria) — I rise to inform the house about the crime crisis that is hitting Ballarat. Recently released statistics show that assaults and related offences are up 15.16 per cent; robbery is up 18.52 per cent; blackmail and extortion are up 16.67 per cent; dangerous and negligent acts endangering people are up 35.44 per cent; arson is up 128.95 per cent; burglary and break and enter are up 31.09 per cent; theft is up 30.49 per cent; deception offences are up 51.91 per cent; cultivation and manufacturing of drugs are up 113.33 per cent; weapons and explosives offences are up 11.3 per cent; and public nuisance offences are up 30 per cent. Ballarat has a very quickly growing population. We also have a new police station in Ballarat West that is due to be completed in the very near future.

**Mr O'Donohue** interjected.

**Mr MORRIS** — What Mr O'Donohue correctly asks is: will this station be opened or will it sit idle? I know that Mr O'Donohue has called upon the Minister for Police to ensure that the Ballarat West police station is opened and appropriately resourced. I concur with his sentiments that it is incredibly important for the safety of all in Ballarat that the Ballarat West police station be opened as soon as possible to ensure the safety of all in Ballarat.

### **Country Fire Authority volunteers**

**Mr O'DONOHUE** (Eastern Victoria) — I call on the Minister for Emergency Services and Deputy Premier, James Merlino, to meet with the Country Fire Authority (CFA) volunteers in his own electorate and explain to them his actions with regard to the sacking of the CFA board, the sacking of its CEO and the other actions that he and the Premier have taken in recent days.

### **Carol Porter**

**Mr O'DONOHUE** — I would like to congratulate Carol Porter of Officer on receiving the Medal of the Order of Australia as part of the Queen's Birthday honours list. Ms Porter has held positions with the Officer hall committee, the Officer Football Club, the Officer Union Church Committee, St John of God Hospital and the Casey-Cardinia branch of Make-A-Wish. She served as a member of the Officer Memorial Gates committee for 47 years. Carol and her husband, Rob, who have been married for 50 years, are two of the icons of the Officer and broader Berwick and Pakenham community. They are wonderful people. I am also proud that they are passionate Liberals, with Carol having been the president of the Berwick branch for many years. I congratulate Carol on this appropriate honour for her decades of community service.

### **Jo Cox, MP**

**Mr O'DONOHUE** — Like other members of the house, I express my sympathy to the family and friends of Jo Cox. Her death is a tragedy, a very sad event and it has an impact on all of us who believe in parliamentary democracy and elected representatives being accessible and responsive to their communities.

### **West Heidelberg crime rate**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I rise to talk about the latest crime statistics in my electorate, particularly in West Heidelberg. I draw attention to these statistics in the context of the 21 per cent increase in total crime in the West Heidelberg postcode of 3081 with 1695 crimes in 2015 compared to the current figure of 2128.

I draw attention to this in connection with the member for Ivanhoe in the other place, who in a speech on 17 June 2014 raised concerns about the staggering increase in the crime rate in West Heidelberg and how terrible it was that the then government was not dealing with it. It is interesting that he has remained silent on the crime statistics for West Heidelberg and in

particular on the ongoing concern about the closure of the West Heidelberg police station by the government — in terms of not reopening it. Labor made a big song and dance about the station when in opposition, and now it is in government the station remains closed. As we know, the practice of the government is to push down Victoria Police, probably because it does not follow the line of what the union wants. Other than that, I just put on the record how the crime rate has significantly increased in West Heidelberg.

## ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016

### *Statement of compatibility*

#### **Ms SPRINGLE (South Eastern Metropolitan) 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 Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016.

In my opinion, the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) 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 bill provides for the prohibition of the sale and supply of plastic bags if they fit within the bill’s definition of a ‘prohibited plastic bag’, the sale and supply of certain products that contain plastic microbeads, and the sale and supply of perishable fruit and vegetables if they are wrapped, sealed or otherwise contained in plastic or polystyrene packaging.

#### **Human rights issues**

The following sections of the charter are arguably of relevance to the bill:

- (a) section 15 — freedom of expression;
- (b) section 20 — property rights.

#### **(a) Section 15 — freedom of expression**

Section 15 of the charter protects the right to freedom of expression.

Proposed section 53ZI creates an offence to provide, without reasonable excuse, information relating to the plastic composition of a plastic bag or plastic or polystyrene packaging that the person knows, or ought reasonably to

know, is false or misleading. The offence applies to any person who makes, sells, imports, supplies or distributes plastic bags or restricted packaging.

In my view this does not infringe section 15 of the charter. Section 15 recognises that special duties and responsibilities are attached to the right of freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons, or for the protection of public health. Section 53ZI restricts a person’s freedom to express false or misleading factual information about the plastic or polystyrene content of a bag or packaging, in circumstances when that person knows or should know that the information is factually false or misleading, and allows the person the defence of reasonable excuse.

In my view the requirement that a person be restricted from making a factually false or misleading statement in these circumstances — which is such a common restriction in Victorian and commonwealth law that it is hardly thought of as a restriction — is the minimum restriction necessary to give effect to the operation of this bill more broadly.

Proposed section 53ZG creates an obligation on retailers during the six-month phase-in period to display signage that explains to customers that most plastic bags will be prohibited from 1 September 2017. The section is operational only for the six months of the phase-in period, and has no penalty attached to its breach.

The right that is protected by section 15 of the charter — the right to freedom of expression — includes a right against forced expression. It could be argued that section 53ZG is a section that forces retailers to use certain expressions. However, given that the section is operational only for six months, that there is no penalty attached to its breach and that any forced expression is limited to the provision of public signage to provide information about future law changes, in my view the requirement is justified in order to assist retailers and customers to adjust to the impending ban during the phase-in period.

#### **(b) Section 20 — property rights**

Proposed section 53ZH creates an offence to sell, supply or provide, without a reasonable excuse, a cosmetic, personal hygiene product (including toothpaste) or household detergent that contains a prohibited plastic microbead. This offence applies to retailers. Proposed section 53ZIA creates an offence to sell, supply or provide, without a reasonable excuse, a prohibited plastic bag. This offence applies to retailers. Proposed section 53ZIB creates an offence to sell, supply or provide, without a reasonable excuse, a perishable fruit or vegetable to any person if the fruit or vegetable is sealed, wrapped or otherwise contained in plastic or polystyrene packaging.

It could be argued that these sections affect a retailer’s property rights by potentially depriving retailers of income from the sale of products that would become prohibited to sell.

In my view none of these sections infringes section 20 of the charter. Nothing in these sections would make the possession of any product unlawful, so nothing in these sections would deprive any person of any property. Even if it could be argued that some retailers who sell products that would be prohibited by this bill will lose the income which they could have

otherwise expected from their sale, retailers will have more than enough notice between now and the dates these prohibitions take effect to plan ahead so that they do not unnecessarily lose income by stocking items they can't sell.

### Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities, because there is no unreasonable limit to the rights contained therein.

Nina Springle, MLC (South Eastern Metropolitan)

### *Second reading*

**Ms SPRINGLE** (South Eastern Metropolitan) — I move:

That the bill be now read a second time.

I rise today to speak to the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016.

This historic bill is designed to restrict the amount of plastic that does such enormous damage to the natural environment, to marine animals and, by extension, to the health and wellbeing of everyone who eats seafood.

Specifically, the bill does three things. Firstly, it flips the default position on plastic bags. Currently in Victoria, there are no restrictions on the supply of any kind of plastic bags. This bill would make the sale or supply of all kinds of plastic bags unlawful by default, but would then allow the environment minister to exempt particular kinds of plastic bag if the government believes there's an overwhelming case for allowing them.

Secondly, this bill makes it unlawful for retailers to sell products containing plastic microbeads.

And thirdly, this bill begins the long-overdue task of restricting the amount of plastic packaging that we use by making it unlawful for retailers to sell perishable fruit and vegetables if they're wrapped, sealed or otherwise contained in plastic or polystyrene packaging.

Ultimately, this bill is about tackling the massive and growing plastic pollution problem that has such enormous consequences for the natural environment, for industry and for human health.

This is the first bill I've introduced since being elected to this Parliament, and it goes to an absolutely core issue for the Greens. The issues raised by Greens parliamentarians have often been promoted for many years by environment groups who work outside the parliaments. My colleague Colleen Hartland has twice

introduced bills that would give Victoria a container deposit scheme like the one that's existed for decades in South Australia and like those that now exist in Tasmania, the Northern Territory and the ACT, as well as in many other parts of the world. A container deposit scheme would reduce the number of bottles and cans entering Victoria's litter streams, its waterways and its oceans. Community groups have been campaigning for a Victorian container deposit scheme for a very long time, and it's the Greens that have ensured that it has been placed on the legislative agenda in this state.

And despite the huge community interest in banning plastic bags, this is yet another vitally important issue that would be virtually ignored if we left the legislative agenda up to the major parties.

### **The need for change**

The problem of plastic pollution is so massive that it can sometimes seem insurmountable.

Plastics are made from non-renewable resources including crude oil, gas and coal. It takes as much fossil fuel energy to produce a single plastic bag as it does to drive a car about 115 metres.<sup>1</sup>

The statistics are overwhelming. Every year Australians consume an additional 3 million tonnes of plastic.<sup>2</sup> And that includes an incredible 3.9 billion new plastic bags, according to Clean Up Australia.<sup>3</sup> That's in just one year. Since plastic bags became widely available in the late 1970s, Australians would have thrown away tens of billions of plastic bags.

The best-case scenario for the vast majority of plastic bags is that they end up in landfill. Plastic takes between 20 and 1000 years to break down<sup>4</sup>, depending on its type, and it does enormous damage before it does so. And when it does begin to break down, it firstly becomes smaller bits of plastic that can easily blow away or be ingested by birds and animals. Australians dump as many as 7000 plastic bags into landfill every minute.<sup>5</sup>

But many plastic bags don't end up in landfill. They end up in litter streams — not necessarily by people doing the wrong thing, but also by being blown by the wind, or falling out of kerbside and council bins. And it's when plastic bags become litter that they do enormous damage, especially to marine environments. Birds, whales, seals, turtles, penguins and fish regularly ingest plastic from bags in the ocean and then suffocate or die from intestinal blockages.<sup>6</sup> Or they can choke to death after getting entangled in plastic. Because a plastic bag takes so long to break down, it can become a 'serial killer' — it can kill many more than a single

marine animal, because animals decompose much faster than plastic.<sup>7</sup>

In April this year, the Senate's Environment and Communications References Committee published its tripartisan report into the threat of marine plastic pollution in Australia.<sup>8</sup> *Toxic Tides* relies on the best available scientific and other evidence, and paints a truly horrific picture of the true cost of plastic pollution.

One study found recently that as many as 90 per cent of all seabirds have plastic in their guts.<sup>9</sup> Earlier this year, the World Economic Forum heard that there will be more plastic than fish in the sea by 2050.<sup>10</sup> And earlier this month, *Science* magazine featured a study confirming that fish are being killed by microplastics before they even reach reproductive age.<sup>11</sup>

Of course, humans eat fish. Again and again, scientific research confirms that whenever we eat seafood, humans are probably ingesting tiny particles of plastic.<sup>12</sup>

Eating contaminated seafood is only one of the ways marine plastic pollution has a direct, adverse impact on us. The *Toxic Tides* report — which was signed off by members of the Liberal Party, the Australian Labor Party and the Greens — contains evidence that plastic pollution is harming the fishing and shipping industries.

The need to stop plastic pollution from entering our wetlands, reservoirs, billabongs, swamps, lakes, dams, ponds and oceans is urgent. Every year we delay, billions of pieces of plastic is consumed by humans and eventually, inevitably, thrown away.

Plastic is in almost everything. It's in bags, bottles, microbeads, microfibrils, balloons, wrapping, cling wrap, packaging, six-pack rings, straws, cutlery, plates, bowls, cartons, containers, bins, boxes, toys, appliances, electronics, furniture, clothing, signage — the list goes on and on.

Whenever I'm in a supermarket, I'm absolutely staggered by the sheer amount of plastic.

In a very short time, we have become dangerously reliant on plastic. Sure, it's convenient — it's strong, it's flexible, it's useful. But it's also choking our environment.

### **The bill**

The bill will do a number of things.

### **1. Plastic bags**

First, as I said, it will reverse the default position on plastic bags in Victoria. Currently there are no restrictions whatsoever on the supply of plastic bags by retailers. This bill will make the supply of all plastic bags unlawful by default, except plastic bags that are specifically designed for medical or health-related purposes, or for police or security purposes. The bill would then authorise the minister to decide that particular bags should be exempt.

Whenever the minister does exempt a particular type of plastic bag, she or he would need to publish reasons for that decision on the Environment Protection Authority (EPA) website. Importantly, either house of this Parliament would retain the ability to veto any of the minister's exemptions. And the EPA would have to report annually on the environmental effects of those exemptions.

This bill supersedes entirely the current provisions in the Environment Protection Act in relation to plastic bags. Section 71 of the act allows the environment minister to establish, by regulation, a compulsory minimum amount of money that retailers have to charge for plastic bags. That provision has been in the act since 2006, but it has never been acted upon. And in the last decade, the available evidence has suggested that simply charging for plastic bags doesn't produce the outcomes we're seeking, namely, a substantial reduction in plastic bag consumption. In many places around the world that have implemented compulsory charges it's been found that consumption decreases sharply in the first one or two years, and then begins to rise again as people learn that they can simply 'pay off' their conscience.<sup>13</sup> This bill recognises that the only proven way of reducing the consumption of plastic bags is to stop their circulation in the first place.

This bill goes further than the plastic bag bans in other Australian states and territories. South Australia led the way in 2008 when it banned what it calls 'single-use' plastic shopping bags that are under a certain thickness. Tasmania, the ACT and the Northern Territory have since basically copied South Australia's lead.

The idea was to target the most disposable type of bags — those very thin plastic bags we still get at supermarkets and other retailers here in Victoria. The theory was that bags made of thicker plastic were better than the really thin bags, because at least they could be re-used.

There's now been eight years of evidence that we in Victoria can draw on. The first review of the South Australian ban found that there had indeed been a

substantial decrease in the number of plastic bags being thrown away — so the South Australian ban has been a huge success. But the review also found there had been a massive increase in the purchase of garbage bags to use as bin liners.<sup>14</sup> Only 15 per cent of consumers purchased plastic garbage bags before the South Australian ban, but after the ban, that figure rose to a whopping 80 per cent. There is also evidence to show that even though thicker bags are more reusable, many consumers simply use them to carry their shopping home once, and then use them as bin liners. Even when thicker plastic bags are used over and over again, they only last between two and five months before they're eventually thrown out.

Many of us want to do the right thing, so we use those so-called 'green' re-usable bags to carry our shopping in. But those so-called 'green' bags are also made of plastic! And even though they often last a lot longer than ordinary plastic bags — about 15 months on average according to independent estimates<sup>15</sup> — they still eventually get thrown away when they break or tear.

The Senate's *Toxic Tides* report recommended that 'the Australian government support states and territories in banning the use of single-use lightweight plastic bags'. But it went on to recommend that the Australian government should ensure that 'alternatives do not result in other pollutants entering the environment'.

That's what this bill is designed to do: it will make plastic bags unlawful by default, because in the end, all plastic bags end up in landfill or in litter streams.

## 2. *Microbeads*

The second thing the bill would do is to make it unlawful for anyone to sell a cosmetic, personal hygiene or household detergent product if it contains microbeads. Microbeads of course are those tiny pieces of plastic that are added to these products as exfoliants.

They will be banned in the United States in the middle of next year, following legislation that was passed at the end of last year. They will be banned in the Netherlands very soon, and there are also moves to ban them in Canada. The world is moving against these tiny pieces of unnecessary microplastic that end up in the stomachs of fish and seabirds and other marine animals.

It's true that the commonwealth government has made some noises about microbeads. The environment minister has given retailers until the middle of next year to voluntarily stop selling products containing microbeads, otherwise he might introduce a

compulsory ban.<sup>16</sup> But we don't have any details about what that ban would look like.

That's why we've included microbeads in this legislation. They're on the way out already. Coles, Woolworths and IGA have committed to voluntarily phasing out microbeads by the end of next year.<sup>17</sup> But that's another year and a half of microbeads clogging up our waterways.

## 3. *Packaging*

The third thing this bill will do is to prohibit retailers — including supermarkets — from selling perishable fruit and vegetables if they're wrapped, sealed or otherwise contained in plastic or polystyrene.

This measure is designed to stop the insidious and totally unnecessary practice that has crept in during the last few years of supermarkets pre-packing their fresh fruit and vegetables in plastic wrapping just so that they can more easily be scanned at the cash register. It seems as though every time I go into a supermarket there are more and more examples of this.

Cucumbers that are individually sealed in plastic. Corn on the cob that have their leaves already removed, individually shrink-wrapped in plastic. Two apples on a plastic or foam tray, with the whole lot shrink-wrapped in plastic. Three capsicums on a plastic tray, with the whole lot sealed inside a plastic bag. Carrots in plastic bags. Bunches of grapes and cherries in plastic sandwich bags. Lemons and oranges in bags made of plastic netting. A handful of pears sealed inside a plastic carry bag. Rows and rows of completely unnecessary plastic.

This is a very recent practice. This plastic just does not need to be there. No doubt it is very useful for supermarkets and retailers, who can place barcodes on the shrink-wrapped plastic and improve the efficiency of their point-of-sale operations.

But this plastic is choking our environment.

## 4. *Mechanisms*

How will this bill work?

On 1 March next year products that contain microbeads will become immediately unlawful to sell. It will also become unlawful for anyone who makes, sells, imports, supplies or distributes plastic bags or plastic packaging to provide false or misleading information about their plastic composition. Also on that date, a six-month transition period begins toward the restriction of plastic bags and unnecessary plastic packaging. The six-month

transition period will allow retailers, consumers, local councils and everyone else to work out how we're all going to transition to a life without plastic bags.

When the bans come into effect, retailers who do the wrong thing will be liable to be fined for every breach. The fine would be as much as 20 penalty units for individuals, and 100 penalty units for corporate retailers. Many supporters of this bill have written to us suggesting the fines should be even higher. But the fines for corporations are already double what they are for equivalent offences in South Australia and the other states, so we think they are set at a reasonable level.

The bill gives powers to EPA authorised officers that would allow them to enter retailers, suppliers and manufacturers for the purpose of monitoring compliance and investigating possible offences.

Given the broadness of what the bill aims to do, we've included a 'reasonable excuse' provision so that people won't be penalised if they're able to demonstrate a reasonable excuse as to why they're unlawfully providing plastic bags or selling products that contain microbeads or selling fruit and vegetables wrapped in plastic.

The other thing this bill does is to improve the reporting requirements around plastics. At the moment, it's impossible to know how much plastic is out there. There are some NGOs that attempt data collection and collation, and I have to acknowledge the work of Boomerang Alliance in this area, but the reality is that they will never have the resources of government — and to do a task like this properly, it must be well-resourced. As things stand, there are no reporting requirements. This bill would require the EPA to prepare annual reports on plastic that is consumed by Victorians and plastic that enters litter streams. The bill would also require the EPA to prepare a review into this legislation, to determine what impact it's having on the amount of plastic in the environment.

### Issues

Last month I began asking for public feedback on this bill. So far we have received feedback from 500 people and organisations. The response has been overwhelmingly positive. Many wanted us to go even further, to impose even greater restrictions on the amount of plastic that we consume.

This is a first step. It represents a substantial change, but it is not radical. It is a reasonable, progressive response to the plastic pollution crisis.

Some people were worried about what they will use when plastic bags are banned. As I've said, we are dangerously reliant on plastic. We have become so accustomed to plastic bags being available everywhere that we haven't had to think about alternatives. But there are many, many alternatives. The best alternatives are reusable and come from ethical and sustainable sources. Paper bags made of paper that's sustainably sourced from ethical plantations or from 100 per cent recycled paper are one option. Cardboard boxes made of sustainably sourced cardboard are another option, and cardboard boxes can be used over and over again. Foldable shopping trolleys are a good idea because they can carry a lot of shopping and they can be used everywhere. Or we can use reusable bags made from natural material like cotton or calico.

It shouldn't actually be all that difficult to live without plastic bags. Plastic bags didn't even exist until the 1970s, and they weren't at all prevalent until the 1980s.<sup>18</sup> We managed without plastic bags and other soft plastics before then, and we'll manage without them again.

Some people have asked whether this bill will exempt biodegradable plastic bags. Unless the minister exempts them, this bill will include degradable and biodegradable bags in the blanket ban on plastic bags. This is because of the evidence that shows that degradable and biodegradable bags often take a very long time to break down — especially if they depend on sunlight and oxygen to break down and they are either in the ocean or buried under rubbish.<sup>19</sup> And even when degradable bags do break down, they first break down into smaller pieces of plastic — which means they're still going to pose threats to marine life.

Some people have also asked why we can't just rely on recycling plastic bags. It's true that plastic bags and other soft plastics can be recycled. But they can't be recycled through the kerbside recycling program run by most local councils. In most local government areas the only way of recycling plastic bags is to deposit them in the single bins that are provided in some supermarkets. The REDcycle plastic bag recycling program is a good program. But nobody can pretend that it represents a viable solution to the crisis posed by plastic bags. There are hundreds of households for every plastic bag recycling bin in supermarkets — hundreds of households consuming perhaps thousands of bags every week. And we know that plastic bags continue to contaminate the kerbside recycling program that is run by councils. Too many people use plastic bin liners to bag their recyclables, probably without even knowing they're not supposed to do that.<sup>20</sup> The only way that we

can minimise the risk of contaminating kerbside recycling bins is by stopping the supply of plastic bags.

The only way that we can minimise the risk that plastic bags will enter landfill and litter streams is by stopping the supply of plastic bags. And the only way that we can stop plastic bags from killing hundreds of thousands of fish and turtles and seabirds every year is by stopping the supply of plastic bags.

### Community

Beginning to solve the plastic pollution crisis is not just in the interests of the environment. It's also in the interests of our communities. Most people are in favour of banning plastic bags. When South Australia became the first state in Australia to ban plastic bags, the population there made it a badge of honour. There is real pride in South Australia that they have banned thin plastic shopping bags.

And the same thing has been true wherever bags have been banned or restricted. So many places around the world have acted to restrict plastic bags that it is now a source of shame for Victoria. Places that have already banned or significantly restricted plastic bags include Bangladesh, India, China, Mexico, Brazil, Somalia, Uganda, Kenya, South Africa, Botswana and Rwanda. There are a number of states in the USA that have also banned bags.

Victoria has been a leader in so many progressive reforms over the years. But on the urgent problem of plastic pollution, Victoria is definitely dragging its feet.

This is not for want of effort by many, many individuals and community groups and environmental organisations. Grassroots democracy is one of the Greens' central pillars. And the campaign to ban plastic bags is about the most democratic and grassroots that a campaign can possibly be. This is a campaign that hasn't come from government. It hasn't been led by politicians. It hasn't been led by big business. It hasn't been led by interest groups.

It has been led by thousands of concerned citizens who have been devoting hours and days and weeks and years of their lives to protecting Victoria's natural environment and its marine animals. Every morning hundreds of volunteers sweep Victoria's beaches and collect tonnes and tonnes of plastic rubbish.

Thousands of Victorians have joined together in local plastic-bag-free groups. They have succeeded through sheer determination and people power to restrict the use of plastic bags in many communities, including Torquay, Mallacoota, Inverloch, Warburton,

Williamstown, Frankston, Queenscliff, Point Lonsdale, Ocean Grove, Barwon Heads, Anglesea, Aireys Inlet, Winchelsea, Birregurra, Ballarat, Yarraville, Moreland, Moonee Ponds, Daylesford, Bendigo, Laanecoorie, Newbridge, Inglewood, Bridgewater, Harrow, Kadnook, Edenhope, Patyah, Ozenkadnook, Bringalbert, Benayeo, Goroke, Kaniva, Wedderburn, Serpentine, Korong Vale, Dingee, Boort, Pyramid Hill, Moama, Echuca.

Their work is now being coordinated by Plastic Bag Free Victoria, which has done such incredible work in the last 12 months in particular.

And their work has been supported by professional campaigners in environmental organisations. Sea Shepherd, Boomerang Alliance, Greenpeace, Environment Victoria, Planet Ark and Friends of the Earth are among many organisations, large and small, that have been campaigning for a plastic bag ban for years.

Given the sheer scale of the plastic pollution crisis, this bill represents a very reasonable first step. It won't resolve the crisis. It won't stop supermarkets from selling their rows and rows of non-perishable plastic-wrapped foods. It won't solve the problems caused by six-pack rings and plastic bottles and plastic microfibres and balloons and plastic cling wrap and plastic straws and plastic cutlery.

But it will present a very substantial first step in the right direction.

And it will send a very important signal that Victoria is prepared to lead by example on plastics.

<sup>1</sup> Australian Bureau of Statistics *Year Book of Australia*, 2004, available: <http://www.abs.gov.au/ausstats/abs@.nsl/featurearticlesbytitle/2498B7E0C5178282CA256DEA000539BC?OpenDocument>

<sup>2</sup> Boomerang Alliance, submission to the Senate Inquiry into the Threat of Marine Plastic Pollution in Australia, 2016. Available: [www.aph.gov.au/2FDocumentStore.ashx%3Fid%3D062d1f46-e054-4333-a7c2-5e33f37c0f27%26subId%3D404801&usg=AFQjCNGqpQkMzpy4FEeP\\_nE9jbmJ55Qpg&cad=rja](http://www.aph.gov.au/2FDocumentStore.ashx%3Fid%3D062d1f46-e054-4333-a7c2-5e33f37c0f27%26subId%3D404801&usg=AFQjCNGqpQkMzpy4FEeP_nE9jbmJ55Qpg&cad=rja)

<sup>3</sup> Clean Up Australia, 'Plastic Bag Facts', website available: <http://www.cleanup.org.au/au/Campaigns/plastic-bag-facts.html>

<sup>4</sup> Clean Up Australia, 'Plastic Bags Facts'.

<sup>5</sup> Clean Up Australia, 'Plastic Bags Facts'.

<sup>6</sup> Centre for Biological Diversity, 'Ocean plastics pollution: A global tragedy for our oceans and sea life'. [http://www.biologicaldiversity.org/campaigns/ocean\\_plastics/](http://www.biologicaldiversity.org/campaigns/ocean_plastics/)

<sup>7</sup> Clean Up Australia; Senate Environment and Communications References Committee, *Toxic Tide: The Threat of Marine Plastic Pollution in Australia*, April 2016: [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/Marine\\_plastics/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Marine_plastics/Report)

<sup>8</sup> *Toxic Tides*.

<sup>9</sup> Wilcox et al, 'Threat of plastic pollution to seabirds is global, pervasive, and increasing', *Proceedings of the National Academy of Sciences*, July 2015: <http://www.pnas.org/content/112/38/11899.full.pdf>

<sup>10</sup> ABC News, 'More plastic than fish in the oceans by 2050, report warns', 21 Jan 2016: <http://www.abc.net.au/news/2016-01-21/more-plastic-than-fish-in-the-oceans-by-2050-report-warns/7105936>

<sup>11</sup> Fiona Harvey, 'Microplastics killing fish before they reach reproductive age, study finds', *The Guardian*, 3 June 2016:

<https://www.theguardian.com/environment/2016/jun/02/microplastics-killing-fish-before-they-reach-reproductive-age-study-finds>

<sup>12</sup> Van Cauwenberghe and Janssen, 'Microplastics in bivalves cultured for human consumption', *Environmental Pollution*, vol. 193, pp 65–70, 2014: <http://www.expeditionmed.eu/fr/wp-content/uploads/2015/02/Van-Cauwenberghe-2014-microplastics-in-cultured-shellfish1.pdf>

<sup>13</sup> Ally Fogg, 'Why charging for plastic bags doesn't work', *The Guardian*, 17 July 2014: <https://www.theguardian.com/commentisfree/2014/jul/17/charging-for-plastic-bags-doesnt-work>

<sup>14</sup> Aspin, 'Review of the *Plastic Shopping Bags (Waste Avoidance) Act 2008*', November 2012: [http://www.zerowaste.sa.gov.au/upload/resource-centre/publications/plastic-bag-phase-out/PBActReview\\_maspin\\_Nov2012\\_2%20-%20final.pdf](http://www.zerowaste.sa.gov.au/upload/resource-centre/publications/plastic-bag-phase-out/PBActReview_maspin_Nov2012_2%20-%20final.pdf)

<sup>15</sup> Review of SA Plastic Bag legislation.

<sup>16</sup> Sarah Whyte, 'Act on microbeads or I'll ban them, Hunt warns cosmetic companies', *ABC News*, 29 Feb 2016: <http://www.abc.net.au/news/2016-02-29/microbeads-ban-voluntary-environment-greg-hunt/7207482>

<sup>17</sup> Sarah Whyte and Amy Sherden, 'Coles, Woolworths pledge to remove products containing plastic microbeads', *ABC News*, 22 Jan 2016: <http://www.abc.net.au/news/2016-01-07/coles-woolworths-support-ban-on-microbeads-in-australia/7073674>

<sup>18</sup> Sarah Laskow, 'How the plastic bag became so popular', *The Atlantic*, 10 Oct 2014: <http://www.theatlantic.com/technology/archive/2014/10/how-the-plastic-bag-became-so-popular/381065/>

<sup>19</sup> Ian Steadman, 'Scientists buried biodegradable plastics for three years, found it doesn't degrade', *New Statesman*, 31 March 2015: <http://www.newstatesman.com/sci-tech/2015/03/scientists-buried-biodegradable-plastics-three-years-found-it-doesnt-degrade>

<sup>20</sup> Sustainability Victoria and the Metropolitan Waste Management Group, *Kerbside Recycling in Metropolitan Melbourne: Social Research Summary Report*, 2011: [http://getitrightbinnight.vic.gov.au/images/uploads/env058\\_improving\\_kerbside\\_recycling\\_web.pdf](http://getitrightbinnight.vic.gov.au/images/uploads/env058_improving_kerbside_recycling_web.pdf)

## Debate adjourned on motion of Mr LEANE (Eastern Metropolitan).

## Debate adjourned until Wednesday, 29 June.

# EQUAL OPPORTUNITY AMENDMENT (EQUALITY FOR STUDENTS) BILL 2016

### *Statement of compatibility*

## Ms PENNICUIK (Southern Metropolitan) 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 Equal Opportunity Amendment (Equality for Students) Bill 2016.

In my opinion, the Equal Opportunity Amendment (Equality for Students) 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

Currently the Equal Opportunity Act 2010 (the EO act) includes special exceptions to discriminate for faith-based educational institutions, religious bodies, religious people and other organisations.

The exception for religious schools provides that a person or body, including a religious body, that administers or is an educational institution that is conducted in accordance with religious doctrines, beliefs or principles may discriminate

against another person on the basis of that person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity if the discrimination 'conforms with the doctrines, beliefs or principles of the religion'; or 'is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion'.<sup>1</sup>

The Equal Opportunity Amendment (Equality for Students) Bill 2016 (the bill) limits or narrows the religious exception by providing protection against discrimination for all school students regardless of their sex, sexual orientation, gender identity, lawful sexual activity, marital status, or parental status.

### Human rights issues

#### *Equality before the law*

The bill promotes section 8 of the charter which provides that every person has the right to enjoy their human rights without discrimination, is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Currently, students at religious schools do not have the same protection against discrimination as students at other schools.

Some students at religious schools do not even have the same protection against discrimination as other students at the same school.

A student's sex, sexual orientation or gender identity is a natural part of who they are, as are other protected attributes such as physical features or race, which are not included in the exceptions under section 83(2).<sup>2</sup> The current act leaves some students with less protection against discrimination for natural attributes than others.

Although the protected attribute of 'sex' may appear to apply equally to women and men, most direct and indirect sex discrimination in Victoria is against women. Women are also more likely than males to suffer discrimination on the basis of an equivalent sexual activity or parental status. In this way, in my view the exceptions for discrimination on the basis of sex, sexual activity and parental status at religious schools expose female students in particular to discrimination in education.

The bill will also promote equality under the law for those who establish, direct, control or administer schools. The effect of limiting the special religious exception would be that the directors or administrators of a religious school would be left with the same rights to discriminate under the Equal Opportunity Act as their counterparts in non-religious schools, including the same ability to apply for an exemption, in circumstances where they have a valid reason to discriminate.

### Protecting the best interests of children

The bill promotes section 17(2) of the charter by securing the right for every child, without discrimination, to enjoy such protection as is in his or her best interests.

Discrimination against children because of particular attributes such as their sexual orientation, gender identity, or being a young parent is not in their best interests. Research shows that discrimination against same-sex-attracted and

transgender young people has a profound impact on their mental health.<sup>3</sup>

It is not in the interests of female students who fall pregnant and have a child to have to change schools or leave the education system. This undermines their emotional and mental wellbeing and their ability to care for their child. It will also prevent female students from fully exercising important social and economic rights.

Furthermore, it is not in the best interests of students to be educated in an environment that is at times hostile and contrary to attempts to create a society that is free from discrimination and embraces equality and respect for all.

**Freedom of thought, conscience, religion and belief**

In my view, the bill either does not limit freedom of thought, conscience, religion or belief or does so in a way that is compatible with the charter.

The bill does not remove the ability for the directors or administrators of a faith-based school to discriminate against a student on the basis of the student’s religious belief or activity. This is consistent with section 39 of the EO act, which provides that an educational institution or program may be operated wholly or mainly for students of a particular religious belief.

Clause 4 limits the exemption for a religious body that establishes or operates a faith-based school. As religious bodies are not persons for the purposes of the charter,<sup>4</sup> clause 4 does not limit any human rights protected by the charter.

Clauses 5, 6 and 7 limit the exemption for a person or body that establishes, directs, controls, administers or is an educational institution that is, or is to be, conducted in accordance with religious doctrines, beliefs or principles, if the education institution is a school.

I am of the view that any limits on the freedom of religion and belief of a person who establishes or runs a school are reasonable limits under section 7(2) of the charter, as they need to be balanced against the purpose of the limitation which is to prevent discrimination against students based on personal attributes of sex, sexual orientation, lawful sexual activity, gender identity, or their parental or marital status.

The bill does not have an unfair or disproportionate impact on the rights of religious schools to exercise their religious freedom. The effect of limiting the special religious exception would be that the directors or administrators of a religious school would have the same rights to discriminate under the Equal Opportunity Act as their counterparts at any non-religious school, including the same ability to apply for an exemption,<sup>5</sup> if they have a valid reason to discriminate.

Any limits to freedom of religion also need to be considered against the right for all children to equality before the law under section 8 of the charter, and to have their best interests protected under section 17(2). In my view, there is no less restrictive means available of removing discrimination.

I therefore consider the bill to be compatible with the charter.

Sue Pennicui, MLC  
Member for Southern Metropolitan Region

1 Equal Opportunity Act 2010, s.83.

2 Equal Opportunity Act 2010, s.6 lists the attributes on the basis of which discrimination is prohibited in the areas of activity set out in part 4.

3 Rosenstreich, G. (2013) LGBTI People Mental Health and Suicide. Revised 2nd Edition. National LGBTI Health Alliance. Sydney.

4 See for example s.6(2) of the Charter of Human Rights and Responsibilities.

5 Equal Opportunity Act 2010, s.89.

*Second reading*

**Ms PENNICUIK (Southern Metropolitan) — I move:**

That the bill be now read a second time.

The Victorian Greens are committed to equality for lesbian, gay, bisexual, transgender and intersex people and to equality for women.

The Equal Opportunity Act 2010 includes exceptions in sections 82, 83 and 84 that allow religious organisations, schools and individuals to discriminate on the basis of a person’s religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

The Greens have a longstanding opposition to the religious exceptions that are found in sections 82(2), 83, and 84 of the Equal Opportunity Act and have moved to remove them in Parliament before.

**School students**

The case for removing these exceptions is as strong as ever, and it is same-sex-attracted, transgender and female school students who are most at risk because of these exceptions.

The practical effect of the exceptions is that school students may be denied enrolment at a religious school or could be expelled from a religious school for being same-sex attracted, transgender, or in the case of female students, pregnant or having a child whilst unmarried.

Students could also be excluded from school activities or otherwise treated unfavourably.

Such discrimination is out of step with values of the overwhelming majority of Victorians and is harmful to the wellbeing of school students.

The exceptions mean same-sex-attracted, transgender and female Victorian students who are attending religious schools:

are at greater risk of discrimination;

are unprotected by law should they be discriminated against;

are in a school environment where they may be forced to hide their sexuality or gender identity.

Research undertaken by the National LGBTI Health Alliance shows that LGBTI young people have higher rates of mental health issues and suicide, and discrimination and exclusion are the key causal factors.

Direct discrimination in the form of expulsion from school would exclude a student from their peers and wider school community and disrupt their education.

Notwithstanding discrimination, the threat of discrimination such as expulsion from school is enough to cause harm to same-sex-attracted or transgender young people by forcing them to hide their identity or risk discrimination.

A person's formative years, when they are developing their sexual and gender identity, are during their time at school.

For a young person, first identifying as same-sex attracted or transgender can be a stressful and difficult period where they feel at risk of rejection from family and peers.

The risk of discrimination at or expulsion from school adds further difficulty to this time and increases the risk of harm.

For a school student, pregnancy and motherhood can be a barrier to education, and expulsion from school would add to this.

The current laws place an undue burden on students, who can be discriminated against under sections 82(2), 83 and 84 of the act.

**The Equal Opportunity Amendment (Equality for Students) Bill 2016**

The Equal Opportunity Amendment (Equality for Students) Bill 2016 focuses on students who attend religious schools.

I want to acknowledge Sam Hibbins, MP, Victorian Greens LGBTI spokesperson, for his work on this piece of legislation.

The aim of this bill is to protect students at religious schools from discrimination.

The bill creates a new section 84A in the Equal Opportunity Act that does not permit discrimination by a person or body that establishes, directs, controls, administers or is an educational institution against a student on the basis of the student's, sex, sexual

orientation, lawful sexual activity, marital status, parental status or gender identity.

The bill ensures that exceptions in sections 82(2), 83(2) and 84 are subject to section 84A.

This will have the practical effect of outlawing discrimination against school students on the basis of their sexuality or gender identity and female students on the basis of being pregnant and unmarried.

**Conclusion**

No school student should be expelled, refused enrolment or otherwise discriminated against and treated unfavourably because of their sexuality or gender identity.

No school student should be expelled, refused enrolment or otherwise discriminated against and treated unfavourably because they are pregnant or a parent.

Such actions are not in the best interests of students and are out of step with Victorian values.

If you believe in these statements, you should support this bill.

All school students require full protection under the law.

I commend the bill to the house.

**Debate adjourned on motion of Ms SYMES (Northern Victoria).**

**Debate adjourned until Wednesday, 29 June.**

**PLANNING SCHEME AMENDMENT GC37**

**Mr DAVIS** (Southern Metropolitan) — I move:

That, pursuant to section 38 of the Planning and Environment Act 1987, amendment GC37 to the Cardinia, Casey, Glen Eira, Greater Dandenong, Kingston, Melbourne, Monash, Stonnington and Yarra planning schemes be revoked.

This is Labor's sky rail planning scheme amendment. Labor went to the state election with a policy of removing level crossings, a widely supported policy and a policy that was being implemented in part by the previous government. The outcome at Burke Road, Glen Iris is a good example that the community can see from the previous government of a successfully implemented level crossing removal.

I do believe that Labor has a mandate to remove level crossings. It has wide community support to do so, and

there are good public and policy reasons to remove level crossings, because you do get efficiencies with rail and you do get efficiencies with road. It is interesting that at Glen Iris there has been a 20 per cent increase in road movements through that crossing since the removal of the level crossing, so there is no question about the advantages for road and for rail of removing level crossings. This motion — and the Liberal Party and National Party position, the coalition position — is not against the removal of level crossings. In fact, on the contrary, we support it. We began the process of removing level crossings.

This motion is about sky rail. It is about the Labor Party plan to remove level crossings with a plan it did not tell the community about in the state election. It did not mention sky rail before the election. There is even famously a video of Daniel Andrews doing a small movement with his hand to indicate the type of crossing removal that the government would be putting in place. Labor's Project 10 000, when read on its own, can only lead one to the conclusion that Labor intended to do rail-under-road level crossing removals.

At the same time local Labor MPs right across the metropolitan area advocated for level crossing removals, and on every occasion of which I am aware they indicated that these would be rail under road. In Oakleigh, the local area about which I propose to talk at length, Mr Dimopoulos, now the member for Oakleigh in the Assembly, indicated in emails to constituents in the last week before the state election that he would see rail under road undertaken in that area. I put those words on the record in this Parliament in debate on a previous motion in the last week of February seeking documents but also making statements about level crossing removals and about Labor's sky rail that was supported by this chamber and passed.

One hundred and nineteen days later we have almost nothing from the government on the documents that were promised at that point and which the chamber demanded be delivered. Indeed I think a response came yesterday which was a half-baked response on one document, which we can access on Monday after this vote, after the decision and after the government has commenced work on its sky rail option.

It is important to think about the objections that are now being raised by the government to a rail-under-road solution on the Cranbourne line, particularly in the section between Caulfield and Dandenong, with the nine level crossings to be removed there. I put on the record that the previous coalition government had struck a deal with Metro: we were intending to do four of those crossings with a rail-under-road option, and

that process was proceeding. The new government came into power and it squashed that deal. It paid an undisclosed amount, known to be between \$20 million and \$30 million, to Metro for the intellectual property and the costs that Metro had gone to through the unsolicited bid process that Metro had undertaken. That is \$30 million the community will never see back again. It is an east-west link type of outing — \$1.1 billion was lost in that case. In this case up to \$30 million was lost in a deal done with Metro to get it to go away and not cause trouble.

The government then went out and undertook some sort of process, an internal process, and it is my considered view that the government always intended to do a sky rail option on the Caulfield to Dandenong section of the line. The government is now raising objections to rail-under-road solutions. It says there is a water table there and that is a problem. Well, we have large engineering and construction projects all around the world that can deal with water tables. We know that they can build large tunnels. We are talking about a metro tunnel, for goodness sake, under the Yarra. You can clearly, in an engineering and technical sense, deal with a water table — and let me give you the news: the water table was there before the election. It is no big surprise. The water table was there prior to the state election in November 2014. The water table was there. Unless it is a big revelation to the government that there is a water table, it is quite wrong.

The government is using the same argument down on the Frankston line: 'Oh, there's a water table, so we'll have to do it up high in a long-distance viaduct'. Of course that is nonsense. We know that the engineering solutions can be found. We know that the engineering solutions are eminently achievable. It says there is a gas pipeline there. Well, I will give it the heads-up here too: Henry Bolte put the gas pipeline in. It has been there all that time; it is no revelation. The gas pipeline was there before the state election.

Was the government intending to do the sky rail? Was it intending to do rail under road? This option can be done. I know for a fact that that pipeline will have to be replaced within the next 10 to 12 years, and this would be a perfect opportunity to strike a deal with the energy company and actually make the arrangement to move that pipeline as required. Again, moving that pipeline is eminently manageable and could be a process that would actually get a better outcome for the community.

The government says there will be time delays, and it is true that a rail-under-road solution will take somewhat longer. We are actually seeing three crossings in the Bentleigh electorate being done in southern metro, in

my area, at the moment, and that is going to be a very good outcome. That is not to say that there is no challenge with that, that there is no disruption, that there is no dislocation. Of course there is when you are doing major construction and engineering works. To make omelettes you do need to break eggs. There are going to be some points of disruption — no question — but for a better long-term outcome a rail-under-road solution is the way to go. It would, over the next hundred years, deliver a much better outcome — potentially decking parts of it, potentially enabling better connections and potentially ensuring that noise, diesel and other aspects that I will say more about in a moment are dealt with in a better and proper way in the long term.

Commuter impact: would it be the case that if you did a rail-under-road option and it took somewhat longer to complete it would impact on commuters? Yes, that is right — absolutely true. The same is occurring in those three level crossings in Bentleigh at the moment. There is disruption. Mr Dalidakis is very aware of this. All of the southern metro MPs are very aware of that disruption. There is no question that disruption is a part of any major project, but if you want the best long-term outcome, a rail-under-road solution should be the one that we are focusing on.

I am conscious of the time period here. I am not seeking to use more time than I ought to use on this. I want to get some key points on the record and make the case. Again, this is not a subject that the chamber and the community is now unfamiliar with. I want to point to some of the process failures here in terms of consultation by this government. The government began consulting with people — and I use the word ‘consulting’ very, very loosely at this point — along the Caulfield to Dandenong line late last year, and in doing so it did not mention its sky rail option. It gave people an option of removing level crossings, and everyone is in favour of removing level crossings, but it did not — I repeat, did not — offer a sky rail option to them through that period.

After the story broke in January, after the government announced its decision in the first week of February, it did massive consultation — or should I say that ‘information sessions’ would be a better term? — but those sessions did not offer genuine consultation either. It offered people the option at that point of a sky rail or no level crossing removal. The only thing that was not offered at that point was a rail-under-road solution. It went out with extensive telephone survey work, and I have listened to some of those surveys. I have actually heard the recordings from them, so this is speaking very directly from documentary evidence: it did not offer a

rail-under-road solution. It offered a level crossing removal, which equals sky rail in Labor’s view, or no level crossing removal. People said, ‘No, we want a level crossing — —

**Mr Dalidakis** interjected.

**Mr DAVIS** — They did. That is absolutely what was offered. That is absolutely what is offered on those sounds, and I have heard them and I know that to be the fact.

**Mr Dalidakis** — You’re misleading.

**Mr DAVIS** — No, I’m not misleading. I have actually heard them myself. You may not have heard them. But the point is there is no fair consultation that has occurred. The telephone polling and the individual surveying did not use a fair set of questions, and the business questions were not fair questions either. Key people along and close to the line were excluded, and they were told this by the survey people: ‘You are not allowed to be surveyed because you are too close to the line and you have self-interest involved’. Well, of course they have got self-interest — goodness gracious! People who are going to be massively impacted by this should have been amongst those who were surveyed and should not have been excluded from the government’s survey.

On the sound studies, it is very clear that Parsons Brinckerhoff’s sound studies were not independent studies, it was not actually doing baseline measurements and it has not done this in a proper way. These are people associated with the tender group who are doing their own studies; they are not having independent sound studies and noise studies done. These are not worth the paper they are written on, and the studies regarded reductions in noise as the level crossings being removed so the trains will no longer toot there. Let me give you the tip: the trains will no longer toot when the level crossings are removed whether it is rail under road or whether it is sky rail. You will get some of those advantages in any event. You have got to read this document, and it is a comedy. It is a circus. It is a complete joke and not worth the paper it is written on.

Why is there no environment effects statement (EES) on this enormous project? Why is there no EES on this \$1.6 billion project? This is an absolute travesty. The community knows that an environment effects statement ought to have been undertaken, and the most cursory reading of the Environment Effects Act 1978 and the guidelines published indicates that there should be an environment effects statement. Page 7 of those

guidelines includes under the heading 'Referral criteria: individual potential environmental effects':

potential extensive or major effects on the health, safety or wellbeing of a human community, due to emissions to air or water or chemical hazards or displacement of residences ...

The government is now offering voluntary packages to people. They will be displaced in some cases. There is no question that they will be displaced. That trigger is met, as is the trigger 'emissions to air', with diesel released high in the air.

Under the heading 'Referral criteria: a combination of potential environmental effects' the guidelines include:

potential extensive or major effects on social or economic wellbeing due to direct or indirect displacement of non-residential land use activities ...

Absolutely there is going to be massive change through these areas, and that should be triggered. Additional criteria include:

potential for extensive displacement of residences or severance of residential access to community resources due to infrastructure development;

potential significant effects on the amenity of a substantial number of residents, due to extensive or major, long-term changes in visual, noise and traffic conditions.

My goodness! The government is going to build something 50 feet in the air that goes for nearly 9 kilometres, a massive concrete structure, and it does not reckon there is a visual impact. It is a circus. This is the minister's own guidelines on environmental effects. This should have had a full environment effects study. How can you proceed without an environment effects study of that nature? It is appalling.

The criteria go on:

potential exposure of a human community to severe or chronic health or safety hazards over the short or long term, due to emissions to air or water or noise or chemical hazards or associated transport ...

That is also a trigger that would be met by this, so on the minister's own guidelines there should have been an environment effects statement. I must say one of the most disappointing aspects of this is that Richard Wynne, the Minister for Planning, who I think in himself is a very decent person, ought to have triggered a full environment effects statement and done the right thing by the community and the whole of Victoria. I think he has failed, and this will be an epitaph for him. In his political career he will be seen as a person who fudged at the wrong time and did not do the right thing under the Environment Effects Act, which he administers.

The chief health officer also has a role here, and the chief health officer has not yet discharged that role. I have written directly to the chief health officer about a number of key issues, including diesel, including sound, and it is my view that the chief health officer has the powers under the Public Health and Wellbeing Act 2008 to order an investigation and to order a series of processes. These things have not been done. I have received no reply from the chief health officer, and proper processes ought to be undertaken under the health and wellbeing act.

GC37 should have environment management plans attached to it. Really? I mean, honestly! We are seeing trees chopped down. There is no environment management plan to speak of. This is a joke. It is a circus. It is a comedy, but it is a tragic comedy. You just have to go down that railway line; a massive peppercorn tree was chopped down on the weekend, and whole strands of trees have been ripped out without advice to the community or to the council. There has been trespassing by the Level Crossing Removal Authority (LXRA) on council property, trespassing by the LXRA on private property repeatedly and no action by the City of Glen Eira when it ought to have taken action.

I have written to the Minister for Public Transport. She has gone quiet since I came back to her with documentary evidence. She went dead quiet after the documentary evidence was sent to her. She has responsibilities to pull the cowboys at the LXRA into line, and she has not done so. But she ought to do so. I do not believe any management plan put in place by this government is worth the paper it is written on, because it is not honouring basic rules. It is not honouring the law on repeated occasions. I do not believe that the LXRA can be trusted on any of this, and Minister Allan is not prepared to pull it into line. That is a travesty.

There is no business case, and we have seen the Auditor-General in recent weeks table a report in Parliament indicating there is no business case. Let us be very clear on this: he has actually said there is risk.

**Mr Dalidakis** — I'll speak for as long as you do.

**Mr DAVIS** — That is all right. I am not going to go that long. I want to cover the material methodically.

Let me be quite clear here: the business case ought to have been undertaken and ought to have been completed, and the Auditor-General has made the point in his report to Parliament that this is a risky way to go. The 3D modelling has not been released publicly. The

government has said it will provide a viewing of it but it is not intending to release it to the community, who are the people impacted. It is not intending to release that 3D modelling it holds, which was ordered by this Parliament in the last week of February into a community zone so that people can see it and examine it.

What I can say is that people who I know have seen it in relation to their properties have been shocked. People are genuinely dumbfounded when they see the modelling and see the impact — the overshadowing, the overlooking and the massive impacts on quality of life. All of these in themselves should have triggered an environment effects statement or other proper planning processes, such as a planning panel. The government has not undertaken those processes. It should have put those processes in place. This would have been a very important way forward.

Where is the Environment Protection Authority (EPA) on this? The EPA is only belatedly getting involved now. It ought to have been involved at a much earlier point to get a better outcome.

Let me be quite clear here: GC15, the previous planning scheme amendment put in in 2014 by the former government, is a sensible planning scheme that specifically mentions rail under road and is specifically designed for a project that was rail under road — a named project that had four level crossings being removed rail under road, and that is exactly what it was for. The named project was four crossings under road, and that would have provided plenty of cover for planning activity and for construction activity of rail under road. It does not, and all of the legal advice I have seen makes it clear it would not, provide cover for a sky rail. It would absolutely not provide that cover.

GC37 specifically provides planning cover for elevated rail. It is mentioned four times in the document. It is intended to provide planning scheme cover for elevated rail. That is the major purpose of that document. There are lots of bells and whistles, transport-oriented development and other things also raising other questions, but the key point is that that planning scheme document, GC37, is designed to provide cover for a sky rail. It is the sky rail amendment. Revocation of that today will remove the government's planning cover on the sky rail. That is a bald fact.

Some people, and I particularly single out the Greens in this matter, believe that revoking this planning scheme amendment will not stop the sky rail. To one extent they are right and to one extent they are wrong. In the first extent it will stop it because the government will

not have planning cover. If this revocation is carried today, will Labor try to subvert the Parliament? Has Labor done that before? Yes, it has. Would Daniel Andrews, in his current arrogant mode with the Country Fire Authority and other things, seek to subvert the Parliament's activities? Absolutely. I would not have confidence that he would not try to subvert the Parliament's view. But the community would judge him very, very harshly if this was revoked today and he sought to find a sneaky or untoward way around the removal of a planning scheme approval.

*Honourable members interjecting.*

**Mr DAVIS** — No, no. He is not able to do that straightforwardly, and it will raise a whole series of questions; right? Let us be clear about this. If he seeks to defy the Parliament and the community, he would pay a political price for that. But at the moment the removal of GC37 will remove planning cover for the sky rail. Yes, it will. The reason the Greens are squirming and twisting is that they are trying to get out of this difficult fact. They are on the horns of a dilemma. Let us be quite clear about where the Greens are on this: they actually do not want to vote this down.

*Honourable members interjecting.*

**Mr DAVIS** — Yes, absolutely; you will have to take it from me on this. The fact is you do not want to vote it down because you will appear to be against a certain rail project. That is awkward for you, I know that, but it is the right thing to do.

Where are the trees? Where is the environment effects statement? Where is the community consultation? These are the things that Greens stand for — but not in this case. They are going to sell out to Mr Woodcock, sell out to the sky rail people and sell out to the community. It is appalling, and we know what they are about — this is a sellout of the community along the Caulfield–Dandenong line. It is an absolute sellout. It is a travesty and it is disgraceful. It is absolutely disgraceful of the Greens. They have no integrity at all, no integrity whatsoever. I think this will hang around for a long time if they vote against this, because the community knows that they are wrong, the community knows that they are doing the wrong thing on this. It is absolutely appalling.

Let me be clear on a couple of concluding points. This is more than just the Caulfield–Dandenong line.

**Mr Dalidakis** — This is about life.

**Mr DAVIS** — No, no. The government wants to spread sky rail more broadly. This is about the

Frankston line, where the government intends to put sky rail. This is about Toorak Road, where Jacinta Allan — at the Public Accounts and Estimates Committee and elsewhere — refuses to rule out a sky rail. This is about Grange Road, Alphington, where the government refuses to rule out a sky rail. People in those communities have the right to know what is going on. They have the right to know the truth of the matter. Nobody in Alphington wants to see a sky rail forced on them. Nobody around the Toorak Road proposed level crossing removal wants to see a sky rail foisted upon them. And nobody along the eight level crossing proposals on the Frankston line wants to see a sky rail foisted upon them.

Mr Woodcock of Intensifying Melbourne fame and now on the government payroll effectively is a champion of sky rail, a spruiker for sky rail. I have heard him speak, and he is a very convinced spruiker for sky rail. That is what he wants. This is about the future of Melbourne. It is about the livability of Melbourne. It is about sending a clear message to the government that nobody voted for sky rail prior to the election. People were hoodwinked prior to the election. The community wanted a rail-under-road solution. I am yet to meet a person who can honestly say they thought there would be a sky rail prior to the election. I have met literally thousands of people on this issue over the last six months, and nobody has ever said to me, 'Oh, we thought we were going to get a sky rail, because the government was open and honest with us before the election'.

This is a very important motion. It will send a very clear signal to the government. It will remove the planning approval for sky rail from the government. But let me also be quite clear: if this was carried today, with the goodwill of the chamber, and then the government sought to subvert it either through the Major Transport Projects Facilitation Act 2009 or through other mechanisms, the community would judge it very, very harshly indeed.

I urge the chamber to support this. The community wants it. More than 8800 people have now signed petitions. There are another thousand on the Frankston line, but certainly on the other line there are massive numbers who have signed the petition. These are people who have their homes, their lives and their community directly impacted by Labor's proposals here. It is time that groups in this chamber stood up for local communities, stood up for consultation, stood up for a fair process, stood up for an EES, stood up for proper studies on health and other matters and indeed stood up to actually oppose Labor's sky rail. We have never heard from the Greens that they are opposed to

sky rail. Do you know why we have not heard from the Greens that they are opposed to sky rail? Because they support it. They are in favour of it, and that is the truth. That is the harsh truth.

*Honourable members interjecting.*

**Mr DAVIS** — You say you are opposed to sky rail today, and I do not believe you will.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I appreciate the opportunity to respond to this motion before us. Unlike my colleague Mr Davis I shall not be shouty or loud or aggressive in my remarks. I will very clearly demonstrate that Mr Davis is very good at stunts. He is very good at talking the talk, but when it comes to walking the walk he goes missing in action. We only have to look at the fact that in the time of the previous government the Liberals proposed to build a rail line in Rowville that would have dwarfed the proposed sky rail along the Dandenong-Cranbourne-Pakenham lines. It would have dwarfed it. It would have been 17 metres high through the eastern suburbs. It would have gone for approximately 5.8 kilometres. In fact those opposite might have almost called it aeroplane rail. That is how high it was in the sky; that is how much it dwarfed the proposed elevation along the proposed route we are debating.

The reason it did not progress and the project was postponed was not because the then government — I think it was the Napthine government, but it could have been the Baillieu government or the Geoff Shaw government; I lose track of the different types of governments members opposite had — did not think the plan was appropriate or dealt with the policy issues before us. It was because it decided it wanted to build the rail link to the airport as a preference. The opposition is being a little bit disingenuous about this project because, as I said, the project it was looking at would have dwarfed this one.

It is a very interesting dynamic when we debate a motion such as this because the fact remains that, as I alluded to in my opening remarks, this is simply another stunt by Mr Davis. It is a stunt by those opposite in an attempt to whip up a frenzy within the community, to prey on the fears of those members of the community who do not necessarily have all of the information — —

**An honourable member** interjected.

**Mr DALIDAKIS** — Absolutely. 'The Liberals are taking advantage of you' and 'The Liberals are engineering a stunt' — just like we have seen with the

Hands off the CFA website, which was linked to the Liberal Party. Why? Because it actually bought the website domain. We have seen this behaviour before. Not only was the website owned by the Liberal Party but it was then requesting donations, not for a hands off the CFA campaign but for the Liberal Party's coffers.

We have seen this stunt before. We have seen this show before, and unfortunately what it demonstrates is that those opposite are truly not fit to be in government. These people attempt to debase themselves in such a way that they work to the lowest common denominator. We saw that in this chamber in question time yesterday. I will not go through it; I believe the President's remarks repudiate the actions of those opposite in a way that resonates far greater than anything that I could say. As I said, we have seen this show before. Those opposite do not care for individuals, they care about trying to create a stunt off their own bat in an attempt to create some kind of dissension within the community, whether or not logic, argument or evidence actually lead to that conclusion. In fact we can comfortably and confidently say that in this particular instance that is not the case.

What we have got is a proposal by Mr Davis to try to somehow once again defer the construction of the level crossing removal project before us. What this indicates is that those opposite are not genuinely serious about the eradication of level crossings. To repeat what I said at the beginning: they like to talk the talk, but when it comes to supporting the actions of the government, talk is very cheap for those opposite.

What we have seen with the removals of the level crossings at Gardiner station in Burke Road, Ormond station in North Road, McKinnon station in McKinnon Road and Bentleigh station in Centre Road is obviously rail under road. This is not to compare and contrast. Every rail crossing will need a different solution to the one before it. It may end up being the same solution but the engineering will need to be looked at individually. It is not a one-size-fits-all approach. In fact the idea that public policy could have such a cookie-cutter approach is very naive. It is not only naive but simplistic because each rail crossing has very different attributes that need to be taken into consideration. For example, when we talk about the level crossing removals along the Dandenong-Cranbourne-Pakenham lines, especially within Southern Metropolitan Region where I reside, we are talking about areas that have significant issues in relation to rail under road.

I want to absolutely and categorically refute a claim that Mr Davis said was fact. That was that rail under road was looked at as part of the study by the Level Crossing

Removal Authority (LXRA) in relation to these level crossings. It did look at what the alternatives and the options were. For a whole range of engineering reasons, including the time factor, it was not able to put the rail under road. Right now we are in the midst of the shutdown of the Frankston line whilst we see the completion of the level crossing removals at Ormond, McKinnon and Bentleigh. The reason we have shut the line down for six weeks is to facilitate the fast-tracking of those level crossing removals. I think it is about three months worth of work crammed into six weeks.

My recollection — and I am happy for my colleagues to correct me if need be — is that one of the studies showed that should we try to go rail-under-road for the level crossings along this stretch of railway line, we would potentially be closing down the train line for between 8 and 12 months.

**Mr Herbert** interjected.

**Mr DALIDAKIS** — And that does not even take into consideration the impact on road users and local traders as well.

So what we have is a solution that the government has progressed with because that solution — in the assessment of engineers, I might add — is the best way of constructing the projects and minimising the impact.

Mr Davis waved his arms about and yelled at a high pitch because he thinks that that is somehow effective, but again the fact remains that in order to complete the level crossing removals as best as we can and as efficiently as we can with as little disruption to the local community — including, I might add, local traders — as possible this was the engineering design that was chosen.

Of course we have discussed — and I heard Mr Davis mention this, although very briefly — the issue of the gas mains underneath the tracks. These are serious engineering issues that have to be accommodated. These are not trivial issues in the way that Mr Davis presented them to the chamber; these are serious issues.

Labor went to the election with a policy platform of removing our 50 most dangerous and congested level crossings. At no stage in that policy did we say that we had to commit 100 per cent to a certain method of removing those level crossings, because we understood in the formulation of that policy that each level crossing would have to be dealt with on its own, given its own unique circumstances. That is exactly what we have done. The very fact that we have done some with rail-under-road and now we are looking at rail-over-road should indicate to you, Acting President,

that the government does indeed have its priorities right when it looks to what is the most effective means of level crossing removal in terms of engineering complexity, efficiency and the least disruption to the local community.

Engineers have absolutely determined that this preferred design is the best and quickest way to remove the level crossings, which will result in less overall noise and disruption and more public space. I live 150 metres from a train line, so I am well aware of the noise impacts of a train line, and I can comfortably and confidently say that the government studies categorically dismiss Mr Davis's rantings about noise impact, because technology today is greater than ever before. Technology allows us to do different things in terms of the construction of these projects that absorb the noise.

**Mrs Peulich** interjected.

**Mr DALIDAKIS** — I would love to trial that in Parliament across the despatch box, but unfortunately we are not able to do so at this point — no doubt we will get there in time!

Again, as I said, for each site every level crossing option was considered by the expert team, including digging open-cut trenches in the corridor to put the rail underneath the road crossings. The elevated design allows for, in effect, 11 MCGs worth of new open space, new bike paths and new playgrounds and increased car parking.

Can I point out to you, Acting President, that my seat of Southern Metropolitan Region includes the Glen Eira and Stonnington local government areas, and would you believe that Glen Eira has the least amount of open space of any metropolitan municipal area in Victoria. Do you know what no. 2 is, Acting President? I know you will be surprised to hear it is the City of Stonnington.

Whilst some people may deride the increase in open space, the fact of the matter remains that for the local communities that use these areas, including me and my family, the ability to increase open space is significant and should not be laughed at. It should be supported and wherever possible it should be endorsed as a way forward so that future generations of children will be able to spend time in their local communities rather than having to play computer games showing football fields on a screen because there is no ability to physically play in such a space itself.

What we have before us is a range of options available to government that, as I said, minimise disruption,

increase efficiency and also allow access to remove the level crossings as quickly and with as little disruption as possible. One area that I have failed to talk about so far is the disruption to the travelling public. Whilst everyone obviously benefits from level crossing removals, including through improved safety, faster travel, increased frequency of services and an increased number of carriages per train, the fact remains that the travelling public is very important in this equation as well. When you might have to close down a rail line for 12 months if not longer, depending on weather and other factors, that must absolutely be taken into account as well. The ability to increase the number of carriages, the number of passengers and the frequency of services is something that we should all applaud. Unfortunately it appears that only half of the members in this chamber at this stage are actually focused on the impact on the travelling public and are interested in making it more seamless and easier for people to use our public transport infrastructure.

Acting President Dunn, I know that you have a great interest in public transport, but one of the things that we have to realise is that we can continue to build roads and we can continue to focus on motor vehicle transport — indeed on this side of the house we think there is a role for us to play in trying to make it easier for road users not more difficult — but we must also realise that we have a minimal amount of space in which we can do that. So if there are only a certain number of cars that can be on a carriageway at any one point in time, then the alternative to that is to increase the frequency and number of public transport services.

As members might appreciate, as a government we have to try to get that balance right, so we have seen the government look towards utilising, for example, the western distributor, the Tullamarine Freeway widening project and the Monash Freeway widening project, and we are looking at a whole range of infrastructure developments that focus on not only public transport but also assisting our road-travelling members of the public, whether they are in vehicles or buses or anything else that uses the carriageway.

That is not to exclude the significant investment that this government is making in Melbourne Metro. Again you can walk and chew gum at the same time. You can invest in public transport infrastructure and you can invest in road infrastructure; they do not need to be mutually exclusive. So it is incumbent upon both those opposite and those campaigning against the investment in the removal of the level crossings in which we are engaged to understand that this is a multigenerational infrastructure project. This is not just about today or

tomorrow; this is about decades to come, so we need to get the planning for this absolutely spot on.

Unfortunately what Mr Davis is more interested in is having some kind of political campaign at the expense of good public policy outcomes. All we have seen time after time, stunt after stunt, talk after talk is that the Liberals are not interested in actually progressing an outcome that is to the benefit of the local community; they are interested in just putting forward an outcome that benefits themselves. If anyone is in any doubt, they need only look at the way the Liberals have inveigled themselves via the Hands off the CFA website, by requesting donations from unsuspecting members of the public and then engaging in a campaign of mistruths and scaremongering.

Mr Davis mentioned the level crossings in my own area. Yesterday was probably one of the saddest days in the misuse of this chamber's time when one member opposite decided to try to take advantage of a very sad state of affairs and make use of — —

**Ms Shing** — Exploit.

**Mr DALIDAKIS** — Yes, 'exploit' is the correct word — I thank Ms Shing — exploit traders in my local area who have designed a pamphlet that has a target with my face on it and the words 'Assassination squad'. Before the extraordinarily sad and tragic events of last week with the death of Jo Cox, I must admit that I probably would not have given 2 seconds of thought to those brochures, but given the situation we now find ourselves in it is a very serious issue. So I implore Mr Davis and his colleagues, if they wish to fight against the policy, to do so in a way that does not invoke, incite or encourage people to act in a way that is contrary to the spirit of good public policy debate — —

**Mrs Peulich** — How about you treat the community with a bit more respect so you do not incite the response? Not that it is acceptable in any way, but how about you show some respect?

**The ACTING PRESIDENT (Ms Dunn)** — Order! The minister, to continue.

**Mr DALIDAKIS** — Thank you, Acting President. Again, that is a most unfortunate intervention by one of the members opposite. To try to blame somebody who is the victim of such a slur and to suggest that they are somehow responsible for other people's actions is most unfortunate and certainly says much more about that particular member than would otherwise be represented.

In relation to the policy issues before us, and I did promise Mr Davis that I would not speak longer than he did in his contribution, academics at Melbourne University and RMIT produced a report titled *The Benefits of Level Crossing Removals — lessons from Melbourne's historical experience*. Not only did this report highlight that there are elevated rail corridors and stations across Melbourne, including along Glenferrie Road and the Hawthorn–Camberwell corridor, which Mr Davis should know relatively well, but this comprehensive piece of independent research found that it was, and I quote:

... clear that elevated rail had some distinct advantages over the typical 'trenched-rail' designs being constructed around Melbourne.

The report found that in terms of the overall range of criteria that need to be met, elevated rail — —

**Mr Davis** — On a point of order, Acting President, the member called that research independent. He may have done that inadvertently, but it is commissioned research — —

**The ACTING PRESIDENT (Ms Dunn)** — Order! That is not a point of order. I ask the minister to continue.

**Mr DALIDAKIS** — Thank you, Acting President, I will extend my contribution via that point of order. The independent research found, as I said, that clear and elevated rail had some distinct advantages.

As I was saying before Mr Davis interrupted, the report found that in terms of the overall range of criteria that need to be met:

... elevated rail provides the greatest potential for the full range of long-term benefits to be realised from the significant capital investments in grade separations.

The report went on, but guess what? The RACV also agreed, stating in a press release on 4 March, and I quote again:

Elevated rail is used successfully around the world and can be delivered with less disruption, generate less noise and create new spaces underneath to deliver better public facilities for the community.

Now let me just harbour that point for a moment, because Mr Davis in his point of order tried to slur the academics who produced that independent piece of research. But what is he going to say about the RACV? Is he going to say that the RACV is somehow working to the government's chequebook as well? Because that is the slur and accusation that he made about the academics who undertook the research.

Let me just read this again for you, Acting President Dunn, because I know that you will support this. You probably do not always support what the RACV says in relation to roads and corridors, but I am sure you support what the RACV says here. Let me just again read it out:

Elevated rail is used successfully around the world and can be delivered with less disruption, generate less noise and create new spaces underneath to deliver better public facilities for the community.

It also went on to say that railway-under-the-road solutions can be very costly and require long construction periods, causing significant disruption to the community. They can also result in large trenches through the suburbs. Sky rail does not do that, and that is why it should be supported. That is from Brian Negus from the RACV. Brian Negus in that quote actually dispels all of the myths and the misnomers that those opposite in the Liberal Party are putting out there. He argues sky rail involves less noise, new spaces and less disruption. That is from the RACV — Brian Negus — not from me, nor from the government, and that is very important.

What we have seen time and time again from Mr Davis and those opposite in the Liberal Party is that they think they somehow know better. They somehow know better than engineers. They somehow know better than experts in the field. They somehow know better than everybody, except themselves, and what they are trying to do, as I said, is to work off base fears of people in the community, who do have a right to be concerned about what the impact of the infrastructure will be and how it will impact upon them. They do have that right to understand better, but I will tell you that they do not have the right to be taken advantage of by those opposite, who are trying to engage in a political smear campaign against a public infrastructure project on the basis that they think it is good politics.

What we have now seen is that those opposite engage themselves in conduct that is really disappointing, because what it does is it takes advantage of people in our community. We have seen that evidenced over the last 24 hours in relation to the traders in my local area and how they have been taken advantage of by those opposite. Now we are seeing this again. It is unfortunate, it is disappointing and it is unbecoming. Nonetheless, it is unfortunately the sad state of affairs that we have seen in the last 18 months since we came into government. We have seen those opposite engage in that type of conduct.

What I say in the final minutes of summing up is that in fact the sky rail project, as it has become known, is a

very vital and important piece of public transport infrastructure. It is a vital and important piece of our long-term planning. The removal of these dangerous and congested level crossings is important for intergenerational community benefit — not just for tomorrow. The project will see five brand-new stations created, will create upwards of 2000 new jobs and will provide for more frequent and faster train services, as I have alluded to, allowing our public transport system to function well into the future.

There is no legal basis for this disallowance. Those opposite are using Parliament in an attempt to overturn a planning scheme amendment. This has nothing to do with planning whatsoever, unfortunately. The only thing that this has to do with is Mr Davis and his playing politics and attacking the government at any opportunity that he can without fear or favour or concern for what are the best public policy outcomes for this community across Melbourne for decades to come.

**Mrs PEULICH** (South Eastern Metropolitan) — I am going to speak only very briefly, and I am delighted to speak in support of the motion. We are using this Parliament as intended, and that is to bring to bear the will of the people. And the will of the people in my region and in Mr David Davis's region is clear on this point: sky rail is not good public policy. The concept is bad. It will destroy our community physically, environmentally, socially, and the process has had no integrity whatsoever. So the concept is bad, the process is bad and it will lead to a bad outcome.

To resort to citing a reference from the RACV, which is a respected organisation which came out in support of the east-west link — a project that the government trashed despite a huge line-up of people endorsing it, including Eddington — I think just shows the hypocrisy of the previous speaker. He calls on us to talk the talk by backing government; no, we are about backing the community. And I think it is absolutely sad that people's lives have been torn, turned upside down and that people have indeed been driven to such desperation where — certainly not to be condoned — there have been such expressions of angst as Mr Dalidakis also referred to.

I have another constituent, and I have mentioned him on a couple of occasions, Chris Papapavlou of Noble Park. Sky rail will be literally within 10 metres of his backyard. He has an elderly mother, he has family; they are concerned.

There has been no consultation. There has certainly been no consultation on the Caulfield to Dandenong

line, and the consultation that has been undertaken along the Frankston line, the area that I also represent, has been loaded. It has been perverted. The consultations that involved the community involved people taking off yellow stickers that represented views that were not in line with government policy. The Level Crossing Removal Authority (LXRA) of course was there to massage and manipulate. The doorknocking has been skewed, the surveys have been loaded, and this will be trotted out at government expense — at the expense of the public purse — as evidence of why it is good policy and why it is supported by the community. Loaded, loaded, loaded!

Indeed we have had over 10 000 signatories of constituents from both the Southern Metropolitan Region and the south-east opposing this. That is only a fraction of the opposition. We have had doorknocking and letterboxing. Can I say that there are Greens voters, there are Labor voters, there are Liberal voters and there are Independent voters; they are all opposed. The LXRA has not answered many of their questions. They have invested a lot of their time and resources in order to try to fight a cause which they see as unjustified and which they see as destroying the amenity of their suburbs. It makes no sense. If this was the rolling out of a sky rail in greenfield areas where there were no established suburbs and where there were not multimillions of dollars invested in homes, housing and apartments, it would make sense, but it makes no sense whatsoever. To do that to the most livable city in the world is outrageous. It is stupid and it is folly. To do that along our beautiful coastline along the Frankston line is just dumb.

I suspect that the way the government has been working to try to soften this issue by saying that it is not going to be a corridor solution and that there might be different solutions at different sites is all baloney. It is all baloney, and to suggest that the options might be some sort of a rollercoaster ride along the Frankston line is just rubbish. It does not match up with the requirements of the freight logistics, which prescribe certain gradients and lead-in distances. It is all baloney, it is all propaganda and it is all government paid.

Could I also say how disappointed I am with the Greens. I am so disappointed with the Greens, who could actually make a difference on this issue. They could make a difference, even if it is actually to force the government to delay to make sure that the integrity measures are in place, that the business case is tabled and that the environment impact statement that the Greens profess is their *raison d'être*, their reason for being, is in place. None of those measures are in place, and the Greens are going along with it. They have been

trying to sit on the fence, but it is impossible to sit on the fence on this issue. The community wants to back people who are backing them, and it is not about staging or stacking. The community opposition has generated of itself because it is a bad idea, a bad process and a bad outcome. In terms of the physical amenity, having multistorey levels of concrete pylons driving through our community is going to be a huge visual intrusion.

The noise impact study — the preliminary one that was released — quite clearly looked at the noise mitigation measures that would be required and that can be applied to any method of level crossing separation, not just sky rail. It says that the noise that emanates can be reduced; it can be reduced no matter what method of level crossing separation is used. In actual fact undergrounding it, described in an unfavourable way as 'trench solution', is a better outcome in terms of preventing noise from travelling and dispersing — not to mention of course the dispersal of diesels and other particulates, with no regard to residents that are in close proximity and childcare centres and schools. None of that consultation has taken place.

Socially of course it is going to be a magnet for graffiti and crime. Indeed Mr Dalidakis and the Labor Party would have us believe that somehow it is going to be a Hawaii away from Hawaii and that it is going to have lagoons, fishing lines, parks and skipping girls. We know that that is not going to be the case. Indeed Labor cannot actually build above the existing lines now; the lines have actually got to hang over the roads, and so that will be a huger and wider intrusion. Then of course when the government needs to widen the train lines and add more, the lines will fill in the space that you have in between. So there are going to be no green spaces whatsoever, and indeed it is going to be make an incursion on our roadways.

In terms of the time impact, of course Mr Dalidakis is right. This will leave a legacy, a long-lasting legacy, on our neighbourhood and on our lifestyle — an ugly legacy. Indeed taking the additional time to make sure that we get the right outcome is the best solution; it is absolutely the best solution. In terms of the money, well, who would know? The government has certainly wasted a lot of money trying to stage-manage the so-called consultations. Indeed the other day I dropped into the local pub to meet someone over a coffee, and lo and behold the LXRA was having a bit of a nosh-up on Friday night. The signs were out the front. At whose expense? I would assume at the government's expense.

Along the Frankston line, for those who actually know the area well, you may remember the impact that the

construction of the Mordialloc bridge had. All of this could have been avoided if the government had not reneged on the need to build the Mornington Peninsula Freeway north extension, which could have provided an alternative route for commuters so that when the level crossing grade separation actually began there would have been far less impact.

But we know what solution we want. We want the solution that this government delivered at Springvale — an undergrounded line with any interruption minimised and a wonderful outcome. Nothing different to that is acceptable, certainly no sky rail, and to suggest that somehow we can have different hotchpotch solutions for different stations is just rubbish; it is absolute rubbish. I am backing the community because they are right. They are right in terms of it being a bad concept, a terrible process, lacking any sort of integrity and lacking any sort of accountability, and indeed more infuriatingly because it is based on propaganda and manipulation, giving a really bad outcome. At the end of the day that is why I am backing the community. This is not about Labor voters, Liberal voters, Greens voters or Independent voters.

This is also about the disrespect that we hear from members of the government and the contempt with which they hold protesters. It is okay to be a protester if you have a coalition government policy and a protest orchestrated and managed by Labor, but it is not okay to protest against Labor policy, especially when it is bad policy. As I said, I am so disappointed with the Greens because I always thought that they were very much about grassroots community. In actual fact I think only a few minutes ago when Ms Springle was doing her second-reading speech she was talking about the Greens being about representing the grassroots. There is nothing further from the truth when it comes to sky rail. I am so disappointed. There is time to do the right thing by the community. Come on board. They can make a difference, and we can work jointly towards a much better outcome by making sure that level crossings are undergrounded.

With those few words I would like to commend Mr Davis for the amount of work he has done, but I would also like to commend the community, those who have been involved in the Murrumbeena and Hughesdale areas and also those who have been involved in my area. There is the noskyrails.com group, which focuses on Cheltenham and Aspendale, and the group led by Willem Popp representing the rest of the area of Kingston. Then there is also a group in Seaford and as I understand it an anti-sky rail group forming in Frankston as well.

So people have been very busy. They have got lives to live and they have got children to rear and to take to schools and sporting events, but what they have done is they have all gotten behind this cause, and could I say that local Labor MPs have been nowhere to be seen. There has been silence from Sonya Kilkenny and Tim Richardson from the Assembly and silence from all of them, and unless they do the right thing there will not be a Labor MP left on the Frankston line. So they can do it at their peril.

*Interjections from gallery.*

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! I would like to remind the public in the gallery that they can watch and they can listen but to please avoid making any comments or clapping.

**Ms DUNN** (Eastern Metropolitan) — I rise this morning to speak on the motion moved by Mr Davis to disallow amendment GC37 to the Cardinia, Casey, Glen Eira, Greater Dandenong, Kingston, Melbourne, Monash, Stonnington and Yarra planning schemes. There is no doubt the elevated project is a done deal, and it has been done very badly. This was made abundantly clear to the Greens at a briefing we had with the planning minister and his staff. There is no stopping this project. There is a bloody-mindedness attached to delivering this project and riding roughshod over community. It is the government that created this monster and this motion that we see before us, and it is very disappointing to hear very little in the contributions of government members about the core issue, which is in fact planning for a major project and why amendment GC37 is important.

I am going to turn first to some of the issues around this particular project, and there are many. At the core of this project is the issue around lack of consultation. An appalling approach has been taken by government in relation to this. I have made contributions already in relation to this matter. Information sessions are not consultation. Telling the community what is happening is not consultation. Consultation is a genuine conversation with community where they have an opportunity to influence outcomes and determine what is best in their local areas. That has not happened in this case, and we sit here today as a result of that lack of consultation.

People want to know what is going on, and some glossy one-page brochures simply are not cutting it. People are asking where the business case is, and it is worth noting that this was recognised by the Victorian Auditor-General in his recent report entitled *Managing and Reporting on the Performance and Cost of Capital*

*Projects.* To quote from that report, under ‘2.4 — Planning documents’ it states:

The lifecycle guidelines require all investment proposals over \$10 million seeking budget funding to submit a full business case which includes a:

- procurement strategy;
- risk management plan;
- stakeholder engagement and communication plan;
- benefits management plan.

The Auditor-General notes that:

Planning documents were prepared for all projects except the level crossing removal program.

He goes on to say:

... proceeding with this program without an overall business case is not recommended practice and raises the risks around the timely and efficient delivery of the intended benefits. Precise cost and benefit estimates for the program have not yet been prepared and validated.

We have not seen, and we are still waiting to see, the analysis of why this is the best option for communities. Despite briefing after briefing we have sought with ministers and with the authority we still have not seen a detailed analysis of why this is the best solution on the Cranbourne-Pakenham line.

You would have thought that members opposite would have learnt from the regional rail debacle. Some of the concerns the community has raised with us — and they are extensive — revolve around some similarities across the board. The first one I am going to talk about is the trees. I was very fortunate last week to tour the region with my colleagues Ms Springle and Ms Pennicuik. We looked in great detail at what is proposed along the line, particularly in Southern Metropolitan Region. There are some extraordinary examples of river red gums along the line there. They provide great amenity to the area, and I am not surprised that people are very concerned about the removal or loss of those trees, because they are one of the landmarks of that area. They contribute greatly to the character of the area, and I would hope that the authority does everything in its power to ensure those trees are retained, because they are wonderful specimens. We also have to take into account that suburban biodiversity is under great pressure, so we should be doing all that we can to retain trees, particularly these trees which must be in the order of 200-plus years old.

The next issue we often hear about is amenity and the impact of amenity, and there is no doubt that this

project will impact on the amenity of the area, particularly when this project is so closely located to people’s backyards. It particularly struck us that in some cases with the developments along that railway line people in the three and four-storey apartments will now look directly out at a structure, so I can understand completely why those community members are so incensed about this project and the lack of consultation around it.

Heritage is another important consideration, and the delight, I think, of my tour last week was visiting the Murrumbeena and Carnegie railway stations. They are delightful heritage places, and I just want to turn the chamber’s attention to the Carnegie railway station. According to the Victorian heritage database:

The Carnegie railway station with associated gardens ... was presumably opened with the line on the 8th of October, 1877, the present main building and remains of the downside building having been erected at the time of electrification in 1922 when James Fawcett was the chief architect of the Way and Works Department. It is historically and aesthetically significant.

It is historically significant ... as a point of entry and departure for the Carnegie locality for over a century ... It is understood that the platforms are the only surviving 19th century elements.

We probably should be grateful for those elements. The database entry continues:

The main building is historically significant also as a surviving standard structure of its type designed by the office of the chief architect —

who I mentioned earlier. The entry also says of the main building:

It is aesthetically significant ... as a surviving suburban station complex from the Great War period with up side building complemented by mature public gardens.

It is important that any consideration of this project take into account those heritage areas along the line. It would be devastating to see this really rich part of Melbourne’s history, and Melbourne’s public transport history, demolished without any thought of how those buildings might be able to be incorporated or in some way retained.

The issue of community safety has been raised with us. It is a genuine concern that people have. It again highlights the lack of consultation and the lack of knowledge that people out there have around how community safety is going to be managed and what measures are going to be put in place to mitigate their concerns — and even if measures are going to be put in place to mitigate their concerns.

The other area which has been raised with us, and in fact was raised with us in our visit to the area last week, is around case management by the Level Crossing Removal Authority. If I take on face value what was reported to us, it has been a pretty lacklustre response in terms of case management, managing community expectation and dealing with genuine and legitimate issues community members have in relation to the preparatory works for this project. Little rationale has been provided as to why there is elevated rail at these locations. Exacerbating that, residents can see rail going under road just around the corner at Ormond and McKinnon. If we are talking about the crow flying, Carnegie to Ormond and McKinnon is about 5 kilometres and 6.4 kilometres respectively. From Hughesdale to Ormond is 6.6 kilometres and to McKinnon is 7.5 kilometres. So these stations are literally in the neighbourhood and around the corner. Are these stations getting rail under road because coincidentally they happen to be in the seat of Bentleigh? I can certainly understand why the community is drawing that conclusion.

The travesty in relation to this plan is it is not a long-term plan for the public transport future of Melbourne. It is a \$1.6 billion project which will last 20 years before it is redundant and another two rail lines will be required along that corridor.

I want to turn now to the planning scheme amendment. Sadly we have not heard much on the planning scheme amendments — the one that is before us as part of Mr Davis's motion or the one that is already in place, which is the result of the planning minister of the day, Matthew Guy, who is now in the other place. In relation to those planning schemes, GC37 being Minister Wynne's amendment and GC15 being then Minister Guy's amendment, neither of them has guarantees of no rail under road or prevention of elevated rail. It is very sad that the community believes that it is the case that there are these guarantees when there are not. Both amendments are framed around the term 'including but not limited to'. So what exists in those planning schemes are many of the works — in fact the majority of the works — required to deliver the various programs, but it is not a comprehensive list. The government of the day can add more to that list. Both of the amendments are framed in this way, making it a planning lawyers' feast.

It is worth noting in relation to the planning scheme amendment that, as far as the Greens are aware, of the seven councils whose planning schemes will be amended, not one has approached us to support the disallowance of Mr Davis. As representatives of the

local community we look to local government and place its views very highly.

I want to turn to the planning scheme amendment, although with that it is not the Greens' job to describe planning scheme amendments to the house. It is not our planning scheme amendment; it is the government's planning scheme. It is pretty poor that it is left to the Greens to go to the core of the issue. However, I will go to the core of the issue because it is what this motion is based around. There is no doubt there are differences between the two planning scheme amendments because of the scope of the project. The current project suggests nine level crossing removals and five redevelopments of railway stations. The current amendment suggests modifications and refurbishment to existing stations. The current amendment talks of development of newly created open space and associated community facilities, relocation and upgrade of telecommunications infrastructure — and they are separate and distinct components of GC37 that do not appear in GC15. It is worth noting in here —

**Mr Davis** — And elevated rail.

**Ms DUNN** — I will leave it up to the government to defend why it is going with elevated rail.

The planning scheme amendment also turns to enabling future transit-oriented development, and one can only read into that that this is the issue around needing a third and fourth rail in 20 years time. The other differences in the planning scheme are that the one suggested by Minister Wynne includes an environmental management strategy. The upside in relation to that is that in the amendment the development of the environmental management strategy must be prepared in consultation with those seven councils. It cannot be done without consulting with those councils, and the amendment is very clear in that it uses the term 'must'. That is something you do not often see in planning, which is often many shades of grey.

The amendment also takes into account heritage management, and with that I can only hope that Carnegie station and Murrumbeena station do get some saviour in relation to what happens to those buildings. The amendment talks about noise, urban design, development of new open space areas, telecommunications facilities, easements and of course, as I mentioned, enabling future transit-oriented development.

I can only hope that in future contributions government members will actually turn their minds to what is good about their planning scheme amendment and why they need to have it in place. In relation to the contributions that we have heard so far from government members, it is disappointing that they have not turned the house's mind to how the planning scheme amendment would work. I do note that the government has more speakers in relation to this, and I can only hope that they will address that more fulsomely than what has been done until now.

The government has not described to us what orderly planning looks like to it, and that is the whole reason that we have planning schemes, planning scheme amendments and incorporated documents — it is about guiding orderly planning across our state. It is not the job of the Greens to explain the work of government. I make that very clear. It is not our project. I am happy to come here and talk planning all day long if you like, but I think members would get bored with that pretty quickly. Sadly, the contribution of the government is synonymous with what is going wrong with this project: lack of information, lack of consultation, lack of transparent and open government. Sadly, the speech of the government's lead speaker had nothing to do with planning, other than to mention the scope of the project, and there has been nothing compelling in the government's contribution so far in relation to planning.

I want to turn now to mechanisms that the government may use in relation to getting its way on this, and it is a very high risk for the communities along those lines because what I am talking to is section 16 of the Planning and Environment Act 1987 and the risk of the government invoking that section to exempt the Level Crossing Removal Authority from any planning permit approvals. That would mean there would be no controls anywhere, anytime, on any project.

It must be noted that the planning minister has some of the most far-reaching powers of any minister and that that cannot be blocked by the Parliament. Section 16, under the heading 'Application of planning scheme', states:

A planning scheme is binding on every Minister, government department, public authority and municipal council except to the extent that the Governor in Council, on the recommendation of the Minister, directs by Order published in the Government Gazette.

They have done it before; they will do it again. I want to cite precedents in relation to this. I turn to the *Victoria Government Gazette* of 19 March 2009, which reads:

Barwon Heads bridge project

Order in council

The Governor in Council directs, under section 16 of the Planning and Environment Act 1987, that the Greater Geelong planning scheme is not binding on the Roads Corporation established under part II of the Transport Act 1983 known as VicRoads, to the extent that VicRoads develops or uses land for the purpose of a transport infrastructure project known as the Barwon Heads bridge project and associated buildings and works, subject to compliance with the conditions contained in the attached schedule.

It is signed by the responsible minister, Justin Madden, MLC. There is the precedent, so do not say it will not happen. The mechanism is there in the act. It has been used before; it will be used again.

I want to turn now to a colourful letter that has gone out to community members from Mr Davis. It contains a number of dot points that appear to be addressing a response by the Greens.

**Ms Shing** interjected.

**Ms DUNN** — No, Ms Shing, it does not say 'Give us \$10' on it.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Dame Phyllis Frost Centre

**Dr CARLING-JENKINS** (Western Metropolitan) — My question is for the relatively new Minister for Corrections, Mr Herbert. I congratulate the minister on his new role, and I draw his attention to the children living with their mothers at the Dame Phyllis Frost Centre and the proximity of that centre to the Cleanaway tip. Toxic fumes from the Cleanaway tip have been reported to have left children dry-retching on playgrounds as far away as Caroline Springs, which is 6 kilometres from the tip. The centre, however, is just half a kilometre away, and I can only imagine how much worse the toxic fumes are there. Can the minister answer what he is doing to ensure the health and safety of children at the Dame Phyllis Frost Centre who are exposed to these toxic fumes?

**Mr HERBERT** (Minister for Corrections) — I thank Dr Carling-Jenkins for her question. As part of my initial 30-day plan I have visited the Dame Phyllis Frost prison. It is an excellent prison. There are substantial renovations and extra facilities happening there, and of course there are a diverse group of prisoners incarcerated there, including mothers that

have children there; they bring children in there, and of course there are requirements in terms of what happens when the child reaches a certain age. I would not want to underestimate the complexities of children in prisons; there are a whole heap of issues there.

On the issue of the tip and its proximity, I have got to say that it was very clean and I did not smell anything when I was there, but I will come back with a written answer to that question.

*Supplementary question*

**Dr CARLING-JENKINS** (Western Metropolitan) — I thank the minister for taking this question on notice and for his obvious compassion around the children living in that centre. I wonder if, through his investigation of this issue, he could consider what measures will be taken in the future should the expansion of the tip proceed, which may well endanger the health of not just the children at the centre but everyone who lives and works there.

**Mr HERBERT** (Minister for Corrections) — I thank Dr Carling-Jenkins for her question. I will certainly take that on notice and investigate it. I should say, though, on the issue of mothers and children that one of the things I did observe there which was interesting to me was that in the community housing, in the cottages, often other women, sometimes younger women without children, take on roles of assisting and caring, and it kind of has a bit of that broader issue in terms of rehabilitation and how people reset their lives for when they go out of prison. But on that specific issue and on what safety checks and what environment effects issues are present there, I will take that on notice and get back to the member with a proper answer.

**Yarra River Crown land**

**Mr YOUNG** (Northern Victoria) — My question is for the Minister for Energy, Environment and Climate Change, and I ask the Deputy Leader of the Government to refer it to the Leader of the Government. The Yarra River, which runs from the Yarra Ranges National Park to Port Phillip Bay, is a significant attribute for residents and visitors. Specifically, the part from Warburton to Warrandyte is a Victorian heritage river providing a significant recreational attraction for millions of visitors who walk, ride, row, fish, picnic and camp along the river each year. My question is: are there plans to cancel water frontage Crown land licences this year along the river, specifically along the upper and middle Yarra River and tributaries, to create a new national park proposed as a state emblem conservation area?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question. In accordance with your earlier rulings on this matter, President, I will refer that to Mr Jennings.

*Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for the endeavour to pass that on. The supplementary question is: are there plans to fence off Crown land to prohibit recreational use in these areas by the public?

**Ms PULFORD** (Minister for Agriculture) — Similarly, I will pass Mr Young's question on to the Leader of the Government.

**VicForests**

**Ms DUNN** (Eastern Metropolitan) — My question is for the Minister for Agriculture. I refer the minister to her written answer last sitting week about the rate of logging and ongoing timber supply. I thank the minister for her response, and quote from it:

The Victorian Auditor-General has previously confirmed that VicForests is harvesting within its sustainable harvest level.

However, the report into timber harvesting also revealed the area available and suitable for harvesting is much smaller than the area identified in the allocation order. The data for regeneration are not consistent, making it difficult to reconcile regeneration rates, and the increased potential for fires may impact to the point that VicForests may require a taxpayer-subsidised contract. I ask the minister: does she stand by the answer that VicForests is logging in a sustainable way?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Dunn for her ongoing interest in the operation of VicForests, and I will provide Ms Dunn with a written response.

*Supplementary question*

**Ms DUNN** (Eastern Metropolitan) — I thank the minister. My supplementary question is: has VicForests explicitly complied with the Victorian Auditor-General's Office's report recommendation, to which it agreed in writing, that:

VicForests should clearly and accurately reconcile its successfully regenerated areas against the area harvested and report this publicly.

If so, can the minister advise where has this been reported, and if not, why not?

**Ms PULFORD** (Minister for Agriculture) — I will provide Ms Dunn with a written response to her question.

### **Timber industry**

**Ms DUNN** (Eastern Metropolitan) — My question is for the Minister for Agriculture. Yesterday the *Age* reported that the economic return in the Central Highlands from forested areas from water and carbon sequestration is far greater than the return from timber and that those greater returns are incompatible with logging. I quote:

The analysis, by a team of environmental accountants, economists and scientists from the Australian National University's Fenner school ... found native forestry in the Central Highlands generated \$29 of additional net economic activity per hectare ...

compared to \$2023 for the state's water supply, \$2667 for agriculture and \$353 per hectare from tourism. The *Age* also reported that this information was being forwarded to the forest industry task force. Can the minister assure members that the government will direct the task force to include the findings of this important paper in its deliberations?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Dunn for her question and her continued desire to talk down the economic value of the state's timber industry. I look forward to providing Ms Dunn with a written response on the matters that she has raised.

### *Supplementary question*

**Ms DUNN** (Eastern Metropolitan) — I thank the minister. Can the minister assure members that the findings of this paper will not be summarily rejected by the majority vested interest grouping of the task force comprised of the forestry division of the Construction, Forestry, Mining and Energy Union, the Victorian Association of Forest Industries, Australian Paper and the Heyfield timber mill, the latter two being the largest customers of VicForests for native forest inputs?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Dunn for her further question. I look forward to receiving the report from the work and recommendations of the task force. This is a very important piece of work that it is undertaking, and I think Ms Dunn does the issues that she seeks to advance here no service by denigrating the membership of the task force in the way that she has just done, but I will provide a written response to her question.

### **Prison drone incursions**

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Corrections. I refer the minister to the recent reported drone incident where an airborne remotely controlled drone breached security by flying over the Melbourne Assessment Prison, forcing an evacuation of prisoners from its exercise yard. How many incidents of drone incursion in or around Victorian correctional facilities have been detected and reported over the last year?

**Mr HERBERT** (Minister for Corrections) — I thank Mr O'Donohue for his question. The issue of drones is, of course, an important issue when it comes to prison safety. It also interfaces, as Mr O'Donohue would know, very closely with commonwealth legislation and commonwealth responsibility in terms of airspace, an issue which will be taken up undoubtedly by me in future commonwealth-state arenas. However, on the substantive question I will get a written answer and get back to the member.

### *Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — Noting that drones can be used to drop drugs and other contraband into prisons, can the minister advise what risks Corrections Victoria has identified to prisons as a result of drones and what specific actions the Andrews government has taken to mitigate those risks?

**Mr HERBERT** (Minister for Corrections) — As Mr O'Donohue would not, I will not talk about specific tactics that are used in the corrections system in terms of stopping contraband material entering into our prison system. On the substantive question, though, I will get back to the member.

### **Margoneet Correctional Centre**

**Mr RAMSAY** (Western Victoria) — My question is to the Minister for Corrections. The 216-bed coalition-funded Margoneet annexe, Karrenga, is due to open shortly. Designed to be a restricted minimum step-down facility, it has been reclassified to house medium-security sex offenders and other protection prisoners. What consultation did the government undertake with the local community about this very significant change?

**Mr HERBERT** (Minister for Corrections) — I thank Mr Ramsay for his question. I have visited Margoneet, gone through the facilities and spoken with the management there. I have, of course, spoken with prison officials as part of my first-30-day induction as a minister. As the member knows, it is

about managing a prison system and beds. Mr O'Donohue knows it is about making sure we meet capacity across a whole range of various classifications of prisoners, and Corrections Victoria does that very well. I commend it on that. I shall get back to Mr Ramsay's substantive question, as we have indicated, in writing in the next day.

*Supplementary question*

**Mr RAMSAY** (Western Victoria) — Given that Karreenga was designed for lower risk restricted minimum security prisoners, can the minister guarantee that the safety of both the community and the staff will not be compromised because of this change?

**Mr HERBERT** (Minister for Corrections) — I thank Mr Ramsay. We take the safety of staff and the community exceedingly seriously, as anyone involved in the prison system would. It is one of the huge priorities. That is the whole purpose, really, of the prison system in many ways. I will get back to Mr Ramsay on his substantive question in writing.

**Prison smoking ban**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to the Minister for Corrections. The Justice Health Ministerial Advisory Council, which reports to the minister, was given a reference to evaluate the introduction of the smoking ban in Victoria's prisons. This evaluation comes at a time when the minister's own figures show that there were 6500 seizures from prisoners and visitors of tobacco-related improvised cigarettes, matches, lighters and other items between July 2015 and March 2016. What were the recommendations to the minister following the completion of this reference, and what is he doing to bring this significant level of contraband under control?

**Mr HERBERT** (Minister for Corrections) — The member must have read my media release of a week or two ago, I think, where I released all those contraband figures. I think we did a TV special on sniffer dogs and the many techniques used and the excellent job that our prison system and Corrections Victoria do in terms of contraband. In that media release, he is quite correct, I did point out that about half of the contraband items were smoking related. They were not always related to cigarettes; they might have involved cigarette patches, extraction of nicotine, lighters, matches and a whole range of different products that are there.

We take smoking in prisons very seriously. From the feedback that I have received there has been an absolute

boost to our prison system in terms of health and safety and in terms of getting prisoners, like all people, off the smokes. It is working well. Our contraband system is going very well. There is a whole range of techniques that are engaged in terms of contraband of all types and in terms of stopping them from entering our prisons and getting them out of our prisons. I will get back to the member on the substantive question, but I will not compromise the capacity of Corrections Victoria to stop contraband by outlining all its techniques.

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — I thank the minister for his response. The government has also awarded Swinburne University of Technology a \$165 000 contract for evaluation services for the smoke-free prisons project, which started on 26 January last year. Following the minister's comments relating to the Justice Health Ministerial Advisory Council and the current smoke-free prisons project, what are the differences between the two evaluations and will the minister make them both public?

**Mr HERBERT** (Minister for Corrections) — I will take that on notice. Whether I make them public will depend on the advice I get about the implementation and the impact that would have in terms of security in our prisons. But I thank the member.

**TAFE boards**

**Ms FITZHERBERT** (Southern Metropolitan) — My question is to the Minister for Training and Skills. Given all positions on Victoria's 12 TAFE boards spill in just eight days time, why has the minister left TAFEs in limbo by failing to announce replacement directors?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her question. We take our governance arrangements very seriously in TAFE. There was legislation passed through this house that had time lines and they will be met, but I will take that question on notice.

*Supplementary question*

**Ms FITZHERBERT** (Southern Metropolitan) — The minister has now had almost seven months to appoint new directors. Enrolments are plummeting, TAFEs are receiving less money for student training on his watch and the Auditor-General has warned that TAFEs face serious long-term financial risks. Will the minister guarantee that his failure to appoint directors in time to allow a seamless transition will not further jeopardise TAFEs' sustainability?

**Mr HERBERT** (Minister for Training and Skills) — I reject some of the inaccurate information in that question. TAFEs in fact, according to the Auditor-General, got \$165 million extra this year out of our government. Let us be clear on that — not according to me, not according to the member but according to the Auditor-General.

As I said, and I do not know what is not clear on this, Ms Fitzherbert was a member of the Parliament that passed that legislation with time lines set in it. Those time lines are being met. I will get back in detail on the member's question.

*Honourable members interjecting.*

### TAFE boards

**Mrs PEULICH** (South Eastern Metropolitan) — I do note that Ms Fitzherbert was elected to this Parliament, not previous parliaments.

My question is also to the Minister for Training and Skills, and it relates to good governance of public sector boards and their relationship with the government. Last year the minister told the house that the Premier had issued a new circular on good governance that required that 'a greater duty of care be taken when recruiting and selecting board members' and that recruitment and selection processes must be 'merit based, fair, open and attract a diversity of applicants'. Given the Andrews government signed off on the new Country Fire Authority (CFA) board without observing these processes, how can Victorians have any confidence that appointments to TAFE boards will be fair, open and merit based?

**Mr HERBERT** (Minister for Training and Skills) — I thank Mrs Peulich for her question. I totally reject the implied suggestion in that question and totally reject that question as inaccurate. However, I will take it on notice and provide a written answer.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — That almost reminds me of the comment, 'I agree with that woman; I'm not sure what she said, but I certainly agree with everything she said'. Nonetheless, my supplementary question is: unlike the CFA board, will the minister rule out sacking any TAFE boards if they simply disagree with the minister?

**Mr HERBERT** (Minister for Training and Skills) — Isn't this unbelievable? Have we forgotten the ceremonial sacking of TAFE chairs by the previous government as they objected to the \$1.2 billion in cuts

to their budget? Have those opposite forgotten that? As a result of that we announced that we would have TAFE chairs elected by boards and not have political interference. I reject the imputation in that question, and I will get back with a written answer.

**Mr Finn** interjected.

**Questions interrupted.**

### SUSPENSION OF MEMBER

**Mr Finn**

**The PRESIDENT** — Order! Mr Finn, 15 minutes, please.

**Mr Finn withdrew from chamber.**

### QUESTIONS WITHOUT NOTICE

#### TAFE boards

*Supplementary question*

**Questions resumed.**

**Mrs Peulich** — On a point of order, President, I would hate for the minister to mislead the house in suggesting that we slashed funding of TAFEs when, as a result of those opposite's deregulation of the TAFE system, public funding did move to the registered training organisations. It was done by them in 2009.

**The PRESIDENT** — Order! Mrs Peulich and I have both been here for a fair while, and I think we both know that was not a point of order. It was a debate or an argument. Mrs Peulich has tried to argue with the minister's answer, but it was not a point of order.

#### Written responses

**The PRESIDENT** — Order! With regard to the questions that I have today, I would ask that in respect of the following questions, and in all cases these are the substantive and the supplementary questions, written responses be provided in one day: Dr Carling-Jenkins's question to Mr Herbert, Ms Dunn's two questions to Ms Pulford, Mr O'Donohue's question to Mr Herbert, Mr Ramsay's question to Mr Herbert, Ms Fitzherbert's question to Mr Herbert and Mrs Peulich's question to Mr Herbert. In respect of Mr Dalla-Riva's question to Mr Herbert, I am of the view that the substantive question was actually answered. Now, the minister probably did not mean to do so, given the approach of the government, but nonetheless I believe that he did answer that question. In regard to the supplementary, I

would seek a written response to the supplementary for Mr Dalla-Riva, and that is also one day. With regard to Mr Young's question, which is being conveyed through Ms Pulford, the Deputy Leader of the Government, but will effectively go to the Minister for Energy, Environment and Climate Change, given that that is a minister in another house — and it is going by a contorted route, actually — that will be two days. That is the substantive and supplementary.

**Mr Ondarchie** — On a point of order, President, in the last sitting week I drew your attention to a written response to a question without notice from the Minister for Small Business, Innovation and Trade, and it related to my supplementary question that asked about how much money the Andrews government has invested in Code Club Australia to support the important work that it does. The response was that the details were available in the annual report. President, at that time you indicated you would take that under consideration. I just ask you to at some point give me some advice on where you are at with that.

**The PRESIDENT** — Order! It is probably on my desk. If not, I will come back to you and get the copy again, and I will do so later this day. My apologies for not taking that on board earlier.

## QUESTIONS ON NOTICE

### Answers

**Ms WOOLDRIDGE** (Eastern Metropolitan) — President, I would like to draw to your attention some questions on notice which remain unanswered. These were questions which you reinstated actually back in December. They were questions that I raised in February with the Minister for Families and Children, who represents the Minister for Health in this place. At that time the minister promised to follow up with the Minister for Health. Those questions remain unanswered in June. They are questions 571, 572, 868 and 872.

At the time, President, you even said there is a certain disinclination on the part of the government to provide responses to questions about the cost of the public holidays to our public health system. Given that you reinstated these questions six months ago, I ask the minister to follow up with the Minister for Health. I sent an email to both of them last week once again reminding them and flagging I would be doing this and noting that we do have a process in this house where questions should be answered as requested by you, President.

**Ms MIKAKOS** (Minister for Families and Children) — I thank the Leader of the Opposition for raising this matter. Obviously she is aware these are questions directed to the Minister for Health, but I will endeavour to follow up this matter with the minister.

## CONSTITUENCY QUESTIONS

### Southern Metropolitan Region

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade, and it relates to the effects of the level crossing removals in the areas of North Road in Ormond, and in McKinnon and Bentleigh. The traders groups have been very concerned about the mismanagement of these projects that are being undertaken, and I have raised this issue on a number of occasions. They have written to the Premier and to the minister requesting assistance in relation to their plight. They received a letter back from the minister on his ministerial letterhead which states:

In my capacity as the local member, I have been extensively involved in consultation with traders and have offered affected businesses access to the suite of business support programs run by Small Business Victoria.

These programs, as we know, are free and on the Small Business Victoria website, so my question is: what additional assistance has the minister provided in addition to the free business support programs run by Small Business Victoria?

### Western Metropolitan Region

**Dr CARLING-JENKINS** (Western Metropolitan) — My question is for the Minister for Education. I note with appreciation the allocation in this year's budget for the building of tech schools across the state and note in particular that one of these schools will be built in Wyndham. However, our constituents in the west, specifically in Wyndham, often feel as though only leftover funds are allocated to projects such as this. They are concerned with the non-disaggregated figures in this year's budget, which do nothing to allay their fears. Can the minister provide a breakdown of how much will be invested specifically in the Wyndham tech school and when this tech school is likely to proceed?

### Western Metropolitan Region

**Mr EIDEH** (Western Metropolitan) — My constituency question is directed to the Minister for Families and Children, the Honourable Jenny Mikakos. The government recently announced \$200 000 in grants

for specialist bicultural workers in supported playgroups. My electorate is hugely diverse and home to a number of families of non-English-speaking backgrounds, including newly arrived migrants and refugee families for whom creating a strong local network is very important. Can the minister provide information about how this funding will be allocated and whether children and families in the west of Melbourne will benefit from bicultural workers at their local supported playgroups?

### **Eastern Metropolitan Region**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My constituency question is directed to Ms Mikakos representing Minister Foley in his capacity as the Minister for Housing, Disability and Ageing. It relates to a matter that has been brought to my attention by Banyule City Council in respect of unruly behaviour in and around Hawker Street in Ivanhoe. This matter has been brought to the council's attention and has also been brought to the notice of the police and the Department of Health and Human Services in relation to some of those activities. In particular the concerns raised by the city council relate to the tenants of public housing within the vicinity of Hawker Street, Ivanhoe. I ask: will the minister take action or make an appropriate response to deal with that particular matter?

### **Western Metropolitan Region**

**Mr MELHEM** (Western Metropolitan) — My constituency question is for the Minister for Women in the other place, the Honourable Fiona Richardson, who is also the Minister for the Prevention of Family Violence. The Royal Commission into Family Violence recently delivered its report to government, making 227 recommendations to help reform Victoria's broken system. I am proud that our government has made available a \$572 million package over two years to begin the implementation process of 65 of the most urgent recommendations. The allocations to specialist family violence services are particularly welcome, especially with the increase in the demand they have experienced over the last five years. Can the minister inform me how the family violence sector, victim survivors and the community in Western Metropolitan Region will be consulted in relation to the implementation of the royal commission's 227 recommendations?

### **Northern Metropolitan Region**

**Mr ONDARCHIE** (Northern Metropolitan) — My constituency question is for the Minister for Public Transport and concerns the level crossing removal

project in High Street, Reservoir, in Northern Metropolitan Region. There have been some indications that the project will start at some point in my lifetime, perhaps around 2018, and it may well affect the traders along High Street, Broadway and Reservoir Village. What I am seeking by way of response for my constituents is a confirmation the train line will not go overhead — will not be a sky rail — and will not disadvantage the small businesses in High Street, Broadway and Reservoir Village, like we have seen in Ormond, McKinnon and Bentleigh in Southern Metropolitan Region.

### **Eastern Metropolitan Region**

**Mr LEANE** (Eastern Metropolitan) — My constituency question is directed to Minister Mikakos in her portfolio of youth affairs. On Monday I attended the Australian Teenage Expo, which was hosted by East Doncaster Secondary College. It was a full day of events to empower young people. They talked about looking after each other and themselves and there were also some discussions around their future careers. In the time I spent there I found it was a great event, and I know the East Doncaster Secondary College was really happy to be the school that actually hosted the expo in Melbourne. The question I ask is: can the minister tell me if there are any more programs similar to this where such an important aspect as empowering youth is being encouraged and taught?

### **Eastern Victoria Region**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a constituency question for the Minister for Roads and Road Safety. I have received an email from a concerned parent who is trying to organise the installation of flashing 40-kilometre-per-hour safety signs outside Kallista Primary School. He advises me that there have been a number of recent near misses with school children and their parents arriving and leaving the school. He advises that he has contacted the local member, the member for Monbulk in the Assembly, James Merlino, who passed him on to the minister, Luke Donnellan, whom he has not heard from. The action I seek from the Minister for Roads and Road Safety is that he consider the installation of flashing 40-kilometre-per-hour speed signs at the Kallista Primary School.

**The PRESIDENT** — Order! Can I just bring Mr O'Donohue back to his constituency question. Mr O'Donohue sought an action from the minister, but he should pose a question to the minister. I suggest he rephrase his action along the lines of, 'Can the minister consider these signs?'

**Mr O'DONOHUE** — Thank you, President, for the opportunity to rephrase my question. The constituency question I have for the Minister for Roads and Road Safety —

**The PRESIDENT** — Order! Not the whole lot; just the question.

**Mr O'DONOHUE** — The question I have is: will the minister provide funding to VicRoads to install 40-kilometre-per-hour flashing speed signs at the Kallista Primary School?

### **Eastern Victoria Region**

**Ms SHING** (Eastern Victoria) — The matter that I wish to raise today is for the attention of the Minister for Mental Health, Mr Martin Foley, and it relates to the recent milk price drop which has affected dairy farmers throughout Victoria. There are a huge number of farmers in Gippsland that are suffering in relation to not just financial difficulties but also the mental health and wellbeing challenges that they and their families are experiencing. We have seen opening prices from ACM, Warrnambool Cheese & Butter and also Bega. The question that I have for the minister is: when and how can we provide assistance to dairy farming communities and health service providers to alleviate the mental stress, trauma, difficulty and uncertainty associated with the milk price drop to ensure that the Andrews Labor government is providing the best level of support during these very, very difficult times?

### **South Eastern Metropolitan Region**

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the Minister for Public Transport and it is in relation to some correspondence that I have received through Mr Keith Maggs on behalf of the No Sky Rail group on the Frankston line, and in particular from the author of 50 questions, all pertinent to the project, Mr Serge Kraskov. Mr Kraskov wrote to the Level Crossing Removal Authority on 2 May 2016 seeking a response to a number of questions. A month later he received a standard response with very few of those 50 questions answered. He is now seeking that the minister, given that it falls within her portfolio responsibility, review the questions and ensure they are answered in a timely manner to enable the group to be fully informed of the implications of sky rail on the community.

### **Western Metropolitan Region**

**Ms HARTLAND** (Western Metropolitan) — My constituency question is to the Minister for Training

and Skills on behalf of the Minister for Education and it is regarding the recently created working group established by the Department of Education and Training to discuss the behaviour policies and use of restrictive practices in schools. I have been approached by parents in my region, and it is my understanding that this working group includes a range of high-profile organisations but has no parent representation. My concern is that parents are uniquely placed to provide insight into the behaviours of young people with autism and practices that are successful in calming them. Behaviour plans at school cannot work in isolation and they must work in cooperation with parents and the home environment. Parents and children are the most impacted by this; decisions cannot be made without them. My question for the minister is: will he include parent representation on this working group?

**The PRESIDENT** — Order! That concludes constituency questions. I indicate that in regard to the point of order that Mr Ondarchie raised with me at the end of question time I have now had the opportunity to peruse the supplementary question that he mentioned, which was asked on 8 June in respect of funding for Code Club Australia. I note that the answer provided directed Mr Ondarchie to an annual report for that information. I understand the annual report has not been released at this time; therefore I reinstate the supplementary question.

### **PLANNING SCHEME AMENDMENT GC37**

**Debate resumed.**

**Ms DUNN** (Eastern Metropolitan) — To pick up where I left off, I am going to talk about a letter sent out to various constituents by Mr Davis, which covers a range of dot points. I am just going to talk to some of them. The tone of this letter is interesting. The first dot point I want to talk to is the assertion that Liberal amendment GC15 provides planning authorisation for a rail-under-road project but it does not provide clearance or cover for a massive 20-metre sky rail. Amendment GC15 does not make rail go under. Yes, it allows it; it does not make it. I just want to draw the attention of the house to the term 'including but not limited to'. The reality is that with those words amendment GC15 is so loose you could drive a truck through it.

Mr Davis goes on to say that by disallowing the new amendment GC37 in the upper house, Labor loses planning authorisation for elevated rail and amendment GC15 remains in force. What Mr Davis does not articulate is that section 16 of the Planning and Environment Act 1987 can be invoked. It is deceptive,

it is incorrect and it is an untruth. It is not the case that amendment GC15 will remain in force. The government has many different instruments available to it and it is a disgrace that the community is hanging its hopes on this when it is in fact untrue.

Mr Davis has said that if the disallowance is successful, Labor will seek to subvert the decision of the Parliament. Well, yes, Mr Davis knows that to be true. Labor has done it before; it will do it again. He knows that to be true, and yet he does not talk about it in honest terms with the community. Mr Davis argues that Labor might subvert the democratic process —

**Mr Davis** — You just don't want to vote against sky rail. That is a fact.

**Ms DUNN** — I am addressing your letter, which is full of holes — holes that you could drive trucks through.

What Mr Davis is suggesting in this particular dot point is that Labor might subvert the democratic process. Yes, it may well do that, and the government can talk to that because it is not my job to talk about what the government may or may not do. It is my job, however, to alert the community to the risks associated with this motion. No controls anywhere, anytime on any project for the Level Crossing Removal Authority is the very worst outcome for the community — no controls anywhere. If the government exempts the authority, there is nothing in place. How is that a good outcome for the community?

There is commentary about strong contemporary controls and protections. I believe that is a direct link from the Greens response in relation to the numerous emails we have received on this issue. Would Mr Davis rather there were no controls in place or some controls in place, because at the moment he is risking no controls being in place? His letter goes on to talk about backbone being required by elected officials. Backbone means being truthful to communities. It means trying to retain the minuscule planning controls on offer. It does not mean using the community. Mr Davis is using the community as a political pawn; meanwhile he is leaving them worse off. He is leaving them worse off with no planning controls. That is rich coming from a party that when in government constantly intervened in the planning process.

**Mr Davis** interjected.

**Ms DUNN** — You did nothing about McDonald's either and you could have.

The minister has extensive intervention powers. We are concerned that he will use them to block any scrutiny of this project. As I have said, it would not be the first time and it most likely will not be the last time. Does the community really want a project that has no regard for open space, community facilities, relocation of telecommunications infrastructure, future transit-oriented development, heritage management, noise, urban design and easement? Does the community really want no planning controls at all? There is barely anything with amendment GC37. But is the barely anything better than nothing at all? The opposition's approach will lead to no controls. What a brutal deception of the community.

Supporting the disallowance motion with the risk of no planning controls is a real one, not just here but everywhere — every Level Crossing Rail Authority project everywhere. It is derelict to suggest that this is the best outcome for communities. This motion will not stop elevated rail. It is a cruel hoax that the community has been led to believe that this is the case. It is an appalling state of affairs with the opposition perpetuating the myth that this motion will stop elevated rail. Equally appalling is the lack of engagement from the government and its sheer bloody-mindedness in bulldozing over community concerns.

The Greens will not be supporting this motion. It is a sham. It cruelly gives false hope, and it is a disgrace that the community has been treated with such disdain.

*Honourable members interjecting.*

**Mr MULINO** (Eastern Victoria) — In making a contribution on this motion I would like to make —

**Ms Hartland** — On a point of order, President, Mrs Peulich is directing threats towards us, saying that Nina Springle and Matthew Kirwan will not be re-elected at the next elections because of this project. I think that they are inappropriate comments and I ask for them to be withdrawn.

**Mrs Peulich** — On the point of order, President, that is absolute rubbish. If that is an inappropriate comment, then this place is developing a real problem. Saying goodbye politically is a fact. That is not a threat; it is a fact.

**The PRESIDENT** — Order! Can I indicate that I did not hear the comment and I do not believe that Hansard heard it, so I am not going to seek withdrawal on the basis that I do not think it is a matter of the record. Again, members need to be careful with their interjections and ensure that those interjections are,

where they are absolutely necessary in the opinion of the member, apposite to the actual debate content rather than reflecting on individuals within the Parliament.

**Mr MULINO** — In making a contribution on this motion today I would like to cover the following broad issues. Firstly, I want to very briefly set out the policy rationale for this project. I will not go into that point at length, but it is very important to set the context for the issues that we are discussing. Secondly, I want to discuss the inherent complexities of delivering large projects. Again I will not dwell on that at length, but it touches on some of the points that Ms Dunn was raising. In making that second point I will make observations on my views about the disingenuousness of some of the arguments being raised by those opposite and point out that I strongly believe there is an element of political stunt to this issue which is dominating any policy considerations that might be underlying this motion, to the extent that policy considerations are present at all.

Thirdly, and most pertinently to this motion, I will raise some observations about the process by which planning approval was given and talk to the robustness of that process. I will allude to the fact that this is a process that has in fact been used for similar projects in the past and that it is indeed an appropriate and rigorous process. Finally, I will make some observations about amendment GC37 and compare the elements of that planning scheme to amendment GC15. In doing so I will touch on some of the points that Ms Dunn made and hopefully add some additional points. I will reiterate the broad observation she made that revoking amendment GC37 would in no way assist the community and in fact would remove a number of very important protections.

Going to the first point, I think there is probably broad agreement across all parties and all members of this place that there is a need for more public transport in this city. We are a rapidly growing community; we need more public transport. We know that our existing public transport system is suffering from a number of challenges: firstly, we need more frequent services; and secondly, we need to deal with congestion. One of the great challenges in this city is that our different transport systems clash against each other in ways that are hampering the effectiveness of our transport system. We know that we have many more level crossings than other major cities in Australia and other comparable cities around the world. This is not a partisan point; it is a question of topology and a question of underinvestment in removing those level crossings over decades and decades.

Everybody in this place says they are for removing level crossings, but I believe there are varying degrees of support for that. This government is showing a willingness to put significant resources into removing them — a far greater willingness to put resources into removing them than the previous government had. The previous government was proceeding with some level crossing removals, but I think any dispassionate, objective observer would say that there has been a significant acceleration in that program.

I think we can all agree that removing level crossings is important. We all know the figures: some boom gates are down for 90 minutes during the peak period, and that is only going to get worse. So let us all start from that proposition. Let us also start from the proposition that at the last election this was a significant issue. It was one of a number of significant issues, but the removal of level crossings was clearly something that the community supported. We all talk about mandates and whether or not the government was provided with a mandate on different propositions at the election, but clearly the removal of level crossings was an issue that the government was given a mandate on at the last election.

The second point that I referred to at the beginning was the inherent complexity of large project delivery. This is something that is not new to this project or unique to Victoria; it is a challenge across communities around the world and over time. Delivering large, complicated projects, particularly brownfield site projects, is difficult. I will put a couple of propositions. This government is committed to delivering 50 level crossing removals, notwithstanding the fact that this is a difficult, complex task. I also want to make the point that we do so with the full intent — and I believe that if you look at our actions to date, you will see this — to consult with the community along the way.

I can say for myself that I have a great deal of interest in the views of members of the community. I am willing to say that I do not think that in delivering large projects any government can ever claim that it will do so with a 100 per cent tick-off. If a government can achieve that, that is fantastic, but I do not think the fact that we are not going to get an absolutely 100 per cent tick-off means that the government has not consulted appropriately. But I want to put on the record that this government is intent on continuing the robust consultation process that has been underway to date and it will continue to do that for the remainder of the level crossing removals and on other major projects.

*Honourable members interjecting.*

**Mr MULINO** — When we get to this issue of consultation, those opposite scoff at the consultation that we have been undertaking, but what I put back to members opposite, through you, President, is that there is a great deal of misinformation coming from those opposite which one can see as either inadvertent or mischievous. Ms Dunn just read through a number of dot points. There is a great deal of activity by certain members opposite that I believe is quite clearly not about holding a process to account but about trying to score political points at every single opportunity. It is about scoring political points in a way that is not about the community's interests.

Mr Davis seems to constantly put the position that every single level crossing has to be done in a one-size-fits-all way with massive trenches or the project is a complete failure. He seems to think that what the people voted for at the last election was his vision of level crossing removal. He imagines that if every single removal is not done in the way that he envisages — if that is not the way it is done everywhere — the government is flying in the face of what the community wants. There is a certain presumptuousness by Mr Davis that is, frankly, quite appalling. What we see from those opposite is a willingness to contort their presentation on certain processes, to contort the way in which this issue is presented so as to whip up community concern. As Ms Dunn just indicated, in that particular letter there were a number of misstatements, and I will deal with elements of the planning scheme amendment in a moment.

What I would say — and this is the government's view — is it is a very complicated set of challenges that the community faces to remove level crossings. In each situation there is a range of options, and we have dealt with this on a number of occasions in this place. One can have rail under road, one can have rail over road or elevated rail — there are all sorts of different options. Indeed when one goes around the world to some of the best, most livable cities with some of the best public transport systems in the world, one finds all sorts of combinations of these approaches. We have, for example, elevated rail in this city already in a number of suburbs. If one goes to cities like Vancouver, Atlanta, Chicago or New York; cities in Germany; or cities in Japan — some of the great cities of the world with great public transport systems — one sees aspects like this in play.

I just raise this aspect of the debate to make the point that Mr Davis constantly has a tone about the way he discusses this issue that is not constructive, that is not about trying to find a good outcome. He does not

discuss this issue in a way that involves looking at a range of public policy outcomes and trying to figure out what the best approach is for the community. Mr Davis, in my opinion, always takes a very sensational approach to this issue, and I do not believe it is in the community's interests for that kind of approach to be the way a complex issue like this is presented.

Let us deal with the third issue that I flagged, which is the planning scheme amendment. Planning approval for the Caulfield–Dandenong rail project was gazetted on 27 May following a six-week period of consultation. As I will point out in a moment, a planning approval process similar to that was undertaken by the previous government for a rail project but, I might say, without the consultation period. I will get onto that in a moment. But planning approval for the Caulfield–Dandenong rail upgrade project was gazetted on 27 May following a period of consultation. The planning approval was fully in accordance with the Planning and Environment Act 1987. The completed project will be within an existing rail corridor which has been a rail corridor since the 1870s and is already zoned for rail purposes.

I think it is worth pointing out that there is a long history in this state of rail projects within their easements being approved via this pathway. Again this is to make a non-partisan point that this is a process that has been undertaken in the past with the South Morang rail extension, the regional rail link — a project that those opposite talk about frequently in positive terms — and the Sunbury rail electrification. These were all dealt with via planning controls rather than by environment effects statements.

As I will refer to in a moment, when you undertake approvals through these kinds of processes there are mechanisms by which the minister can take into account other considerations, as occurred in this instance, and it is worth noting that on a number of occasions in previous governments rail projects have been approved through this process. Parts of these rail projects have included elevated railway tracks or railway bridges, so this is not a new process, and, as I will discuss in more detail in a moment, I will argue that it is a rigorous process with a number of elements that protect community interests.

I think it is also worth noting that this is the same process that was used by a former planning minister — a person who all of us in this place are familiar with — on the eve of the last state election, right on the doorstep of the caretaker period, to approve the Cranbourne–Pakenham rail project, on that very same corridor — —

**Mrs Peulich** — Under.

**Mr MULINO** — No. The point I am making here is that a planning approval, undertaken with a consultation period, is a robust process for approving this kind of process. That is the first point that I would make.

The other point, to add a little bit of detail, is to say that as part of his planning approval, the Minister for Planning, in approving the planning process in this instance, has taken into account the potential social, economic and environmental effects in accordance with the Planning and Environment Act 1987. The minister has also imposed conditions on the approval relating to heritage management, flood management, urban design, open space, native vegetation removal and offsets, potentially contaminated land and noise. What I will speak to in a moment is comparing those conditions that are placed on the development in GC37 versus GC15, which is in fact a far less detailed planning amendment. This first point that I am making is that the approvals framework for this project is robust.

It is also worth noting that in addition to the planning approval the project must be delivered in accordance with a number of other acts and policies. One is the passenger rail infrastructure noise policy. It must also comply with relevant parts of the Aboriginal Heritage Act 2006, the Conservation, Forest and Land Act 1987, the Environment Protection Act 1987, the Flora and Fauna Guarantee Act 1995, the Heritage Act 1995, the Water Act 1989 and the Wildlife Act 1975.

I know we are going to continue to disagree on the sufficiency of the consultation process — we have debated it at great length on a number of occasions in this place — but I will again put on the record that in addition to what the minister has undertaken in the process I just discussed, that was following a process of six weeks of consultation, which concluded in March. Local communities, traders and residents provided input during that process, with more than 2200 people attending consultation sessions and a very high number of one-on-one meetings, written submissions, phone surveys, interviews and so forth.

The first point that I want to make is this kind of process is one that has been used in the past for rail projects, including rail projects with a number of the elements that we see in this particular project; indeed the previous government undertook a very similar project along this very same corridor but without anywhere near the amount of consultation. I do not want to reduce this to partisan bickering; I am simply

making the point that this is a rigorous process and if we are going to constantly cop flak about the consultation process being insufficient — I have just talked about a number of aspects of it — I do find it a little bit rich that those opposite — —

**The PRESIDENT** — Order! I think this might be a good time to break for lunch. The chair will be resumed at 2 o'clock.

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

**Mr MULINO** — Before lunch I had just finished talking about the fact that planning approval is a process that has been used for a number of rail projects by a number of governments, that this process can be undertaken in a rigorous way and that in this instance there were a number of controls put on the project through that planning approval process.

I just want to briefly talk to this issue of amendment GC37 and what the impact of the revocation would be. I will start by making some observations about GC37 in contrast to amendment GC15. The current planning scheme amendment, it is important to point out, is much tighter and more fulsome than the previous government's planning scheme amendment, GC15. This is an important point that was lost I think in Mr Davis's presentation. In particular, when Ms Dunn raised the issue of how this could possibly help the community, Mr Davis responded that GC15 would still be in place, but that is in fact a far lesser instrument in terms of protecting the community.

This particular planning scheme amendment is set out and developed for a defined project that has been fully scoped and consulted upon, and that is in direct contrast to GC15, which was the previous government's instrument, which was a highly flexible instrument developed for a market-led proposal — as I mentioned earlier, a market-led proposal that was approved in the immediate lead-up to the caretaker period without anywhere near as much consultation.

In that sense it is really important to note that if Mr Davis was genuinely interested in protecting the community's interests, it is hard to see how that would be furthered by taking away whatever the protections are that are in place in GC37. In particular GC37 contains much more detail in relation to heritage, construction management, noise mitigation and other related issues, as opposed to GC15. For example, our current planning scheme amendment requires the Level Crossing Removal Authority (LXRA) to comply with a series of secondary consents before the main project

can proceed. These include the development of an environmental management strategy, including requirements to reduce and manage impacts and amenity effects, including noise, vibration, mud and dust, and open spaces; heritage management plans that cover local heritage building and stations; native vegetation removal and offsets. So it includes a whole series of elements — and detail in relation to those elements — that provides a far greater protection for the community than is the case for GC15.

It also includes elements relating to noise. The preliminary noise modelling by acoustic experts shows that the proposed design will result in an overall decrease in noise compared to the current rail line. Importantly, in relation to this contrast, which is really the point I am making at the moment, the current planning scheme amendment, GC37, requires noise mitigation via appropriate measures to ensure that noise from trains does not exceed the thresholds defined by the passenger rail infrastructure noise policy. These are important, clearly defined elements in GC37 that will be lost and will reduce the community protection should this motion pass.

Noise walls will be installed at key locations along the structures, and the details of these will be discussed with residents as the process continues. Air quality impacts again are dealt with in GC37. Visual impacts, by the preparation of designs, have been dealt with. And there are also a number of specific heritage matters. Planning scheme amendment GC37 contains specific and detailed provisions for heritage in the project area.

Ms Dunn made the point that it is not in the community's interests to remove the protections that are in GC37. If one looks at the broader issue, and this is a point that Ms Dunn made — she does not agree with a lot of aspects of what the government is doing, and there were a lot of elements in her contribution that were critical of the government — this motion is a cynical gesture that does not do anything to help the community. This is the broader point that I make about Mr Davis's and the opposition's I believe irresponsible misuse of this issue: there is a great deal of interest and some degree of concern in the community, and we are trying to work with people in the community, but this kind of motion does not help in dealing with those issues in the best possible way. So I strongly recommend that the house not approve this motion. Removing amendment GC37 would not do anything to provide assistance to the community. It would be a political stunt, and I strongly oppose this motion.

**Mr DAVIS** (Southern Metropolitan) — In conclusion I ask those in the chamber with goodwill to think carefully about their vote and to look into their hearts about what is right here, because it is not right that communities should be run over in the way they are being at the moment. It is not right that a project of this scale should proceed without a proper environment effects statement, although some may say that other projects have — well, not on this scale, not in this way and not with this hideous and intrusive model.

The key point here that has been pointed out by a number of people is that this is a project that the community did not vote for. Members of the community never had the opportunity to look at sky rail before the election. The government did not tell them about sky rail, because it is a stinker. The government did not tell them about sky rail, because they knew it would not be approved. The key point here is that this important amendment, GC37, is a very specific amendment. I do not want to mince words on this at all. I want to go to Richard Wynne's own words in his explanatory note for GC37. He says the amendment is required. The very first and prime reason that he provides is that it will:

give effect to the expanded scope of the project and project area as well as the new delivery method ...

The new delivery method, let us be quite clear, is sky rail. It is long-distance, elevated rail. That is the purpose of amendment GC37. That is the first and primary purpose of GC37: to deliver the expanded scope of the project and the sky rail. That is what it is about, and that is why GC37 mentions on four occasions 'elevated rail'. That is not a phrase that is mentioned at all in amendment GC15. In fact GC15 specifically mentions 'rail under road'. It specifically mentions 'trenches'. They are not mentioned in GC37, because it is not the government's intention to deliver the project with anything other than a sky rail. That is the whole purpose of the amendment, and by revoking it we remove the planning cover.

The reason Richard Wynne did this was that his legal people told him that in fact GC15 would not give the government cover for sky rail, and the reason he was told that was that it will not. It does not give it cover for sky rail, but GC37 does. Removing or revoking that removes the government's planning cover and stops the project until the government goes back and delivers what the community wants, which is rail under road.

Ms Dunn and others have suggested that the government might subvert the Parliament's intent, that it might subvert the Parliament's view. Well, this is an arrogant government, I agree, and members might well

thumb their noses at the Parliament, but that does not mean we should not take a stance. It does not mean we should not send a clear message. It does not mean we should roll over like jellybacks and give in to Labor's arrogant approach. It does not mean we have to be jellybacks and roll over, and that is where the Greens are. Let us be clear: this is broader than this one here.

This is important. If anyone wants to go and have a quiet read, they should read *Intensifying Melbourne* and its sections on sky rail in there. This is Mr Woodcock and his crew, and they are going to push these sky rails everywhere. This is round one. They are going to do it on the Frankston line. Jacinta Allan has gone quiet before the federal election. But the fact is sky rail is on for the Frankston line and people are going to have to stand up against it. That is what government members are doing. It is on for Alphington too. On Grange Road, Alphington, they are out consulting. The first model in Alphington that they are consulting on is a sky rail right across that area. The people of Alphington have a right to have a say, and they did not have a say before the election. They were told their level crossing would be removed, but they were not told that a sky rail was the plan.

If members read *Intensifying Melbourne*, they will see that the government wants to do these sky rails all over Melbourne, and that is where it is going. This is the first of them, and it is time people stood up. We are standing up, and I want to be clear. Toorak Road is another one, which all of the bureaucrats secretly will admit is right on track for a sky rail.

**Ms Pennicuik** interjected.

**Mr DAVIS** — Ms Pennicuik may laugh, but this is on. The Greens will never, ever say a word against sky rail. They will never say they are against sky rail, because they are in favour of it. That is the secret truth — the dirty, dirty truth. The Greens want sky rail and they want it everywhere. It is time the community knew and that the Greens were called out on it, so I am calling them on it. They will vote for sky rail today. It is atrocious and shameful, and they ought to hang their heads in shame.

No environment effects statement, no business case — the auditors called it out — and the sound studies are a travesty.

**Ms Pennicuik** interjected.

**Mr DAVIS** — Yes, and we agree, but you can stop it. You can stop it, Ms Pennicuik, and you are a travesty.

**The DEPUTY PRESIDENT** — Order! Through the Chair, Mr Davis.

**Mr DAVIS** — You can. You can. You can take — —

**The DEPUTY PRESIDENT** — Order!

**Mr DAVIS** — Mr Wynne was at least honest. He said:

give effect to the expanded scope of the project and project area —

wait for it —

as well as the new delivery method ...

That is sky rail. It is mentioned four times in GC37. You can turn it whichever way you like, but you are in favour of sky rail if you are not prepared to stand up.

Let us be quite clear on this too: Labor federal candidates should also stand up. At the rally on the weekend there was no Labor and there were no Greens — too scared because they support sky rail. Jason Ball — he was not there. He would not go there. He would not turn up. He would not support a community he wants to represent. He would not turn up to support that community, because he supports sky rail like every single Green does.

**An honourable member** interjected.

**Mr DAVIS** — Oh, yes, he does. No — because we know that Labor and the Greens are pro sky rail, and that is where they are going.

What about in Batman? What is Alex doing there? What is she going to do? Is she going to stand up for her community or is she going to support Mr Feeney's view that there should be a sky rail at Grange Road, Alphington? It is time the community knew what is going on.

What about down on the Frankston line? Which of those candidates down there is going to stand up and oppose sky rail? Which of them is actually going to utter the words that they are against it? The Greens are sky rail spruikers, and that is the betrayal that is going on.

I have got to say this is a very sad day that the Greens and other parties will vote against the revocation of this amendment. This motion seeks to revoke GC37, the sky rail planning amendment, by stripping that away. GC15 would remain, and that would provide cover for rail under road but not sky rail. Would the government subvert it? Given the arrogance of Mr Andrews it might

try to subvert it. But that does not give an excuse to go jellyback and weak. Really the truth of the matter is the Greens support sky rail all the way.

### House divided on motion:

#### *Ayes, 15*

|                            |                                 |
|----------------------------|---------------------------------|
| Atkinson, Mr               | Morris, Mr                      |
| Carling-Jenkins, Dr        | O'Donohue, Mr ( <i>Teller</i> ) |
| Crozier, Ms                | Ondarchie, Mr                   |
| Dalla-Riva, Mr             | Peulich, Mrs                    |
| Davis, Mr                  | Ramsay, Mr                      |
| Finn, Mr ( <i>Teller</i> ) | Rich-Phillips, Mr               |
| Fitzherbert, Ms            | Wooldridge, Ms                  |
| Lovell, Ms                 |                                 |

#### *Noes, 22*

|                              |               |
|------------------------------|---------------|
| Barber, Mr                   | Mulino, Mr    |
| Bourman, Mr                  | Patten, Ms    |
| Dalidakis, Mr                | Pennicuik, Ms |
| Dunn, Ms ( <i>Teller</i> )   | Pulford, Ms   |
| Eideh, Mr                    | Purcell, Mr   |
| Elasmar, Mr                  | Shing, Ms     |
| Hartland, Ms                 | Somyurek, Mr  |
| Herbert, Mr                  | Springle, Ms  |
| Leane, Mr                    | Symes, Ms     |
| Melhem, Mr ( <i>Teller</i> ) | Tierney, Ms   |
| Mikakos, Ms                  | Young, Mr     |

### Motion negatived.

## RIDESHARING BILL 2016

### *Second reading*

### Debate resumed from 8 June; motion of Ms PATTEN (Northern Metropolitan).

**Mr LEANE** (Eastern Metropolitan) — I would like to briefly acknowledge Ms Patten for the policy work she has done on this bill and her openness to having dialogue with the government in recent times. We acknowledge that the ridesharing industry has a number of challenges to it and it is a complex area, but we want to come up with a government position and legislation in the near future. We are planning to do that work over the winter break. We would really appreciate it if Ms Patten would be happy to work with us as well on that particular process.

We have identified some issues in the bill that she has presented simply around the level playing field of the companies like Uber and established taxidrivers, taxi owners and taxi companies. I am sure we have all had conversations with taxidrivers in the electorates that we represent and heard that they have real concerns around their future capacity to make a living as most of them have done for a long time. We believe some work should be done in that area before we go to legislation.

There is also the area around safety. I appreciate that Ms Patten has put in her legislation that there should be police checks, but in the current taxi industry there is an onus to have ongoing police checks in case someone has done something in between obtaining a licence and continuing as a driver over a period of time. We think that is an area that needs to be looked at, among a number of areas. There are also some challenges around disability and other matters that we want to keep working through.

As I said, I will be brief, but we appreciate Ms Patten doing the policy work. For a member of Parliament who is one out for her party, we appreciate the effort that she has gone to and her concern around this issue. We are a bit concerned that the Liberal Party put out a press release to say that its members would just vote on this bill without putting some policy work into it and looking at the concerns that may be presented. This just goes to show what one MP can do if they are prepared to do the work.

The government is endeavouring to get on with this issue but, as I said at the outset, it is a complex issue and there are a number of areas that we need to put some extra work into. But once again we appreciate the bill. We cannot support it at this time, but we will be working with Ms Patten and others to make sure there is a reasonable outcome for everyone in the best way possible.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to speak on behalf of the coalition as the first speaker on this bill. It follows the debate that we had in this place in a recent sitting week about Uber and the work that Mr Josh Morris's committee is undertaking in relation to creating a regulatory framework for ridesharing.

In the first instance it is disappointing that here we are 18 months into the Parliament and the term of this government and yet the Minister for Public Transport has been sitting on a report about regulating ridesharing for a considerable period of time and we have had no progress on the matter. We have had no progress while other states have made significant progress, as we heard during that earlier debate. The ACT, New South Wales and many other comparable jurisdictions have regulated ridesharing.

The minister said previously that we have a much more complex regulatory environment. I am not sure how true that is, but surely after 18 months the time has come to create a regulatory framework to enable ridesharing to operate, to create a level playing field

and to deliver certainty for taxis and the ridesharing industry and those associated with it.

In one sense it is good that this bill is before the house. The coalition has been consistent in its support for creating that regulatory framework and environment. Without dwelling on it for too long, I think the comments of the previous speaker, Mr Leane, were a little churlish. The opposition has been doing a great deal of work in this space, and it wants to see action.

Ridesharing creates another form of transportation in the marketplace. It increases the options for consumers. For those of us who represent electorates that cover either the outer-urban parts of Melbourne or those areas beyond the urban boundaries of Melbourne, where often there is a dearth of public transport options, any extra entrant in the marketplace that can provide a greater choice I think would be welcomed by consumers.

The government is saying it will not support this bill but that more time is needed. With respect to the government, we have been in this place and position before, and we have heard that before. We need action, so we as an opposition welcome this legislation, noting its limitations given it originates in the Legislative Council and the inherent limitations that that creates. Uber is now being used by around 500 000 Victorians. It is an enhancer and creates choice in the marketplace, and the market has responded. The public likes that drivers often have, for example, bottled water, mints and other items. They like the fact that the cars are generally modern or new and in very good condition and that they can rate the drivers. People are accountable for the service they deliver in a transparent way, and ridesharing has become very common and very much the usual practice in jurisdictions not just in Australia but also in about 80 jurisdictions worldwide.

As I said, while this bill does not address a number of issues, the intent of the bill is worthy of support. I sincerely hope that the government will have a piece of legislation that addresses all the issues when the Parliament resumes in August. As the shadow minister, Mr Hodggett, said earlier today, if the government does not come back to the Parliament in August with a bill that is ready to go, the opposition will. We welcome this initiative. We welcome the focus this bill puts on the lack of action from Victoria, and we urge the government to act to create regulatory certainty, a level playing field and a framework that can accommodate the different players in the marketplace in an equitable way that reflects the desire of the public to have that choice.

**Ms DUNN** (Eastern Metropolitan) — I rise to speak on the Ridesharing Bill 2016. I want to start with the context of this bill, and that is to look towards the government's poor record on ridesharing so far. 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 the members of this government have been a few public utterances on how they want to consult stakeholders in the industry, a quarterly stakeholder meeting and no progress to show for these feeble efforts.

I refer to the media release by the Minister for Public Transport dated 19 March 2015 where the minister said:

The Andrews Labor government will bring together regulators, drivers and operators, as well as consumer and advocacy groups, to create a stronger, safer taxi and hire car industry.

The release quotes the Minister for Public Transport as having said:

The forum will bring together consumer, advocacy and industry representatives to discuss the big issues affecting the taxi and hire car industry and consumers.

That was over the 12 months ago. In fact it was more than 15 months ago, and we are still waiting.

There has been absolutely no indication of a time line for introducing ridesharing legislation and regulation. Words like 'imminent' and 'soon' have been bandied around, but we are still waiting. 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. In place of legislative progress we have seen the Taxi Services Commission chase Uber drivers through the courts. When the basis of this policy-by-court-case fell apart two weeks ago, the Labor government rushed through legislation to repeal section 159 of the Transport (Compliance and Miscellaneous) Act 1983 to make ridesharing illegal again. The Greens was the only party to vote against that bill. It did so because Victorians deserve better than being criminalised for engaging in ridesharing services. In the absence of action on the part of government in this important area of policy, here we have a minor party taking the mantle on this policy.

I will now turn to the substance of the bill. For ridesharing legislation to be credible it must do two things: legitimise ridesharing and protect rideshare passengers and drivers and address the disruption to the taxi industry. This bill attempts to address the first issue

only. It is understood that the omission of the second part is due to the limitations on powers afforded to the Legislative Council. That considered, this bill allows for debate as to how to address the disruption of the taxi industry.

On the issue of legitimising ridesharing, this bill makes a genuine attempt at conceptualising the rideshare business model. Part 1 provides clear distinctions as to the definitions of the parties and their roles and responsibilities in ridesharing activities. Part 2 applies minimum standards of functionality in ridesharing platforms and the ridesharing facilitators who own, operate or control such platforms. However, there are shortcomings, and it is the view of the Greens that the bill lacks some things. Firstly, it lacks sufficiently strict requirements on driver accreditation. One of the reasons ridesharing platforms such as Uber have been popular is that they are considered to provide a superior passenger experience, particularly with respect to the safety and security of female passengers. The bill goes some way to providing strict requirements by leveraging existing legislation on sex offenders to ensure high-threat individuals cannot be accepted as rideshare drivers. However, the legislation falls short when it comes to ensuring that drivers actually have a clean driving record. While it lists category 1 and category 2 offences as defined by the Transport (Compliance and Miscellaneous) Act 1983, it omits category 3 offences defined in the same act. Category 3 is defined in section 89A of the Road Safety Act 1986 as traffic infringement notices that are:

... issued in respect of a drink-driving infringement, drug-driving infringement or excessive speed infringement ...

Why leniency is applied to this type of infringement is not clear, considering the purpose of driver accreditation should be to keep dangerous drivers out of the ridesharing business.

I move now to the definition of vehicle requirements that is evidence based. It is worth noting that the Taxi Services Commission of Victoria has regulations in place that disallow a vehicle to enter service as a taxi in a metropolitan area 2½ years past the date of manufacture. Furthermore, vehicles must cease operation as taxis once they reach 6½ years beyond the date of manufacture. This bill allows vehicles to enter and continue service as rideshare vehicles up to 10 years beyond the date of manufacture. While this might be rationalised on the basis that ridesharing vehicles are likely to be relatively lightly used prior vehicles compared to the workhorses that make up the taxi fleet, it would be sensible to design ridesharing

legislation taking into account the latest research on vehicle safety.

The Taxi Services Commission has commissioned research from the Monash University Accident Research Centre into the correlation between vehicle age and vehicle safety in the taxi and hire car fleet. The research found that there is no clear relationship between the age of a vehicle and its crash risk, but indicated that age limits should still apply as one part of a more sophisticated regulatory framework. The final report from the research, released in April 2015, recommended, among other measures, mandating a 5-star Australasian New Car Assessment Program (ANCAP) rating for all vehicles, reflecting the established relationship between higher ANCAP scores and reduced injury risk and requiring features and technologies that improve safety outcomes, such as autonomous emergency braking, lane change warning, lane departure warning, fatigue warning systems and electronic stability control.

While ridesharing and taxi services may have product differentiation in the way they are marketed and transacted, in the end the service comprises a driver transporting a passenger in a car from A to B, and there is no reason that vehicle safety standards should not apply to both equally. It would make sense for ridesharing legislation to refer to regulations for vehicle safety ratings and safety features specified for taxi service vehicles.

I want to touch briefly on insurance. The bill is completely silent on ensuring that rideshare drivers, rideshare motor vehicles and rideshare passengers are adequately insured. This is critical to protecting both passengers and drivers. Other jurisdictions such as the successful Greens-Labor government in the Australian Capital Territory have introduced minimum insurance requirements for ridesharing.

I now move to the part of the bill in relation to ensuring protections and non-discrimination against passengers with a disability. There are no provisions in this bill to protect against discrimination against passengers with a disability. While Uber has experimented with providing wheelchair-accessible vehicles in other countries, this is out of commercial self-interest in the form of market expression. There have been cases in Australia of Uber drivers rejecting prospective riders with guide dogs. Disability groups have also expressed concern that if the rapid growth of ridesharing causes the regulated taxi sector to go into decline, wheelchair-accessible taxis will cease to operate. This concern is informed by evidence from other jurisdictions. The number of wheelchair-accessible cabs in San Francisco,

California, dropped from 100 in 2013 when the widespread rollout of UberX commenced to only 63 in 2015. It is not at all guaranteed that rideshare platforms would ensure provision of services to mobility-impaired passengers if this aspect of the rideshare market is not regulated.

I draw to the attention of the house a submission made by a range of disability advocacy groups, being the Disabled Motorists Australia, the Youth Disability Advocacy Service, the Australian Quadriplegic Association through its service division Spire, Australian Disability and Indigenous Peoples' Education Fund, Disabled Peoples' International and Ms Estelle Parker, a primary carer and the author of this submission. The submission was to the Victorian government in relation to ride sourcing and transportation for users of wheelchairs and scooters. It contains a number of key recommendations:

1. That the Victorian government, in deciding the appropriate regulatory framework for the operation of ride-sourcing and ridesharing apps, addresses the need for flexible point-to-point transportation for people using wheelchairs and scooters.
2. That the Victorian government implements a regulatory and policy framework that maintains and enhances flexible access to point-to-point transportation for wheelchair and scooter users through the multipurpose taxi program and ride-sourcing/ridesharing policy and regulation.
3. That the Victorian government mandates that ride-sourcing apps, as a condition of legally operating in Victoria, collect and make available information about wheelchair and scooter trips (if any) and response times.

They summarise their submission as such:

As 'ridesharing' and 'ride sourcing' operations increase their market share of driver-vehicle point-to-point passenger transportation, people who use wheelchairs and other mobility assistance devices will be increasingly disadvantaged if appropriate regulation and incentives to ensure that such businesses service people with a disability are not implemented.

As ride sourcing continues to erode the taxi market we will likely see a decrease in the number of taxis, including wheelchair-accessible taxis (WATs) on our roads ...

As talked about earlier, this has been the experience in other jurisdictions. The submission goes on to say:

WATs are an essential service and should be treated as such by governments: around 20 000 Victorians rely on WATs as their only means of point-to-point transportation. Each year, 750 000 WAT trips are taken by people in wheelchairs or scooters.

...

The reduction in the number of WATs and the increase in WAT response times undermines the Australian and Victorian governments' commitment — under the national disability standards for accessible public transport within the Disability Discrimination Act (DDA) — to the target of making WAT response times equal to that of other taxis. It also undermines the Victorian government's commitments under the Transport Integration Act.

Simply allowing privately owned wheelchair-accessible vehicles to operate in a ride-sourcing service will not work to replace WATs. The number of private wheelchair vehicles is very small. Those vehicles driven by wheelchair users usually do not have a driver's seat and do not necessarily have the space to accommodate a wheelchair other than the driver's. Vehicles funded under the government's schemes such as TAC are not allowed to be used for commercial purposes. Most other vehicles do not meet the standards — particularly with regard to space — that allow wheelchair-accessible taxis to transport users of larger wheelchairs and scooters.

Formulating appropriate regulation of ride sourcing provides an opportunity for governments to consider ways to utilise this technology to improve access to transportation by people with a disability, and to ensure that recent improvements in this regard do not continue to be eroded.

A policy response to ensure wheelchair and scooter users are not disadvantaged by the increased market share of ride sourcing over taxis will need to include a package of reforms.

...

As we as a community embrace new technologies, we need to ensure that these technologies are used to benefit people with a disability, not leave them behind.

We absolutely concur with the sentiment of that submission made by those organisations.

Going back to the bill, we are concerned about consumer protection and price gouging. During periods of high demand Uber applies surge pricing whereby a multiplier is applied to the regular tariff. This can dramatically increase the price of taking an Uber ride — for example, on New Year's Eve in 2015 in Perth the multiplier was up to 8.9. Uber rationalises this on the basis of increasing reward to encourage more drivers onto the streets. However, it may lead to consumer rights issues if it becomes widespread and frequent, particularly if Uber gains a dominating market share or if it is applied during periods of an emergency. This bill does nothing to address price gouging.

The second theme of what the Greens believe should be part of addressing any ridesharing legislation is the disruption to the taxi industry and how transitional arrangements might work. This is a broad area that incorporates many issues, including but not limited to removing defunct red tape on the taxi industry such that the level of regulation is comparable to that applied to ridesharing, such that taxis can be more competitive with ridesharing; reducing taxi plate prices and

taxidriver registration fees to be proportional to any applied to rideshare drivers and motor vehicles; preserving exclusive rights for taxis, including rank, hail and transit lanes, to prevent swamping highways and existing kerbside infrastructure; a compensatory package for the loss of regulated monopoly access for the taxi industry and a funding mechanism to pay for the compensation; ensuring disabled passengers are sufficiently provided for, including the provision of wheelchair accessible transportation options; and ensuring that people who are incapable of using, or choose not to use, a smart phone still have access to transport options. The above require altering regulatory structures, imposing levies and establishing compensation funds, and as such are beyond the legislative powers of this chamber, yet they are necessary and fundamental items that must be addressed in concert with any ridesharing legislation.

I note that the Victorian Taxi Association has provided members with some information in relation to this and has provided the following commentary:

The Victorian Taxi Association (VTA), on behalf of our members and the Victorian taxi industry, are urging regulatory reform as soon as is practical to embolden all CPV —

commercial passenger vehicle —

operators to more actively compete on equal terms. Our industry is ready to embrace competition which required unnecessary regulation to be removed from taxis.

Rideshare or ride-hail service providers have long argued that they provide a service which is new and different to traditional taxi services. Despite the evidence to the contrary — the establishment of dedicated ranks, officially servicing airports such as Sydney Airport, and the recent announcement regarding trials of pre-booking functionality ... they assert the need for dedicated ride-hail legislation/regulation. We have called this the 'myth of two markets', a myth perpetuated to justify maintaining two-tiered regulation preventing taxis from actively competing with ridesharing providers (not the other way around). As the model matures, it is clear that ride-hail services and taxi services are fundamentally one and the same.

This is not to say the taxi industry does not support change, but that change must be holistic and comprehensive. As such, any reform option must include the creation of a single licence for all CPV drivers. This is central to ensuring parity between ridesharing services and taxis in the future and competition to benefit passengers.

It is our concern that the bill in its current form, despite best attempts, does not achieve this. It does not adequately acknowledge the thoroughly legislated and highly regulated context within which CPVs currently operate and as such is insufficient to deal with the various policy issues at hand.

This is from a letter dated 16 June and signed by the chief executive officer of the Victorian Taxi Association.

This is the first attempt at addressing the issue of ridesharing in this place. There has been a lack of activity on this issue by the government, leaving many thousands of people who use ridesharing services in limbo, and as time ticks on and the government continues to dither on this, it creates even more uncertainty for all of those operators, whether they are taxidrivers, ridesharing service drivers or consumers of those services. The contents of the bill are a valuable contribution to the discussion on how best to regulate ridesharing and address the disruption to the taxi industry.

The Greens encourage the bill's sponsor, Ms Patten, to submit it to the economy and infrastructure committee's inquiry into ride-sourcing services. Members will be aware that the Standing Committee on Economy and Infrastructure is conducting an inquiry currently into ride-sourcing services. The terms of reference for that inquiry show that the committee is looking at:

1. barriers to entry;
2. consumer protection;
3. customer safety;
4. competition;
5. access for people with disabilities;
6. remuneration and workplace rights for drivers;
7. how impacts of such regulation on the taxi industry can be minimised;
8. industry transition; and
9. any other issues the committee regards as relevant.

I would encourage Ms Patten to forward her bill to that committee, so she can provide evidence and advice to the committee as to this being an appropriate mechanism and how it fits with those matters listed in the terms of reference. Considering the deficiencies I have noted as part of my contribution today, the Greens cannot support this bill in its current form.

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise today to speak on the Ridesharing Bill 2016, and I will just pause to say that if people are listening, they would probably think that Ms Dunn and I have shared the same kind of research and speaking notes, because I am going to say fairly similar things. We have come to similar conclusions as well, so I appreciate Ms Dunn's contribution.

While I have no problem with competition in industries, to introduce a bill which clearly advantages newcomers while disenfranchising vulnerable and regional users is not ideal. I certainly believe in innovation. I also believe in encouraging the use of innovative technologies. However, a balanced, considered approach must be taken to the complexities inherent in legislating and regulating an evolving industry, and I believe this is what the government is currently grappling with.

So my contribution today is not about being against Uber but rather being against the limitations of the bill before us. I do not believe that private members bills should be used to force a government's hand on prematurely bringing in legislation. They should also not be used to initiate sector reforms. This is more the role of motions in the house. Motions are a proposal framed in such a way that they express the will or judgement of the house, and this is the mechanism used to debate issues. If the intent of this bill had been proposed in motion format, I would have been much more prepared to accept it. This debate today would then have provided a mechanism for the government to reflect on its direction and would have urged it to move forward to a better informed outcome. However, we have legislation before us, and it is — and I would agree with Ms Dunn here — flawed legislation, and as it stands I simply cannot vote for it as such.

Certainly from discussions that I have had with the industry it is clear there is widespread support for the intent behind the bill, and I do not think that we are arguing against the intent of the bill. But the industry is unable to support it as it stands. A whole package is required here, one that considers the deregulation of the industry rather than a tiered structure of regulation, one which considers specialised services provided to people with disabilities and accommodates this as part of the larger whole and one which accommodates those transitioning out of the existing taxi industry.

A streamlined approach is required, one which will avoid the problems within the New South Wales system, for example; so we have the benefit of watching what has happened in New South Wales where an ad hoc system is in place. A piecemeal approach has been taken to regulation there, and the consequences are, as a result, shown to be quite inequitable in many sectors. In my discussions with David Samuel from the Victorian Taxi Association he paralleled the existing taxi industry with other industries that have been affected by outside forces, such as the dairy industry. He described how when the world moves on and leaves people behind it is important to consider a support package for those who

otherwise have much to lose, and I thought that was a really good parallel to make. This approach must be considered with this legislation, which cannot yet be done via a private members bill. Perhaps that highlights a broader issue here around private members bills and the limitations of them, and perhaps whilst that is a reality in our present it is something we can address in the future — because minor parties are not going away!

I am also concerned about the timing of this bill. On 24 May this year the Standing Committee on Economy and Infrastructure self-referenced an inquiry into the need for an appropriate structure for the regulation of ride-sourcing services such as Uber, with a report date of no later than 8 December this year. The committee is looking at the need for and the appropriate structure of regulation of ride-sourcing services, and it listed a number of areas that it is paying particular attention to. They include barriers to entry, consumer protection, customer safety, competition, access for people with disabilities, remuneration and workplace rights for drivers, how impacts of such regulation on the taxi industry can be minimised, industry transition and any other issues the committee regards as relevant.

The committee website notes that this inquiry:

... will not prevent the government from making a decision on the future regulation of commercial passenger vehicles while the inquiry is being conducted. However, legislation that the government attempts to pass through may be challenging until the inquiry concludes.

So this house, as it stands, has a committee which is currently examining the potential of the ridesharing industry here in Victoria. This is a competent committee which is seeking to do a thorough job. I would agree with Ms Dunn that perhaps Ms Patten would have been better served today if she had referred her bill to this committee for scrutiny, parallel to this inquiry. This would have enabled a complementary process to be undertaken, one which would have enabled the committee to consider a legislative approach together with the submissions that it is collecting and the inquiries it is making. I note that the submissions for this inquiry are not due until 8 August. The bill therefore is perhaps ill-timed at this time, unless it is referred to this committee for that parallel consideration.

My final concern is the need to accommodate people with disabilities. This includes people who rely on guide or assistance dogs and those users of wheelchairs and scooters, and this relates to a point I made earlier about the consideration required for the specialised services within this industry. Too often people with disabilities are marginalised and in fact not considered

at all in legislation such as this. Unfortunately this piece of legislation has overlooked, perhaps unintentionally, the needs of people with disabilities.

Many, not all, users of wheelchairs and scooters do not drive and find public transport extremely difficult or impossible to use and therefore rely on commercial passenger vehicles. I do not wish to use my words here to describe the needs of those users, so I will refer to a submission of November 2015 to the Victorian government's multipurpose taxi program review and wheelchair accessible journeys incentive review. This is the same submission that Ms Dunn referred to in her contribution, and it was made by a range of disability advocacy groups. Some of the points they made in the submission are as follows:

As 'ridesharing' and 'ride sourcing' operations increase their market share of driver-vehicle point-to-point passenger transportation, people who use wheelchairs and other mobility assistance devices will be increasingly disadvantaged if appropriate regulation and incentives to ensure that such businesses service people with a disability are not implemented.

The submission goes on to highlight that:

As ride sourcing continues to erode the taxi market, we will likely see a decrease in the number of taxis, including wheelchair accessible taxis (WATs) on our roads — this has been the experience in other jurisdictions.

The submission references San Francisco, where Uber, Lyft and Sidecar have been operating for some years, and the number of wheelchair-accessible taxi pickups has decreased significantly along with the number of taxi trips overall. The submission points out that:

WATs are an essential service and should be treated as such by governments.

It says:

Around 20 000 Victorians rely on WATs as their only means of point-to-point transportation. Each year, 750 000 WAT trips are taken by people in wheelchairs or scooters.

This is a significant section of our community.

The submission also points out that:

Formulating appropriate regulation of ride sourcing provides an opportunity for governments to consider ways to utilise this technology to improve access to transportation by people with a disability and to ensure that recent improvements in this regard do not continue to be eroded.

It notes that the Transport Integration Act 2010 obligates the government to implement policy that enables social and economic inclusion and minimises barriers to access; integrates transport and land use to improve accessibility; promotes forms of transport

which have the greatest benefit for and least negative impact on health and wellbeing; and applies the principle of equity, which includes equity irrespective of personal attributes, physical ability and location. I am sure that this is something that the government is taking into account in its response.

A policy response is needed to ensure wheelchair and scooter users are not disadvantaged by the increased market share of ride sourcing over taxis, which will need to include a package of reforms. The authors of the submission listed a number of reforms, which I will not go into in depth today, but some of them are around regulating ridesharing to provide access to point-to-point transport for people using wheelchairs and scooters. They suggest subsidising the modification of vehicles for drivers utilising the ride-sourcing technologies. They have suggested mandating a certain percentage of wheelchair-accessible vehicles, extending the subsidy that they currently receive into ride sourcing and implementing standards for ride sourcing wheelchair-accessible transport, including with regard to safety and the ability to accommodate the larger wheelchairs and scooters. They also talk about the need to mandate that ride-sourcing apps are developed in accessible formats. They note, and I quote:

Uber has delivered ice-cream, kittens and, in one case in France, a 'hot chick to ride with', but it is yet to deliver wheelchair users to their destination.

As we as a community embrace new technologies we need to ensure that these technologies are used to benefit people with disabilities, not leave them behind.

I thank the authors for their submission and note who they are. They include Emilio Sale from Disabled Motorists Australia; George Taleporos from the Youth Disability Advocacy Service; the Australian Quadriplegic Association Ltd (AQA), through its service division, Spire; Frank Hall-Bentick, a great disability advocate whom I sat with on the disability reference group of the Victorian Equal Opportunity and Human Rights Commission for a couple of years. Frank represents the Australian Disability and Indigenous Peoples Education Fund and Disabled Peoples International. Lastly there is Estelle Parker, a primary carer and the submission's author. She has done an excellent job.

In summary, I cannot support this bill and I encourage its consideration by the parliamentary economy and infrastructure committee for review, in parallel with the inquiry it is undertaking at present. I would like to take this opportunity to call on the government to commit to a time frame for implementation of legislation on this issue. I think everyone in the chamber would agree with

that. It should be a time frame which will give all operators and users some certainty. In so doing I ask the government to take note of the bigger picture, with this bill being part of the whole, and to take considerable care to ensure that people with disabilities are not forgotten in this process.

**Mr MELHEM** (Western Metropolitan) — I also rise to speak on the Ridesharing Bill 2016 and join Mr Leane in congratulating Ms Patten on introducing this bill to the house and agreeing to work cooperatively with the government to put together a comprehensive bill that addresses all the issues and parties involved in ridesharing in Victoria: the taxi industry, customers et cetera. Just a few minutes ago the Minister for Public Transport, Jacinta Allan, made a public announcement acknowledging the work by Ms Patten and the intention of the government to work cooperatively to develop a comprehensive plan.

Members will be aware that the government has been working on this issue for a while trying to get a response to the new phenomenon of ridesharing in Victoria. It is correct to say that some states have done something, but have they acted to put together comprehensive legislation? I do not believe that is the case. In order to address this issue we cannot simply with the stroke of a pen put in quick legislation and say we will now legalise ridesharing and that is the end of the matter. Unfortunately it is not as easy as that. This is a multibillion-dollar industry, and some estimates by the Victorian Taxi Association show that, for example, the value of current taxi licences in Victoria far exceeds \$1 billion. So there is an issue that needs to be addressed.

The ridesharing issue has been the subject of litigation between the authorities and individuals who are operating ridesharing services. Recently, on 18 May, the County Court made a judgement which was subject to a lot of media coverage that ridesharing can be legal in Victoria. But that is not the case, and the government moved very quickly to amend the Transport (Compliance Miscellaneous) Act 1983, which defined commercial passenger vehicles as being any motor vehicle that is used or intended to be used for carrying passengers for hire and reward. Under the Transport (Compliance Miscellaneous) Act 1983 all commercial vehicles are required to be licensed and all drivers are required to be accredited. We had a bill before this house in the last sitting week which provided for the repeal of section 159 of the Transport (Compliance Miscellaneous) Act 1983 to preserve the integrity and validity of regulation commercial passenger vehicles in the interests of public safety. That bill was debated and passed in this house in the last sitting week.

I want to address some of the concerns I have with the ridesharing industry. Some of these concerns have been addressed in this bill but not necessarily to the extent that I would like. That is no criticism of Ms Patten's effort. She has done a tremendous job in what she has put together, and she should be acknowledged for her good work. However, to me, in order to address this issue a number of stakeholders need to be looked after. You have, and not necessarily in this order, the taxi owners, the drivers who actually work in the taxi industry and the end users of the service, who are Victorians, interstate visitors, tourists et cetera.

There is also a special group of people — those with disability. Dr Carling-Jenkins spoke at length on that issue, and I echo her concerns. I think we need to ensure that whatever changes we make we do not leave behind people with a disability. That is why I believe there are some deficiencies in the current bill. There is no point introducing a bill today and then in a few months time making amendments to it or introducing a new bill. I think it is important to get some certainty, and it is my understanding that the government is not far away from putting together a comprehensive response and working with Ms Patten and other members to make sure we address all these issues.

To address some of these issues, the deficiency with the current system is that you have got a company that simply develops a platform or an app and basically that is it. On the other end, a person who wants to participate in that scheme has to have an arrangement with the provider but then has to supply the car and everything else. There is no responsibility on the operator. The only responsibility of the operator — let us say Uber in this instance — is basically for the app. There is no proper regulation or enforcement. In short, what I am basically saying is we should be looking at making sure the current standards are met. For example, under current regulations for the taxi industry taxicabs are required to have minimum safety equipment installed. Certain standards need to be addressed; we cannot afford to water down the standards.

In relation to insurance, for example, I think we need to mandate that the operators have enough insurance coverage in the event of an accident. It is no different from what a taxi operator has to comply with. It is very important to look at opening up the industry for competition — I think it is a great thing — but it is also important that while doing that we do not send current operators to the wall. As I said, the Victorian Taxi Association has valued the current licences in Victoria, and these are not figures that have been plucked out of thin air. As a result of regulation over the years —

however many decades — state governments have required these operators to pay a certain amount for licences and to meet certain regulations et cetera, and over time people have put in a lot of investment, rightly or wrongly, in the industry based on the rules at the time.

Now we are changing the rules, and that will have an impact on these people. I do not think it is fair. We need to address that. How do we address that? Some people say, 'The government should compensate them'. I do not think that is the right response. If a new entrant were to come into the industry, it is not fair for taxpayers to basically foot the bill. I think maybe there have to be some discussions about what the operators who want to enter the industry may need to look at. We are only looking at an interim arrangement. I know Ms Patten has flagged some areas to look at. What the Victorian Taxi Association, for example, has suggested in its submission is perhaps putting in 50 per cent of the value of the current licences.

There are 3073 metropolitan taxi licences, 413 urban taxi licences, 303 regional taxi licences 1126 metropolitan hire car licences and 64 country hire car licences. The value of these licences, according to the Victorian Taxi Association, is somewhere between \$10 000 and \$250 000. In my understanding some of the metropolitan taxi licences at one stage, going back years ago, went for \$400 000 or \$500 000 per licence. According to the taxi association it is looking at about \$250 000. What it is proposing is a model for consideration, which may be a levy or some sort of arrangement put in place to compensate these people over a period of time. But I personally do not believe that taxpayers or the state should simply pay the bill; I think we need to find some other ways.

The taxi industry and operators may take some liability, the new entrants should have some liability and maybe the end users. There could be some sort of levy for a fund to be put in place to compensate these people, because for many of these people that is their pension — that is their retirement nest egg — and we definitely do not want to see them going to the wall. A levy could be in place that could be paid by the users, because you hope that through legalising Uber alongside the existing hire vehicles and taxis, competition will thrive, maybe the cost of using hire cars or taxis might go down and therefore the end users might benefit from that.

That is one issue; the other one is in relation to something I had talked briefly about: people with disability. I think that is a very, very important issue. We need to make sure these people are looked after. I

am not going to repeat what Dr Carling-Jenkins said; I just support what she has said in relation to that. I think it is important to make sure that is done properly.

In relation to insurance, I think it is very important that we have a very rigid system in place that is very clear about making sure the proper insurance is put in place. Also driver training, accreditation and performance management are very important. I do not think we can simply leave it to the discretion of Uber. If a passenger puts in a complaint or just does not rate a driver high enough, then that driver could lose his or her job. I do not think that is a good enough criterion. There is no right of appeal. We need to have a better mechanism to address that.

Obviously vehicle safety is very important. We need regular checks of cars. I know Mr O'Donohue talked about Uber drivers providing nice clean cars and bottles of water. It is great that we have that today, but if we do not have proper regulation, there is nothing to stop people using very old cars, in some cases without roadworthy certificates, so we need to make sure there is enough regulation to make sure we address that issue. We cannot have the situation just being open ended. I think we talked about the commercial vehicle licensing system. That will catch some of the issues raised by the Victorian taxi industry. I think they are real issues and they ought to be addressed.

Having said that, hopefully we are not too far away from getting a comprehensive bill. The work of Ms Patten has set the foundations, alongside the work the government has been doing on this issue and the work that has been done in other states. Hopefully collectively we can put that together and put forward some comprehensive legislation to the house to regulate the industry, making sure people can have access to new services through Uber and also making sure Uber becomes a good citizen. For example, there is an issue about how money is collected as well as tax payment. I think there may be some interaction between Uber and the government in relation to that to make sure that we do not end up missing out.

These corporate regulations need to be sorted out as part of that process, as well as making sure that drivers get a fair share out of the industry and are not simply hired and fired because someone gives them a rating and the Uber manager then says, 'You're off the book now; you can't work anymore'. I do not think that that is the right approach, so we need to fix that.

We need to make sure the current operators in the taxi industry are being compensated, but not necessarily at the expense of the taxpayer. If Uber wants to enter the

market in Victoria, I think it has a moral responsibility to put a big amount of money on the table as an entry point to buying a licence to operate in Victoria. I think Uber needs to chip in some money towards that compensation as we put that regulation in place. If Uber wants to come in and buy a business in Victoria — that is what it wants to do by basically developing an app — I think it is not unreasonable to say, ‘You need to pay X amount of money’. That money can go towards compensating the taxi operators and putting some regulations in place to make sure it is a win-win for everyone.

With those words, I believe it is time to put some legislation in place. It is my understanding that Ms Patten might adjourn the debate on this bill. Hopefully we will be able to come back to this house with a comprehensive bill which we can all endorse and live with. With those words, thank you, Acting President Morris.

**Mr RAMSAY** (Western Victoria) — I am pleased to make a contribution to the debate on Ms Patten’s Ridesharing Bill 2016. I would like to congratulate her on bringing this bill to the house and providing us with an opportunity to make contributions in relation to it. I understand that certain events have transpired since the second-reading speech was delivered. In fact only a few hours ago it seems Ms Patten and Ms Jacinta Allan had a tête-à-tête somewhere over a coffee and decided that Labor will finally get its machinery into action and discuss the merits of Ms Patten’s bill — which I have to say is short on detail, as is often the case with minor parties’ private members bills — and will start to prepare legislation over the winter break. I think that is a good thing.

As Mr O’Donohue said, the opposition broadly supports this bill because it is consistent with what the Leader of the Opposition in the Assembly and the shadow Minister for Public Transport, the member for Croydon in the Assembly, have been saying publicly for a long time in this ongoing debate about the regulation of Uber. It does seem strange that Daniel Andrews and the Minister for Public Transport needed Ms Patten to provide a shining light and to have gotten some ridesharing legislation drafted in the form of the bill provided to the house. I say it is strange because it only took 4 hours for the Andrews government to hire a Country Fire Authority (CFA) CEO and less than 1 hour to sack the whole board of the CFA yet it has taken two years for the government to come to the party in relation to getting around to drafting legislation that provides for community safety and the regulation of Uber ridesharing.

We now see over half a million people using Uber on a regular basis yet we do not have any provisions, regulations or legislation that provide the sorts of conditions and requirements that our taxi industry has to abide by in providing transport carriageway for those public users. I commend the previous Minister for Public Transport and member for Polwarth, Terry Mulder, who, along with Alan Fels, went to a great deal of trouble to both introduce legislation and promote a better taxi service for commuters and the public in relation to the taxi industry.

Since commissioning the landmark Fels report into the taxi industry and hire car sectors, Labor has failed to capitalise on this groundbreaking work and has instead preferred to put its collective head in the sand and pretend that changes were not occurring in the taxi and ridesharing industries. We know for a fact that people have been using Uber for years yet we do not have any legislation that provides protection for those users or puts conditions around competitive use in the ridesharing industry.

Historically the state government has had much involvement in the taxi industry in Victoria via the issues of taxi licence plates and changes such as the introduction of the Green Top taxi licences and the M40 subsidy scheme for the disabled. They are a few examples where historically there has been state government intervention in the Victorian personal transport sector.

As I said, Uber is now being used by over 500 000 Victorians and is very popular, particularly in the city, but it is less so in the country. It is that area that I wish to home in on in my contribution. While Uber may be well supported in the city — with the population base it obviously provides competition to the traditional taxi industry — we have different needs in the country. Obviously the protection of the taxi services that we currently have and the small businesses that run those taxi services that provide a whole range of services over and above those that are traditionally used in the metro areas and which are extremely important for country people, particularly given the remoteness of areas and issues around disability and insurance. Ms Patten’s bill really does not identify some of the challenges and hurdles in introducing a new competitor into regional Victoria that would have a significant impact on the current taxi industry providing a range of services in rural and remote areas, which, as I said, include disability services.

I was pleased then to see that Mr Morris’s committee, the Standing Committee on the Economy and Infrastructure, gave itself a reference to look into Uber

and the potential environment around the industry. Unfortunately the committee has not had an opportunity to get its teeth into that reference. As I understand it, the Labor government has in the last few hours said it will seek to draft legislation over the winter break and it will no doubt confer with Ms Patten in relation to how her private members bill might go forward or if the Labor Party itself will introduce some legislation in the house post the winter break.

As Mr Ed O'Donohue has indicated to the chamber, if the Labor Party is an unwilling participant in providing legislation to this house after the winter break, then the coalition will instead. It is a good sign that we at least have bipartisan support for Ms Patten's bill, whatever it might look like in the future after a redraft, so that we can quickly move forward with some legislation around the introduction of Uber into the transport services market.

Uber by some has been called a disruptor, but in reality the better term would be enhancer, as that is what it is, and ridesharing competitors deliver an offering for which clearly, from the uptake, there is a community demand. With the touch of an app people can order an Uber vehicle to their door, with it typically arriving in 3 to 7 minutes. The ridesharing industry has opened up a new range of opportunities for small business people, with many drivers often now earning \$20 to \$35 an hour, depending on the day of the week or the time of the day.

The ridesharing companies are focused on passengers and customer service, and that is a good thing. That is why drivers typically offer a free bottle of water and mints and other things to provide greater comfort and a feeling of being looked after. They also provide cars that are usually immaculate and modern, and they make every effort to turn up on time and to provide a superior service.

That is something that the taxi industry can learn from, because I have to say during my time as a member of Parliament and having to use the taxi service often, I find that the cab on many occasions has been dirty; often the drivers, just prior to picking up passengers, have had a cigarette, usually in the taxi, and it stinks; and sometimes late at night there is vomit still on the seats. On many occasions the taxidrivers do not have the capacity to understand some of the local geographical areas of the service region that they are operating in. When the coalition was in government it tidied up a lot of those problems associated with the taxi industry, but they still linger. There is no doubt that another competitor in the field will certainly sharpen up

the industry's customer service and the way it provides that customer service to the commuter public.

Ridesharing is legal in about 80 jurisdictions worldwide, but in Victoria Jacinta Allan and Daniel Andrews have been dragging the chain over the last couple of years. Some of the issues, as Mr Melhem has indicated, have not been dealt with in Ms Patten's bill, and that is why we indicated that we only broadly support this bill, because there are a lot of issues that have not been identified in the bill.

Compensation for small business taxi owners and drivers in relation to the introduction of a regulated Uber market may well need to be provided to ensure some equity in the industry. I am not suggesting a position for myself at this point in time; however, it needs to be discussed. Of course it would be unconstitutional for this bill to deal with appropriation matters, so it is up to Labor to determine whether or not it wants ridesharing companies to pay a fee or a levy directly, or through passengers, to be licensed; whether or not ridesharing operators will be in a position, voluntary or mandated, to carry disabled passengers who are in wheelchairs or scooters; or whether or not apart from the small announcements previously made there will be a compensation scheme for taxi plate owners. I do appreciate, as we saw with the presumptive legislation — a private members bill by Ms Hartland — that this house does not have the capacity to deal with appropriation matters and they should be referred to the Assembly.

Other states and territories have quickly taken a position on Uber, with only Victoria failing to do so. I do congratulate David Hodgett, the shadow Minister for Public Transport in the Assembly, who has been a strong advocate for moving forward in relation to encouraging the government to introduce some drafting legislation. It is disappointing to see that Ms Patten has had to see fit to do it herself, given the lack of speed from the Andrews government.

As a comparison, the Baird government in New South Wales is imposing a \$1 per trip levy — and some might call it a tax increase — on taxi and ridesharing passengers for five years to pay for a \$250 million compensation scheme. So there are already precedents in other states. As with many things, Jacinta Allan keeps suggesting that an announcement is imminent. Well, so is Christmas. We know Easter is imminent. We know death is imminent. We know lots of things are imminent.

**Mrs Peulich** — Taxes!

**Mr RAMSAY** — Taxes are always imminent. But sadly Uber legislation was not, and again it was really up to Ms Patten to drive the Labor Party to come to some discussions around the table about moving forward with a bit more haste than what it has previously done.

Uber is yet to expand into Victorian provincial cities and towns, but it and competitors may do that once ridesharing is legalised, although it is very much not a one-size-fits-all approach. As I have indicated, the demographics of cities and towns are very different, and certainly in my small town of Colac we are very dependent on one sole small business providing a taxi service, and there is no way I could see currently that Uber would be able to provide the sort of competition and the sort of service that the small business owner who provides that one taxi in Colac would be able to provide. I would certainly hate to think that any legislation that we put through this chamber would actually affect that small business in that town, as we have seen with other small businesses in other towns. We need to be careful of this even in larger provincial cities such as in Ballarat — an area Acting President Morris represents — where there is a very strong network of small business taxi owners that provide a very good service to the population of Ballarat. They were certainly seeking support from us as we were developing legislation in response to the Fels report. Given Ballarat's proximity to Melbourne, it will certainly be interesting to see the impact that Uber has on small businesses currently providing taxi services. It might well improve the service going forward.

They are a few points I just wanted to mention. The coalition broadly supports Ms Patten's bill, but it understands that developments have taken place in the last few hours so that this debate will be adjourned, there will be discussions over the winter break, and no doubt when we come back to the Parliament in August we will probably see some draft legislation or bill that will allow us to continue to debate this matter. It is on the basis that I finish my contribution.

**Mr SOMYUREK** (South Eastern Metropolitan) — It is a pleasure to join the debate on the Ridesharing Bill 2016 sponsored by Ms Fiona Patten of the Australian Sex Party. If it walks like a duck and quacks like duck, the chances are it is a duck. I say that in the context of one of the most contentious issues in this debate — that is, the characterisation by the ridesharing lobby that ridesharing is intrinsically different to traditional taxi services. If you follow this to its logical conclusion, we will end up with a two-tiered regulatory regime, which is just not acceptable to the vigorously regulated taxi industry.

I have heard people talking about how ridesharing services will provide competition — no doubt they will — to the taxi industry, thus lifting the standards of the taxi industry. The taxi industry being so heavily regulated while the ridesharing industry is shying away from regulation is not a basis for pure competition or a level playing field. When you have got the taxi industry being so heavily regulated and the ridesharing industry wanting to shy away from regulation, that is a recipe for disaster for the taxi industry because it has got one hand tied behind its back.

The bill does very little to address the issues of regulation of the ridesharing industry. Besides the granting of an unfair advantage to the ridesharing industry, the corollary of the lack of regulation inherent in this bill is that it does not adequately account for public safety concerns. It stifles competition, and when you have stifled competition, you also have a lack of innovation.

In particular the bill in its present form does not have adequate driver accreditation and safety provisions. Ridesharing drivers should be subject to ongoing police checks, but the bill prevents information-sharing arrangements like those between the Taxi Services Commission and Victoria Police that apply to taxidivers. The bill also provides very limited capacity and power for the government regulator to deal with drivers who consistently commit serious breaches. The onus is put on the ridesharing provider, but even if it acts, the driver can simply and immediately sign up with another provider.

The bill does not provide a level playing field across all industry participants. If the bill becomes law, thousands of Victorians could face bankruptcy. It would almost wipe out the value of existing taxi licences. It does not provide for any compensation or assistance and would financially ruin many families. A few years ago the taxi industry was deregulated. For a lot of Victorian small businesses — I guess they are microbusinesses; in particular I talk about the family or single licence-holders — the value of their asset was decimated overnight. It would be comparable — for those of us who are fortunate enough to have it — taking our superannuation off us. We have put some financial hardship provisions put in place, but without proper regulation of the ridesharing industry there will not be a level playing field, and the corollary of the lack of a level playing field would be further financial hardship placed on taxi owners.

This bill is unworkable. The bill requires regulations to provide for a range of public safety and equity issues, including insurance, accreditation, health checks and

access for people with a mobility impairment, but it does not provide for any powers to make these regulations. What the bill requires is prevented from being provided by the bill.

This bill does not provide any worker protections. Drivers who have been encouraged to take out loans to purchase vehicles can be dumped without any reason. The bill also fails to provide any consumer protection, such as for when the driver decides to change their price mid-journey. Let us say the driver takes off from Tullamarine heading to Narre Warren in my electorate. The passenger and driver agree on a price and all of a sudden the driver decides there is too much traffic on the road or they decide to bypass the city altogether because there is too much traffic going through the city.

**Mrs Peulich** — You cannot bypass it on Labor's roads. There are not enough good roads.

**Mr SOMYUREK** — Well, if the driver went on a mythical east-west link, where they needed to pay — —

**Ms Crozier** interjected.

**Mr SOMYUREK** — Okay, let us take the Liberal perspective. Let us say a ridesharing driver agrees on a price with a passenger. Mid-journey the driver says, 'Look, there's horrendous traffic in the city, there's a car accident, so now we have to go through EastLink. I have to now put on \$15 for the EastLink journey, because that's what the tolls are going to be.' Under those circumstances the driver might just decide to put on another \$30 or \$40, even though the toll might be \$15. Without regulation this bill, as it is, will give the ridesharing driver the ability to change prices midstream.

There are a number of other adverse consequences of not regulating this industry properly, but I will not go into all of those. I think my colleagues have gone through most of them. In conclusion, the government is of the opinion that a more robust bill needs to be formulated which takes into consideration the reservations that I have expressed in my speech.

**Mrs PEULICH** (South Eastern Metropolitan) — I am just going to speak briefly on the Ridesharing Bill 2016, the purpose of which is to legalise ridesharing services, such as Uber, in Victoria; to include provisions relating to driver and vehicle safety; and to enable the government to introduce regulations covering insurance, accreditation, health checks and arrangements such as specialist vehicles or subsidies for disabled users. The bill is not able to cover regulatory matters, such as insurance and compensation schemes

for the taxi industry or subsidies for the disabled in the existing M40 scheme, as it would then be unconstitutional.

However, the Andrews Labor government has not yet introduced any compensation scheme nor given any public indication that it will be legalising Uber or its competitors, so I guess it is fortuitous that this bill has been introduced, as it will force the government's hand. The government is not renowned for putting the foot on the pedal, to use a pun, apart from if it wants to railroad people with sky rail — but when it comes to anything else, the government takes far too long.

Of course the situation involving Uber has been bubbling along. I have never used Uber in Australia — I have used Uber and equivalents overseas — because here I use taxis, though not too often because they can be costly, especially in a city that has poor road connections and congestion issues. That is why having a good system of public transport and also good roads that connect traffic flows achieves efficiencies and also improves the environment and experience. Competition is always good, but it has got to be on a reasonably level playing field.

Unfortunately whoever runs any business in this day and age, with the pace of innovation quickening — each and every one of us, irrespective of the sort of business that we run — could be rendered obsolete overnight through innovation in new processes, products, materials or services. Nothing can be taken for granted, and I must say that I feel for owners of taxidriver plates given the investments that they have ploughed into those over time. Many of them have of course mortgaged their homes and built their entire lives around that, so I do feel that that side of the equation does need to be addressed.

It is not just about legalising Uber, which has been necessitated by both its own growth strategy but also some of the Magistrates Court findings, which have spurred the government to review the whole of the taxi and rideshare industry. Uber is unstoppable — I believe it is unstoppable — and the Magistrates Court ruling which effectively outlawed Uber in Victoria when a driver was found guilty of driving a hire car without a licence or accreditation was not going to stop Uber from pursuing its growth strategy. Therefore the state government and state cabinet is considering a plan to force Uber to adhere to existing hire car regulations on the statute book. I understand that ministers have been discussing Uber a good deal — certainly everyone has.

As I said, the decision by the Melbourne Magistrates Court did spur the government, I believe, into

reviewing the whole industry. In December, I think via the *Herald Sun*, I learnt that the state government was considering a radical plan to improve the taxi sector, and were this to have gone ahead taxi fares would have risen to ensure that cabs arrived on time and passengers would have paid fixed prices to Melbourne Airport and so forth. These types of innovations also occur in other cities. I know in, I think, Vegas it does not matter where you pick up a taxi from — even from the outer rim I think — it is a \$35 flat fee or something like that, so you can be fairly confident that, whilst you may be taken for a small ride, it is not going to be something exorbitant.

Part of the motivation behind the plan has been the challenge and the need to keep the taxi industry competitive against the threat of Uber and also the fact that from time to time there are unhappy customers — and dare I say that Uber's own Deloitte Access Economics study into the economic effects of ridesharing in Australia does show that the level of satisfaction with Uber is actually high. However, there does need to be a mechanism by which complaints can be managed. I understand that people who may feel that they have been incorrectly charged and so forth are left in legal limbo — no government bodies exist to investigate customer complaints, because what is becoming a popular ridesharing app is also illegal.

Greater competition in this sector is vital, especially for those suburbs that are not well served by public transport and for young people in particular — for example, I know that if my son's girlfriend comes into the CBD for a night out and if she can actually get a taxi, it could cost her anything upwards of \$100 to get back to Berwick. Clearly greater competition, both within the taxi sector as well as with Uber, has the potential to actually improve outcomes, but also the other side of the issue for the sector is that there has got to be some thought given to the transition, to those caught in transition and to those who will be negatively and significantly impacted by the regulation of the Uber service.

I am just having a look at the Deloitte's report, which looks at the benefits of the Uber service, and it sees the positives being availability:

Uber riders are available in locations which are generally less serviced and at different times of the day.

While generally speaking that is probably the case, I think there are exceptions, especially in rural and regional Victoria. Uber obviously is keen to service areas that are already probably well serviced to get the best pickings, but when it comes to taxi services for the disabled or services for remote rural or regional areas, I

am not sure that in actual fact Uber's presence in the market will improve availability. I think there needs to be still a viable taxi service.

There is an integrated payment system. The Uber platform requires all payments to be completed through its app using stored payment details, and that resolves a number of issues in relation to the collection of payments and safety of drivers. There is also a bi-directional rating system, so Uber riders and drivers are invited to rate their counterparts following a ride, encouraging a good service. I understand this is fairly popular and indeed that 80 per cent of Uber riders have rated their rides at 5 stars, the highest possible rating, which is a fairly high level of satisfaction. Sixty-four per cent of Uber rides start in transport deserts apparently located 800 metres or more from medium-frequency public transport. However, as I have said, the more remote parts are probably of less interest to Uber.

The existence of Uber also reduces the average waiting time substantially, from 7.79 minutes to 4.46 minutes. Apparently reliability has also improved. Uber riders face less waiting time. Uber applications allow easy ride requests and the ability to track the approach of a driver, and of course consumer preference for a sharing economy service is also strong. So there are certainly lots of benefits, but of course there are also impacts that need to be contemplated, and that is why I think the government's plan to adjourn this bill to allow it to do more work is necessary. However, it has had 14 months, during which it has dithered.

Some of the issues that need to be addressed have been cited, but just to recap, in an email from Mircina Mayas, who is very active in the Victorian Taxi Association, who has written to all MPs expressing concerns on behalf of the Victorian taxi and hire car industry, she said that that industry is also:

... committed to a fair, safe and sustainable industry and we welcome this opportunity to be heard.

She also pointed out that Matthew Guy in recent media comments:

... mentioned that Uber and any ridesharing should be regulated under a level playing field as the taxi and hire car industry.

She went on to outline some of the shortcomings of the bill, including that it:

seeks to recognise rideshare as a passenger transport service whilst exempting them from the necessary legislative requirements of operating such a service and all that it entails.

I am just going to cherry-pick a couple of points. She also said the bill:

gives rideshare participants a huge competitive advantage over the existing industry, which will ultimately erode and destroy a \$2 billion dollar, tax-paying industry.

Of course we do know that it is very important to pay taxes. Just the other night at the Australian Intercultural Society iftar dinner the guest speaker, the Governor of Victoria, was telling us her life story, which was very interesting and insightful. She spoke about the influence of her father and in particular the influence he had on her attitude to the law and the need to observe the law, including things like paying taxes, which is a law that I guess none of us likes but is obviously necessary to make society function.

Ms Mayas also said the bill:

allows rideshare all the privileges of the passenger transport providers but requires them to bear only a minimum of the associated obligations, costs and penalties.

She also mentioned that the result will be that:

... most vulnerable Victorians struggling to find appropriate and affordable transport for their needs ...

will not be catered for. She said that rideshare is not equipped for the disabled and child passengers and that it caters for a market that represents the higher and easier profits. I think they are reasonably fair comments.

She also encouraged a genuine consultation. I am never confident this government is committed to genuine consultation, but I certainly hope that it does commit to it here. As Ms Mayas said, this would ensure:

a fair outcome — one that recognises the service provided by the current taxi and hire car industry for all Victorians, not one that is just catering for the profitable slice of the market for a multinational bully.

I certainly would not share that sentiment. I think innovation is the way of the world. As I said, each and every one of us, irrespective of what area of employment or activity we are in and irrespective of what sort of businesses we run, could be victims of innovation but also beneficiaries of innovation. There are no certainties. The one differential was the way in which the taxi industry was established and the regulation of plates, and that is obviously a very, very serious consideration that needs to be part of the equation. So I certainly think that it is worthwhile deferring the bill, but this has already been prolonged sufficiently. Some resolution needs to be brought forward, and I look forward to seeing a good outcome.

**Debate adjourned on motion of Ms SHING (Eastern Victoria).**

**Debate adjourned until later this day.**

## PROCEDURE COMMITTEE

### Reference

#### **Debate resumed from 23 March 2016; motion of Ms PENNICUIK (Southern Metropolitan):**

That this house requires the Procedure Committee to inquire into and report no later than 1 December 2016 on a suitable alternative to the daily prayer, including looking at options adopted by other parliaments, and calls on the committee to request submissions from the public and conduct public hearings in the completion of its inquiries.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — When I was last speaking on this matter, some time ago, I was actually responding to a vigorous and largely off-topic contribution from the Leader of the Government. The break has allowed us all to take a deep breath and come back and continue our contributions actually on the motion that we have before us today, which is essentially calling for the Procedure Committee to inquire into and report no later than 1 December 2016 on a suitable alternative to the daily prayer, including looking at options adopted by other parliaments. It calls on the committee to request submissions from the public and conduct public hearings in the completion of the inquiry process.

Interestingly, it is a bit of a case of *deja vu* for parliaments right across the country, because Greens MPs in every state Parliament and even the federal Parliament have been bringing forward this motion for debate. I know Ms Pennicuik has a longstanding position in relation to it, but there has been a very common theme across the country — perhaps in response to Ms Pennicuik's leadership, if I could give her the benefit of the doubt.

However, today's debate in Victoria is very important because its fundamental base element is the tradition of our Parliament and the history that we have experienced. We believe this is about more than upholding a political party's platform on an issue. It is much broader than that and goes to the heart of what the Victorian community believes and really what the basis has been of our Parliament for many, many decades. This has also been very consistent with coalition values and what its members see as important. In fact our Prime Minister, Malcolm Turnbull, said back in 2008:

The Lord's Prayer has a very important place in the conduct of the parliamentary program, and ahead of the day's debate and deliberations it provides a non-partisan reaffirmation of our commitment to the common good for the people of Australia.

I have got to say that given the debates in the last few weeks and some of the tensions, I think it is very healthy to have that non-partisan reaffirmation of the reason why we are all here — that commitment to the common good. The Prime Minister's words in the commonwealth Parliament are very relevant, from our perspective, to Victoria as well.

Of course traditions may be changed, but from our perspective some traditions are worth keeping and worth upholding. Victorians' connection to the Westminster system and Victoria's connection in history to our Christian ancestry is worth keeping and recognising in this chamber.

Interestingly, having had a look at some of the history of this, the origin of the prayer in the Legislative Council was actually established by a motion that the prayer should be read at the commencement of the proceedings in the early days of the first Parliament in 1856, and on 11 March 1857 the first occurrence of the Lord's Prayer at the beginning of the sitting day occurred. It is quite phenomenal that here we are, 160 years on.

The Lord's Prayer does continue in most parliaments across Australia. However, it is true that a small number — for example, the ACT — have chosen a different path. In the ACT the Speaker calls on members to pray or reflect on their responsibilities to the people of the ACT each sitting day. But I think, in contrast, adopting this sort of approach for Victoria would not be a forward step.

There have been some additional steps. That said, there are other mechanisms that have been incorporated into the beginning of our sitting day that the coalition has welcomed and that enable us to reflect some of those broader cultures and values that exist in our community. In just this 58th Parliament the recognition of our Aboriginal heritage at the start of each sitting week with the acknowledgement of country has been a welcome addition.

It was also the coalition that embedded standing order 4.05(1) to allow a local religious leader the opportunity to read the Lord's Prayer during the regional sittings of the Council. So traditions do not have to be fixed; they can be added to and enhanced to recognise a broader context, as we have seen in the Victorian Parliament.

This motion calls on the Procedure Committee to conduct public hearings on the reading of the Lord's Prayer in the Parliament. Interestingly, other than in this place I have not had representations from Victorians. They are not banging down my door to say, 'We must get rid of the Lord's Prayer at the start of the sitting day of Parliament', and that this is the most important issue that they are looking for the Victorian Parliament to address. In fact in my community, the Eastern Metropolitan Region, issues are quite the opposite.

The issues I am hearing about are those that we have been spending our time on: issues like the CFA; the legalisation of Uber; having a more visible presence of police on our streets; having quality education and health systems; making sure our trains, trams and buses run on time; and economic management from our government. No-one is saying, 'What we want you to spend your time on is getting rid of the Lord's Prayer and finding alternatives'.

Similarly, there are a number of actually quite critical and pressing matters currently before the Procedure Committee which it needs to progress which require the time of that committee, and it is our view that that time would be better spent addressing some of those issues that it is facing.

While we obviously acknowledge the right of the Greens to bring forward such a motion and acknowledge where they are coming from in relation to their interests, we will be opposing this motion because we do not believe an attempt to remove this important tradition embedded in our Victorian Parliament is one that should be further progressed. It does not require an inquiry, and we are pleased that the prayer remains an important part of each and every day of our parliamentary sittings.

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise today to speak to the motion put by Ms Pennicuik back in March this year and revisited today calling for a reference to the Procedure Committee to look at 'suitable alternatives to the daily prayer'.

I wish to say at the outset that I thank Ms Pennicuik for bringing this motion to the house and for the history lesson and the cross-jurisdictional analysis which she presented to the house in March, which I found very interesting and which is certainly something that I have considered. I welcome this debate and the revisiting of this matter because I was quite disappointed with the short time frame in March which enabled only limited contributions on this motion. In fact there were only three speakers, so I think it is great that we have been

able to revisit this today so that more contributions can be recorded.

One of the contributions in March was from the Leader of the Government. I re-read his contribution this morning in preparation for today's debate, and I noted his suggestion of a more harmonious and collaborative approach to this issue, through the Procedure Committee, with a less prescriptive focus. As a member of that committee, alongside Ms Pennicuik and Mr Jennings, I would indeed welcome discussions in this forum.

While I do not usually oppose a referral to a committee, after listening to the contributions prior to mine — one in particular — I am convinced that I cannot vote in favour of this motion tonight. Now I just want to take some time to make my own commitment to upholding the practice of parliamentary prayer in our Parliament.

Parliamentary prayer has been a practice for a long time in this country. I was very interested to hear in Ms Wooldridge's contribution that it has been in practice here for 160 years, since 1856. I would agree that it is more than a symbol of religion — which is a fact lost on some of the previous contributors to the debate. This is not about the separation of church and state, as one member in March sought to misrepresent the issue.

Lyle Shelton of the Australian Christian Lobby has said:

When people talk ... of separation of church and state this does not imply that Christian and/or religious ideas or world views do not have a place in the public square, and was not the intention of the drafters of the Australian constitution.

While on this point, I would like to point out that the separation of church and state is too often used as a reason why the views of Christians — or really anyone with Judaeo-Christian values or politically conservative views — matter less than the views of others, especially within politics.

Because this was brought up so strongly in a previous contribution, I feel the need to add a statement on this. The state is an administrative entity. Religion, on the other hand, is an expression of values. Religion should not be prescribed or curtailed by the state. It has a place, just like all other sources of values, to proliferate within the public and to influence the politics of the state. Rabbi Dr Shimon Cowen puts it succinctly in his book *Politics and Universal Ethics*, in which he talks a lot about the Noahide laws and states:

... state policy and state institutions must allow currents of values, including religiously inspired values, to proceed from the public square, and give them representative significance.

As elected representatives, it is our duty to keep this in mind.

The misguided idea that state institutions must not express religion or religious values in legislation or policy is a covert ideology of a dangerous form of secularism.

The original intent of the separation of church and state was to ensure the state did not run churches. It was never intended to promote freedom from religion — but freedom of religion. To now misrepresent the original intent to argue against our very foundations is naive and misguided at best.

I return now to the issue of our parliamentary prayer, which I believe is an acknowledgement of our society's foundations. It is an exercise of respect to our ancestors and their struggle to shape a civilisation that is now the envy of the world. Prayer often has a beautiful cadence. As a Christian I have an emotional response to prayer even though prayer was never recited on a regular basis in my home while I was growing up.

My friends who are atheists see prayer as a symbol of tradition. My friends who are Catholic see prayer as an invitation to converse with God. In his contribution Mr Jennings spoke to the prayer as a representation of values which are deep, meaningful and respectful irrespective of faith or, indeed, non-faith background. Prayer represents different things to different people. Within the walls of Parliament it acknowledges our foundations. It is not about a religion or Christianity per se. It represents the Judaeo-Christian values upon which our parliamentary system and our judicial system were built.

This Parliament has stood since its inception as a custodian of our rich cultural tradition, a tradition firmly founded in Western-style democracy. The Lord's Prayer, which is also known here as the Parliamentary Prayer, is the prayer of this tradition. It is not about pretence or about historical theatre, as some would describe it or as some would seek to minimise it. It is a reflection each day on our foundational truths. Just as the acknowledgement of country at the beginning of each sitting week recognises Indigenous heritage, the Parliamentary Prayer recognises our Western democracy, our cultural heritage, the heritage which gave us our parliamentary system.

Federal Senator Eric Abetz once described prayer at the start of each sitting day as:

... a very rich part of our cultural tradition [and] a humble acknowledgement by the Parliament collectively of its responsibilities.

He said we should not be attempting to:

... rewrite our history and deny our heritage.

It will be a sad day when all forms of religion are denied access to the floor of Parliament. In reflecting on this I would like to consider the contributions of religion in the formation of our society. Welfare, for example, originated through the urge to do good works, motivated by people of faith. As Rocco Mimmo of the Ambrose Centre for Religious Liberty has said, people who oppose parliamentary prayer should:

... reflect on the enormous work of religious houses and beliefs that pour millions and millions of dollars and thousands of hours into undertaking this humble work of serving humanity.

Our very moral compass comes from our Judaeo-Christian values. The conviction ‘Love your neighbour as yourself’ and the golden rule ‘Do unto others as you would have them do to you’ are not mere archaic proverbs. They are the heart and soul of the West’s instinct for compassion in public and private life. They did not come from Greece and Rome, the two other cultures that shaped our civilisation. As political philosopher and atheist Jurgen Habermas concedes:

Egalitarian universalism, from which sprang the ideas of freedom, human rights and democracy, is the direct heir to the Judaic ethic of justice and the Christian ethic of love. To this day there is no alternative to it.

Education, philosophy and our hospital system are other examples of the contributions of Judaeo-Christian religions to society.

In summary, I would like to reiterate that I am committed to a society which encourages the human flourishing of all its members. If our foundations continue to be eroded away, then we will have a society which diminishes us all. Parliamentary prayer is representative of our very foundations. For this reason, combined with the unnecessarily provocative nature and assertions made previously in support of this motion as it stands, I cannot support this motion. I do, however, reiterate that I thank Ms Pennicuik for bringing this motion to the house and for bringing up this discussion, which I believe we should pursue further within the confines of the Procedure Committee.

**Ms PENNICUIK** (Southern Metropolitan) — I would like to thank the speakers who have spoken on the motion before us today and when it was moved back in March. Those speakers are Ms Patten and Mr Jennings in March and Ms Wooldridge and Dr Carling-Jenkins today. I will just briefly respond to some of the points made by those speakers.

In her contribution supporting the motion Ms Patten mentioned that we are now a multicultural community in Victoria — a different community to the one in Victoria when the Parliament was established back in 1856. We are in our 160th year of Parliament in Victoria. Ms Patten also outlined her personal and her party’s commitment to the separation of church and state, which is a very common principle throughout the Western world in particular. To a large extent the separation of powers and the separation of church and state occurs in our Westminster system of government. It is only in terms of the daily prayer that religion enters into the proceedings of the Parliament. I thank Ms Patten for the summary of the things she said. She mentioned other things, but they were the main things, and I thank her for her support of the motion and the reasons that she gave for it.

Mr Jennings also spoke on the motion, and as Ms Wooldridge has mentioned today, he did speak about the context of the day. I take that as part of his thinking behind what he was going on to say. He did point to the reforms that the government has made to the standing orders and to the committee system in this Parliament in terms of the numbers of representatives from government and non-government parties on the committees across the Parliament — not just in the upper house but on the joint committees as well — the chairing of those committees and the changes to more family-friendly hours in the lower house. He did mention in his contribution looking towards introducing those in the upper house. He mentioned the changes to question time, the introduction of constituency questions and many reforms. I say, as I have said before, that I think they are all good reforms. I commend the government for making them.

In my time in this Parliament, which is 9.5 years now, I have pushed for reforms to the way we work in the Parliament in terms of the notion to establish the upper house committees way back in 2008 and many other reforms to the standing orders since. I have been on the Standing Orders Committee, now called the Procedure Committee, ever since I was elected to the Parliament. I take a great interest in these issues, how we conduct our days and our weeks, and the mechanisms that we can all use to pursue the issues that are important to us. For example, today, being a day of general business, is a

day for non-government members to bring forward issues such as the one we are debating now but also the ones we debated earlier today. There have certainly been a wide range of issues covered today, as I am sure everyone would agree.

One of the things Mr Jennings did say was that we need to approach this with caution — I am happy to agree with that — and would not want to be premature. I will just take up the idea of being premature. I do not think I can agree that having a discussion about this particular issue of alternatives to the daily prayer is premature. In fact I first raised it in this Parliament on 28 October 2008. By way of a members statement I spoke about the Speaker of the House of Representatives at the time, Mr Harry Jenkins, calling for a public debate about whether the Lord's Prayer, which is read daily at the opening of the federal Parliament, should be rewritten or replaced.

Throughout my contribution I made reference to many places and parliaments in Australia and throughout the world where different arrangements have been put in place to better reflect the communities in which those parliaments are situated and the separation of church and state. In some instances, if you look back at what I said on the day, there are such things as having different faiths and different prayers on different days. I mentioned the different arrangements in some of our local councils. When I was looking at it I found very interesting the different arrangements that local councils across Victoria had in place with regard to the beginning of their proceedings.

I do not think it is premature. I think it is a discussion that we do need to keep having. I thank Ms Wooldridge for her contribution. I do not agree with all of it, but I was very interested in the history. Ms Wooldridge referred to when the prayer was first introduced by a motion 160 years ago. I did not get time to write down who it was, but I think it was probably the Prime Minister she was referring to who said that the prayer was non-partisan. I do not agree that it is non-partisan. I am not sure that 'partisan' is the right word there, but as I said in my contribution back in March it represents a certain denomination of the Christian religion. I do not think anyone could possibly say it is representative of everybody in the community, so I cannot really agree with that description of the Lord's Prayer.

I can agree that it is traditional, but I would say while it is traditional it is not representative any more of the community in which the Parliament of Victoria is located. I do agree that traditions can be added to and enhanced, and I think that is actually what my aim is here. What I am trying to do is add to the tradition and

enhance it, and our traditions have changed. Many of our traditions in our standing orders and the way we conduct ourselves in the Parliament have changed. I think Ms Patten referred to the fact that women were not allowed to be elected to Parliament for the first 50 or so years. Certainly it is good that that was changed, and a lot of people used the tradition argument to argue against it. But people realised of course that women make up 50 per cent of the population and should be making up 50 per cent of the Parliament at least. Of course we have not quite got there yet.

Ms Wooldridge also mentioned that many Greens have raised this issue across parliaments and in the federal Parliament, and that is correct. It certainly is a policy of the Greens. It is not so much that it is a Greens policy in itself, but it is a Greens policy because we would like to see parliaments that are more representative of the communities they are located in. We certainly do have a much more multicultural, multifaith community than we did 160 years ago, 100 years ago, 50 years ago or even 25 or 30 years ago. I do not think anyone could argue with that. I thank Ms Wooldridge for her comments with regard to the motion.

I also thank Dr Carling-Jenkins for her comments and for her thanking me for moving the motion. She spoke very emotionally and strongly about values and tradition, how the Lord's Prayer represents different things to different people and the role of religion in doing good works in the community, welfare systems, education, hospitals et cetera, and I acknowledge all of that too. I agree that in that respect the prayer does represent our origins, but, as I said before, it does not represent who the people of Victoria are today in my view and in the views of many other people. Ms Wooldridge actually said people are not clamouring for it, and I would agree. People are not clamouring for it or making demands, but whenever it comes up in conversation with people, as it does from time to time, most people that I have spoken to agree not necessarily on what should happen but that there should be a discussion about an alternative which could be more inclusive.

I do not want to go over everything I said back in March. People can read that for themselves. I think my main points are that the Lord's Prayer may be traditional but it is no longer representative or inclusive. The prayer that we have in our standing orders is the Anglican version of the Lord's Prayer and is not inclusive of everybody in this chamber by any means. I and other members are excluded by it every day, so there are at least seven and sometimes eight — and I think I made the point that it is getting to 20 per cent —

of the members of the chamber who do not attend the daily prayer.

As I said, I do not pretend to speak as to why everybody does that. For me it is the reasons I have outlined many times in this chamber: that I do not believe that the daily prayer as it stands is representative of everybody in the community or everybody in the chamber, and it excludes me. I am excluded from the chamber by it. I do not speak for the others, but I say that this is not a good state of affairs for our chamber.

For me it is now six years of not attending the prayer, and I believe this is not a state of affairs that should be allowed to continue. A way forward to include everyone needs to be found, and that is what the motion is designed to do. As I said in my original motion, I directed it towards the Procedure Committee because the Procedure Committee is the custodian of the standing orders under which we operate, and it is the standing orders that direct the saying of the daily prayer every morning.

The main comments that I want to make in summing up the debate on my motion are that it aims to have a discussion about something that could be more inclusive. There are a large number of alternatives that already exist in parliaments around the world and in Australia, and I think we should continue this discussion. I thank Dr Carling-Jenkins for saying that we should continue the discussion through the Procedure Committee, and at some stage the Procedure Committee and the Standing Orders Committee of the Legislative Assembly will meet and perhaps that could be raised during that time and through other avenues of the Parliament.

I thank everybody for the respectful way in which I believe the debate has been carried out on this issue, which I know people have strong feelings about and which I also have strong feelings about. With those words in summation, I commend my motion to the house.

**Motion negatived.**

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Treasurer

**Mr MORRIS** (Western Victoria) — I move:

That this house requests that the Legislative Assembly grant leave to the Treasurer, the Hon. Tim Pallas, MP, to appear before the Legislative Council Standing Committee on the

Economy and Infrastructure to give evidence and answer questions in relation to the committee's inquiry into infrastructure projects.

I note that this is not the first request for leave for a minister from the Assembly to come before the Standing Committee on the Economy and Infrastructure; it is actually the second time this has occurred. The Council did indeed vote for a motion to seek leave for the Minister for Public Transport, the Honourable Jacinta Allan, to come before our committee to answer questions with regard to our infrastructure inquiry. It is unfortunate that at that time the Assembly did not see fit to grant that leave and Ms Allan did not come before our committee to answer some very serious questions about some very serious issues, particularly with regard to V/Line and the state of regional public transport here in Victoria.

It is quite timely that we are debating this particular motion today because it is one year and one day since the introduction of Labor's failed regional rail link timetable. In that time what we have seen across the state of Victoria is that public transport in the regions has been in disarray. Our train network has literally run off the rails. The wheel-wear issues that have afflicted the V/Line trains have really been an indictment of this government. What we have seen is that regional commuters — those commuters from Ballarat, from Bendigo, from Warrnambool and from elsewhere in our state — have needed to catch replacement coaches.

It is incredibly important that we understand the cost of those replacement coaches, which is why we are seeking leave for the Treasurer to come before our committee to explain the exact cost. I note that Mr Ondarchie is nodding, and I know that as a member of the economy and infrastructure committee Mr Ondarchie is well aware that we have had many public servants appear. The CEO of Public Transport Victoria and the CEO of V/Line et cetera have come before our inquiry and we have asked many questions about the costs of this particular debacle.

They have come up with some preliminary costs but they have not been able to give us an overarching view of what this debacle in public transport in regional Victoria has cost our state. We do know that by the end of February there was a \$15.79 million bill for replacement coaches. We know that in February \$2.5 million a week was being spent on replacement coaches. We know that by mid-April there was still \$500 000 a week being spent on replacement coaches. So there is the cost of the replacement coaches, but it is not just the replacement coaches that we need to find out about from the Treasurer. We also need to find out about the replacement of the wheels that are worn. We

need to find out about the costs of replacing the tracks that have been worn.

**Mr Ramsay** interjected.

**Mr MORRIS** — We need to find out about the remediation measures, as Mr Ramsay rightly points out — the lubrication of the tracks. We need to find out about the costs of the free travel that needed to be instigated as a result of the V/Line debacle. We also need to find out about the compensation for late travel that many commuters were eligible for, because if trains are not running on time, then commuters are eligible to seek compensation for that.

I was very pleased that a newspaper in Ballarat ran an article yesterday, dated 21 June, headed ‘Regional rail link hits one-year anniversary’. Now, one-year anniversaries are normally enjoyable affairs. I well remember my one-year wedding anniversary, which we spent in Paris. It was a fabulous affair. It was a lovely, lovely night. However, the one-year anniversary of the introduction of Labor’s timetable for the regional rail link is not something to be celebrated. It is not a lovely night in Paris — not at all.

I note that V/Line’s punctuality target is 92 per cent. That sounds fairly reasonable. It is not 100 per cent, but 92 per cent. However, what we have seen under Labor and the regional rail link timetable is that the average punctuality on the Ballarat V/Line service across the last 12 months has been 85.6 per cent, nearly 7 percentage points below the punctuality target. Indeed punctuality on V/Line’s Ballarat service dropped down to 82.8 per cent in July last year.

We saw some action from several members of the government with regard to the V/Line crisis, particularly in Ballarat. We saw the Premier come to Ballarat to apologise for his incompetent minister. He came and said he was going to put a rocket up everybody, from himself down, to say that this was not good enough and needed to be fixed. From that point we saw punctuality drop even further. We saw the minister herself, Jacinta Allan, come to Ballarat to say that this was simply not good enough and that she was going to save regional public transport, especially that emanating from Ballarat, by introducing a new timetable in January this year. That timetable is yet to come into effect, and we are now in June.

We had three members of the government come along. The Deputy Premier, Minister Merlino, came to Ballarat to assure Ballarat commuters that the worst was over — —

**Mr Dalla-Riva** interjected.

**Mr MORRIS** — No, he had not sacked the Country Fire Authority board at that point. That came later. He came to Ballarat to say that the worst of it was over, that punctuality was going to increase and that reliability was going to increase. And what did we see? We saw punctuality and reliability drop off a cliff the very next day. In terms of what has happened here, it is very clear that you cannot trust Labor with regard to public transport here in the state of Victoria.

I would like to acknowledge some of the great work that has been done by Michael Pollock, who is a journalist at the Ballarat *Courier*, because he has followed this debacle intently. He has certainly followed up on what has been happening here. It is a sad indictment of this government that there have been 12 months of disarray.

In May 2015, before Labor’s failed regional rail link timetable, what might punctuality have been on the V/Line service to Ballarat? It was 95 per cent. In June 2015 what did we see happen to punctuality? It dropped down to 85.3 per cent, a nearly 10 per cent drop in punctuality in one month. In July it dropped down to 82.8 per cent, but there was a light at the end of the tunnel. There was an upward trend, 85.4 per cent in August, 87.1 per cent in September, 87.3 per cent in October and 89.1 per cent in November. But then again it fell off a cliff. It dropped to 86.6 per cent in December. In January 2016 it dropped to 83.7 per cent, and so it goes on.

The target for V/Line is 92 per cent, so since Labor has introduced its new regional rail link timetable not once has it met V/Line’s punctuality target. But why does this matter? It matters because it is impacting on people’s lives. I recall one Friday evening I was at home with my family when I received an email from a commuter that I had been in regular contact with. He was beside himself; I could clearly see that from his email, which was copied to the Minister for Public Transport as well. He indicated that he had been late to work every day and late home every day for that week. This was Friday night. He had left work in the city at 5.30 p.m. and at 10.15 p.m. he still was not in Ballarat. He had missed dinner with his family and friends, and this was not an isolated incident. This was something that had happened every day of that week. It is impacting on people’s lives. This gentleman is the father of a young baby, and he had barely seen his young child in that whole week as a result of the transport system failing him so badly.

Ballarat is a growing city. It ticked over to 100 000 people in 2014. It is a city where there is great opportunity. There are many people who are moving to

Ballarat because of the once-reliable public transport system to get them to and from Melbourne to work. I recall one particular young lady on one of my journeys to Melbourne. I was conversing with commuters about the issues that they faced as a result of Labor's failed timetable, and this young woman indicated to me that she was from Melbourne. She had moved to Ballarat I think about three years earlier. She had purchased a home and she had set up her life in Ballarat. I was on the train with her and had a conversation with her, and she told me that her house had just sold the day before. She had put her house on the market, and she was moving back to Melbourne as a result of the failed transport system.

People might see these numbers and say, 'Oh, it's not very good that the trains weren't running on time'. But these numbers are having real-world impacts on people who are choosing to move to regional areas, such as to Mr Ramsay's great city of Geelong as well as to my city of Ballarat, which I am very pleased to call my home. This is why it is important that we ensure that public transport does run on time, so that people can get to work, do a good day's work and get home and see their families at the end of the day.

One could understand if the trains were just running late, but the trains were not just running late. They were also overcrowded. If you were a young healthy person who gave up their seat to someone who was maybe not quite so young and had some mobility issues — not like you, Mr Ondarchie — then you found that you were having to stand all the way to work in the morning for an hour and a half or an hour and 45 minutes or a 2-hour trip from Ballarat to Melbourne and then again from Melbourne to Ballarat in the evening. In many cases it was 4 hours of standing to get to and from work, and it is utterly unacceptable that commuters in regional Victoria were having to suffer through such experiences.

What is the answer to all of this? We need a competent minister and we need a public transport system that can be relied on. I do recall that we saw the resignation of the CEO of V/Line. At that point the minister threw up her hands and said, 'Look, it's not me. I'm just the minister. It's the CEO's fault'. As far as I am concerned and from what I have learnt about government, the buck stops with the minister. When the minister is prepared to point to somebody else and say, 'It's not my issue; it is the CEO's issue', I think we have a significant problem with the way the state of Victoria is being governed. If our ministers will not take responsibility for the failings of their own departments, then we must wonder what exactly are ministers there

to do. What are they there to do if they are not there to — —

**Mr Finn** interjected.

**Mr MORRIS** — Yes, I should mention Tim Pallas. It is incredibly important that the economy and infrastructure committee does hear from Mr Pallas to ensure that we do find out about the costs to the state of Victoria of V/Line's shambolic one year of the regional rail link. At that point I thank you, Acting President, for the opportunity to make a contribution.

**Mr MULINO** (Eastern Victoria) — I must say that I quite enjoy this part of a Wednesday afternoon. We get to about 4.45 p.m. and we get a well-rehearsed and well-delivered rhetorical flourish from Mr Morris. It has been quite a regular feature of Wednesday afternoons recently. Usually it is a very well delivered and well-rehearsed speech that I suspect has been practised in his office many times during the course of the day. I do not mean any offence to Mr Morris, but it is usually delivered as we are fast approaching 5.00 p.m. and several previous elements on the agenda are hurried up so that we can get to the item at hand. It is really not fair on Mr Morris that he is given these kinds of stunt motions to propose.

I make the point that this is a very important issue — transport, infrastructure, regional transport infrastructure — and it does not do it justice to raise it in the way that Mr Morris has. I want to make a couple of points. The first is the process we are proposing to use to deal with this issue. The second is the substance of the issue itself. When it comes to the process — and I do not mean to use that word in an untoward way, but this is, frankly, a stunt approach — to suggest that we call a minister from the other house to front up to one of our committees is really an inappropriate way to deal with an issue when there are so many other mechanisms that would have been more appropriate for Mr Morris to use.

I want to touch on the fact that it is well understood that each house in a bicameral system is master of its own destiny. It is well understood that ministers in each house cannot be compelled to front up to committees of the other house — for example, a standing committee can compel ministers from its own house but not ministers from the other house. This point is well understood in Westminster systems all over the world. It is well understood in the federal Parliament, as stated in *Odgers' Australian Senate Practice*, that 'the Senate may not summon members of the House of Representatives'. For an MLA to appear, the standing committee must send a message to the Legislative

Assembly requesting that leave be given for the member to attend.

This motion, I agree, is framed in such a way that the standing committee is requesting leave for a minister in the other place to give evidence in front of the standing committee of the Legislative Council. The point that I am making is that clearly this is highly unusual practice. Clearly it is not meant to be standard practice for a minister in one place to give evidence to committees of the other place. Ministers in this Council do not give evidence to Assembly committees.

If we go back to the previous government, its ministers did not give evidence to committees in the other place, and for good reason. While it is something that can technically occur, with leave, it is not standard practice and only occurs very rarely. That is for good reason because the starting place has to be that the two houses are separate, that the two houses are master of the ministers in their own domain and that they have many avenues by which they can ask questions and many mechanisms by which they can hold ministers in their own domain to account.

This is yet another example of the rank hypocrisy of those opposite. No ministers of the previous government appeared in front of the other house at all in terms of its committees or any other mechanism. It is the rank hypocrisy of this current opposition to constantly throw convention out of the window. It is 'Do as I say, not as I just did in the previous Parliament'. That is what it is. It is an absolutely ridiculous stunt to suggest that the Treasurer should come and appear in front of a standing committee of this house on this issue when there are so many other mechanisms that members opposite could have used if they were genuinely interested in the substance of the issue. I want to reiterate that it is a long-held principle in the Westminster system not to have a member of one house appear in front of the other.

The last point I want to raise on this issue relates to a statement made by John Hatsell back in the 19th century.

The leading principle ... between the two houses of Parliament is that ... they shall be, in every respect, totally independent of the other. From hence it is, that neither house can claim, much less exercise, any authority over a member of the other.

This is a fundamental principle of the operation of a bicameral Westminster system.

That is the fundamental point. We will not as a matter of precedent or principle support a motion that calls upon a minister from the other place to come and give

evidence in front of a standing committee of the Council. There are other mechanisms that could be used, such as questions on notice, question without notice, through the Public Accounts and Estimates Committee or a number of other avenues.

As to the substance of the issue, it is utterly ironic and utterly ridiculous for those opposite to be putting forward the notion that somehow this government needs to be held to account over investment in regional transport when we have just had a budget with \$1.3 billion of investment in regional transport, including a Ballarat line upgrade of \$518 million and \$141 million in regional rail maintenance. Yes, there were some issues with V/Line timeliness, but I think the community well understood that that was attributable to failures in maintenance that traced back to the previous government and its underinvestment. So, yes, we are more than happy to debate that issue; we are more than happy to point to the hundreds of millions of dollars that is being invested in capital and also in upgrades and maintenance on different lines when it comes to V/Line, when it comes to increased investment in maintenance, when it comes to new carriages and so on and so forth. There are other places that we could debate that. If those opposite are genuinely interested in debating this issue rather than a stunt motion at 5 minutes to 5 on Wednesday, that is fine — we can go through the motions.

If those opposite are genuinely interested in debating these issues, then let us debate them through the proper mechanisms, not through calling the Treasurer to a standing committee of the Legislative Council when those opposite know full well that they never subjected themselves to those kinds of processes in the last Parliament, and for good reason. We will be opposing this motion. It is not a serious effort to try to deal with this issue. When it comes to the merits of the issue we are more than happy to put our efforts in the last two budgets up against what those opposite invested in regional transport any day of the week. If they want to seriously debate that in this place, let us do that.

**Ms HARTLAND** (Western Metropolitan) — I will make very brief comments. While the Greens do support the Treasurer appearing before the Standing Committee on Economy and Infrastructure, I have a few brief comments. I was not aware that this motion was coming on. The chair of the committee, Mr Morris, did not have the courtesy — —

**Ms Lovell** interjected.

**Ms HARTLAND** — Excuse me, I would like to speak. The chair of the committee did not bother to tell me — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Ms Hartland will address her remarks through the Chair. Ms Hartland, to continue without interruptions.

**Ms HARTLAND** — The chair of the committee did not have the courtesy to inform other members of the committee that this motion was coming on. I had to be informed by the whip, and I was listening upstairs. I think it was incredibly rude of him. This committee should be dealing with serious matters around infrastructure. We have had a number of projects come before us, such as — —

**An honourable member** interjected.

**Ms HARTLAND** — Would you like me to finish so that this can go to a vote, or would you like to interrupt? It is up to you.

We have had a number of major infrastructure projects coming before the committee, but one of the problems has been that rather than looking at the seriousness of some of the faults in those projects, this committee has been highly politicised, and the Chair has not assisted in addressing that in any way. We are happy to support the Treasurer coming before the committee, but I would like to think that if that does happen, committee members will actually ask serious questions about how these projects are to be managed rather than engaging in the kind of behaviour that has occurred this afternoon.

**Motion agreed to.**

## STATEMENTS ON REPORTS AND PAPERS

### Country Fire Authority: report 2014–15

**Ms LOVELL** (Northern Victoria) — I rise to speak on the Country Fire Authority (CFA) annual report of 2014–15. In the chair's foreword to the annual report she said:

Our work has continued unabated through a change of government in Victoria and the maintenance of a strong and productive working relationship with the Minister for Emergency Services in order to meet the complex demands of the sector.

That is what the board is supposed to do — work productively in relationship with the Minister for

Emergency Services — but that is not what this government has allowed the board to do. This chair was replaced by a new chair; that chair has since been sacked by the Premier. The chair finished by saying:

I would like to take this opportunity to express the thanks of the board to those who have supported us through the year: the Minister for Emergency Services, EMV —

Emergency Management Victoria —

our sector partners and, in particular, our volunteers and staff whose tireless efforts are greatly appreciated.

Those people were sacked; they are nearly all gone. The board has gone, the minister has gone and the volunteers have been done over by a Premier who is intent on repaying the United Firefighters Union (UFU) for the assistance it gave the Labor Party in winning the last election.

Acting President, there are photos being taken from the gallery.

**The ACTING PRESIDENT (Mr Finn)** — Order! Photos are not to be taken from the gallery.

**Ms LOVELL** — As I said, unfortunately everyone has been done over there — the board has been done over, the chair has been done over and the minister has been done over — all because this Premier has an ideological bent and a debt to repay to the UFU for the assistance it gave Labor at the last state election.

The CEO said in his foreword:

The contribution of our volunteers cannot be underestimated. In many communities, the CFA brigade is the only locally based emergency service ...

He went on to say:

Our volunteerism strategy, developed in collaboration with Volunteer Fire Brigades Victoria ... and CFA members, sets out how we will strengthen the future of volunteerism and better encourage and value the contribution of our volunteers.

But again that has all been thrown out the window because this government is intent on destroying the volunteer base of the CFA and moving to a unionised arrangement within the CFA.

I received a letter from the Shepparton Search and Rescue Squad, an independent search and rescue squad in Shepparton. It says:

We are very concerned with what is happening at the moment in relation to the current negotiations with the UFU as we believe strongly that some of the clauses being sought by the UFU will damage the way that volunteers interact and work in this field. As we are the current road crash rescue provider in the area, accredited by VicSES, we have serious concerns

in relation to the clause regarding heavy pumpers being equipped with RCR —

road crash rescue —

equipment and career staff being trained in its use. There are far more things that we believe that could be done in the RCR space before considering the use of career staff using hydraulic rescue equipment for extrication. In the main RCR is exceptionally well run and professional within high-traffic and high-population areas, this is not the major area of concern for us or our community.

The Shepparton Search and Rescue Squad goes on to say:

The clause included in the CFA/UFU EBA is a technical breach of the road crash rescue arrangements of Victoria.

This document, which the search and rescue squad is required to follow, states that:

... no agency will equip or train members or a unit for RCR where there is already an accredited unit. To sign the agreement and to commence implementation clearly breaches your own policy document.

So the Shepparton Search and Rescue Squad is saying that there is a policy document that accredits a search and rescue squad in Shepparton and signing the UFU EBA would be a contravention of the agreement that is in place. The squad goes on to say:

Further to this, we are also very concerned at the clause that indicates that a career staff member would not have to take direction from a volunteer. Does this mean that when I arrive on scene to carry out a road crash rescue, general rescue or take command of any other situation, that I would not be able to, simply because there may be one or more career staff members onsite? This is a disgraceful clause as it is disrespectful to the wealth of experience and expertise that volunteers bring to the emergency services in all fields.

This letter goes on to say — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Ms Lovell's time has expired.

**Auditor-General: *Follow up of Residential Care Services for Children***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak to the Auditor-General's report entitled *Follow up of Residential Care Services for Children*, which was tabled in Parliament in June 2016. When a Victorian law court makes an order for a child to be placed in the care of the state, it is usually because the child is at risk of suffering neglect or is in danger. There are presently 442 children in Victoria who are subject to court orders for out-of-home care. There are several options to house these children as outlined in the report, but mainly three types of child placement are utilised

by the Department of Human Services. They are home-based foster or kinship placements, residential care unit placements and placements with community service organisations.

The preferred option of the previous government was to place children in residential care facilities — that is, houses or units staffed by qualified childcare officers. I understand this is the Andrews Labor government's least preferred method for out-of-home care. The government's preferred option is to place children in a home-based situation that provides a foster parent-like structure. However, there are circumstances where a child will not or cannot adapt to a foster home environment. If a child has too many behavioural or learning difficulties and is considered too challenging to the other children in the foster home, it is sometimes kinder to place them in an environment that can be closely monitored by health professionals. Either way, this report shows an improvement since the last report, which was tabled in March 2014.

There is still a long way to go to reach Labor's goal of minimal institutionalisation of children placed in the state's care. I am sure the Minister for Families and Children is well aware of the challenges ahead and is doing all she can to maintain funding and resources for these children. I support the report's intention for the department to improve its performance and communications framework and to come up with sensible solutions, with a view to better management of this difficult problem.

I would like to see a day when all kids are given a fair go and come from loving and protective families in the first instance. But we do not live in utopia. We can only strive to provide the next best thing to a loving home — that is, a safe and protected place for these children to call home. We believe that is in a stable and loving fostering environment. I thank the Auditor-General's office for its report.

**Family and Community Development Committee: abuse in disability services**

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise tonight to speak on the Family and Community Development Committee's *Inquiry into Abuse in Disability Services — Final Report*, which was tabled in May this year. I want to thank the Family and Community Development Committee for the report it has prepared and the comprehensive work that went into this vital issue. I acknowledge that you, Acting President Finn, are a member of that committee.

People with disabilities can be among the most vulnerable members of our society. People with disabilities in Victoria have been and continue to often be positioned as different, deviant, even undesirable, and all too often are subsequently treated as inferior. In my writings as an academic I often referred to this situation as a positioning of ‘other’ — an illustration of the separation between people with and people without disability. This report addresses one significant consequence of this positioning, that of abuse within the very services set up to support people with disabilities. That is right — the very services that are set up to support our most vulnerable.

I commend the comment made by the chair of the committee, Ms Edwards from the Legislative Assembly, who in the foreword wrote:

A central barrier to reporting abuse is the systemic normalisation of abuse within disability services. This must be addressed through major cultural change ...

When I worked in best practice in disability services this is something I continually identified — that is, the need for a cultural shift in the way we provide services to and with people with disabilities.

This cultural shift has certainly been the intent behind the national disability insurance scheme (NDIS). While we can criticise the initial rushed approach and the continued lack of economic commitment to fully fund the NDIS, we cannot criticise its intent. The NDIS is a complete change in philosophy for the disability sector. It has introduced disability in terms of lifestyle and lifestyle assessment and enhancement rather than as a support or care model. The NDIS came about to provide people with disabilities with more choice, greater control and a lifetime approach to their needs. While this is an exciting approach, we need to remember that it emerged out of necessity because our current system is broken, and this broken system is highlighted in the starkest and most confronting terms in this report. I empathise with committee members, who would have spent countless hours listening to and reading harrowing reports of the reality many people with disabilities here in Victoria face within our broken system.

There are a number of very positive recommendations that have come from this report, which I urge the government to act on and not just consider. There are of course many recommendations, and I certainly cannot cover them all in the time I have remaining. I will make this comment, though: with the rollout of the NDIS, I commend this timely report and I commend the members of the committee for their perseverance in doing such a thorough job. Hopefully this report will

signify a turning point for people with disabilities and a turning point in the lives of those people who are vulnerable and who too often find themselves in preventable vulnerable situations in disability services here in Victoria.

I would particularly like to draw members’ attention to the recommendations around calling for reliable data; the use of specific language to transition from using the term ‘incident’ to specific terms around sexual assault, violence and neglect; the expansion of the independent third-person program; the establishment of a mandatory reporting scheme for suspected abuse; and the development of a statewide prevention and risk management workforce strategy for disability services. This is really important in preventing these incidents from continuing to occur.

With our disability workforce poised to expand rapidly under the NDIS, I would encourage the government to expedite the process towards development of this strategy and to incorporate this in the very training of disability support workers through the certificate IV in disability, which is the basic level of training that was identified in this report.

Again I commend this report, and I hope and indeed pray that this report will make a real difference in the lives of people with disabilities here in Victoria.

### **Ombudsman: rehabilitation and reintegration of prisoners in Victoria**

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Ombudsman’s report on the investigation into the rehabilitation and reintegration of prisoners in Victoria. This report highlights the embedded and growing problem in our corrections system in terms of the state’s ability to adequately rehabilitate prisoners. This year, for the first time, the cost of Victoria’s prison system will exceed \$1 billion. This is a reflection of the unprecedented growth of the prison population over the past five years. It is also a reflection of the current recidivism rates, which are at 44.1 per cent, and the rates are the highest for offenders aged between 18 and 24, with over half returning to prison within two years.

Imprisonment is the most expensive response to criminal behaviour, with the average prison now costing an average of \$270 per day — or \$295 168 over the average sentence of three years. But cost should not be the only concern. The report highlights many other endemic problems facing offenders, some of which I will outline.

There is a clear link between disadvantage and imprisonment, with a quarter of Victoria's prisoners coming from just 2 per cent of Victoria's postcodes and half from 6 per cent of them. There is a percentage not completing high school, and the average prisoner was unemployed at the time of committing their first offence. Frequently they also have a history of substance abuse, with over 75 per cent of men and at least 83 per cent of women in prison reporting previous illicit drug use. Mental health is an ongoing problem for prisoners, with 40 per cent of the state's prison population being assessed as having a mental health condition, including suffering from psychotic disorders, depression and anxiety.

There is a growing over-representation of prisoner groups with particular needs, including Aboriginal and Torres Strait Islander people, who in Victoria represent the fastest rate of increased imprisonment in Australia. Aboriginal and Torres Strait Islander people make up 0.7 per cent of the state's population, yet they represent 8 per cent of prisoners.

A study has indicated that up to 42 per cent of male prisoners and 33 per cent of female prisoners show evidence of an acquired brain injury; however, Corrections Victoria does not systematically record the acquired brain injury status of prisoners.

Between 2008 and 2013 the total number of incarcerated women in our state increased by more than double that of the rise in the male prison population. Many women are serving shorter prison sentences than males, many are victims of sexual, physical and/or emotional abuse and many have caring responsibilities.

This report indicates that a staggering 40 per cent of prisoners are homeless upon release. Those that are not, in particular women, face the risk of returning to domestically abusive homes. Only 1.7 per cent of prisoners have access to housing through the two state government programs specifically for former prisoners. In terms of prison services and support programs, there are long waiting lists for prisoners to get access to the support they need. Completion of the alcohol and other drugs program is often a requirement for prisoners before they become eligible for parole, and this program has long waiting lists.

The Ombudsman has indicated that the current system, with the increasing number of prisoners, is not sustainable. With 99 per cent of prisoners being released back into Victorian communities, it is important that services and programs continue to be funded, for public safety. I quote from the report:

While there are many reasons people reoffend and return to prison, it is evident that insufficient access to rehabilitation and reintegration programs has a significant bearing on the likelihood of returning.

The government has increased funding to our corrections system and its mechanisms to support prisoners. I thank the Ombudsman and her team for providing this important report. I commend this report to the house.

### **Standing Committee on the Environment and Planning: rate capping policy**

**Mr RAMSAY** (Western Victoria) — My statement on reports this afternoon is in relation to the second report into rate capping, which was presented by the Legislative Council Standing Committee on the Environment and Planning, chaired by David Davis. This is a particularly important committee, doing important work in looking every six months at the impact of the government's election commitment to impose a rate cap on local government. We have seen during the course of the committee's work towards both the first report and now the second report that the impacts of the imposed rate cap, currently at 2.5 per cent, are significant on local councils, particularly those in regional and rural areas.

I note from the start there has been concern around the calculation of the CPI cap of 2.5 per cent, because in the first report the government announced the rate cap for 2016–17 of 2.5 per cent. However, rather than using the historical CPI figure calculated by the Australian Bureau of Statistics (ABS), the minister has used the forward estimate calculated by the Victorian Department of Treasury and Finance, which was the 2.5 per cent released in its December financial statement. We see this figure has since been revised to 2.2 per cent in the May state budget. Also the 2014–15 actual CPI was 1.4 per cent, and the 2015–16 Treasury forecast is 2 per cent. So currently the figure of 2.5 per cent is well above the actual CPI as recognised by the ABS.

Interestingly enough, while the government has committed local councils to that cap, we note the increase in state taxes. We have seen the fire services levy increase by 7.2 per cent, land tax increase by 28 per cent and state taxes overall increase by 20.7 per cent over the last two budgets. While the government is more than happy to cap local government increases in tax, it has gone along its merry way and increased taxes over other revenue bases by up to 20 and 30 per cent. So it is certainly seen that the government is hypocritical in the way that it approaches rate capping for local government.

Some of the issues that have come out and been identified in this second report are that local governments have in evidence at the hearings all indicated that they are going to have to look at either reducing some services that they have been providing in the past or taking up a lot of the cost-shifting services that the state government has put onto local governments. They are looking at either increasing debt or a user-pays model for some services that have normally been provided through council's rate revenue and grants system. So councils are indicating that they are able to meet in most cases the 2.5 per cent cap imposed on them over this year, but the run-down of reserves, superannuation liabilities that many councils have to cover on an annual basis and the increase in planning costs associated with their planning services they provide will have a significant impact on their bottom line in future years. The councils, many of which are rural unfortunately, have had to provide for variations where they cannot possibly provide the infrastructure required within their localities under the cap and also for the ongoing service costs where they do not have capacity to raise revenue through either parking fees or other options that metropolitan councils have to displace revenue loss through increasing charges.

A concern that has been raised through this report and in the hearings leading up to the report was that applications for variations to the Essential Services Commission have been particularly complex and particularly expensive, which has actually deterred many councils from applying. We have also seen with local government elections being carried out this year that in fact some councils are looking at increased costs of 30 to 40 per cent. So due to state requirements and conditions we are now seeing that councils are going to have difficulty working under the cap. I look forward to seeing over the next six-month period how councils are going to provide longer term strategies in relation to meeting the caps that have been imposed on them by this populist government policy.

### **Electoral Matters Committee: conduct of 2014 Victorian state election**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to make a few remarks on the *Inquiry into the conduct of the 2014 Victorian state election*, a report produced by the Electoral Matters Committee that I had the pleasure of serving on for some time. Many of these issues were under discussion even when I was on that committee. In particular I can see that some of the problems that were experienced and reported on in 2014 continue to occur now without any substantial efforts being made to indeed clean them up. That refers

to the role of third parties in campaigning for a particular party or candidate. There are a number of issues. No. 1 of course is the wearing of uniforms, which creates an impression or perception of authority. In the report, in the United Firefighters Union's (UFU) submission, it admits that:

The UFU has its own firefighter uniforms that are not, and have never been, CFA or MFB uniforms. The UFU distributed the UFU's public-political awareness campaign uniforms of yellow pants, red braces and a campaign T-shirt to all those participating in the campaign.

In casual conversation with the secretary of Trades Hall, he was very pleased to inform me that indeed he had played a part in commissioning those uniforms through Trades Hall for the use of the UFU, which is obviously a strong supporter of this government. We can see the relationship becoming more and more troublesome and raising more and more concerns about probity and propriety. In addition to that the report makes criticisms of material being handed out, especially at early voting centres, that does not require authorisation. Of course there are very few rules that govern the distribution of deceptive material pertaining to election material, so they can pretty well say anything, and we are seeing this played out yet again. We are seeing the UFU, with supporters, family and friends, being very active in campaigning for Labor federal candidates. We see material being handed out which says that the Liberal Party is the one that is attempting to destroy the Country Fire Authority (CFA), which is clearly a perversion of the truth. Indeed we see other troublesome facts emerging, such as, for example, the fact that the Daniel Andrews government has granted \$10 million to Trades Hall for the upkeep of its premises, despite the fact that Trades Hall gets a concession to factor in its needs to upgrade the building up until 2023.

We also see what one assumes to be the favours earned for 2014 being played out in the Premier's bloody-minded support of the campaign to basically stage a takeover of the CFA, in the sacking of the board and in the pushing out of a very capable woman — the executive officer — and in her replacement within hours, 4 hours, I believe, which is certainly not consistent with the length of time that is taken to appoint other chief executive officers. It is also seen in the preparedness of the Premier to support the CFA's enterprise bargaining agreement, which we saw published in the *Herald Sun* line by line, demonstrating quite clearly that this is a growth strategy for the UFU and union numbers generally because they have been placed under threat as a result of a globalised economy, greater competition, contracting out and declining union membership. They need numbers, and I

understand that the UFU, which is affiliated with the Socialist Left, does wish to wield greater power, greater influence on the Labor Party, and that is rewarded by preselecting candidates who are subservient to the union. We see that played out when Labor is in government by its making sure that public resources are marshalled to the benefit of the union and its members. I believe it is high time that the anti-corruption commission — —

**Mr Davis** — The union officials mainly.

**Mrs PEULICH** — Indeed — took some keen interest in these matters to investigate all of them. I believe these coincidences are far too great to be just that — they are a coordinated strategy and deserve prompt investigation in the public interest.

### **Department of Treasury and Finance: budget papers 2016–17**

**Mr DAVIS** (Southern Metropolitan) — I want today to talk about the state budget and in particular the police budget and the focus on a safer community. It is very clear that across the state our safety is deteriorating and that there is a genuine risk to the community. Crime is increasing in my area. I know that in the 12 months from December 2014 to December 2015 in Glen Eira there was a 21.32 per cent increase in crime reported, in Kingston a 16.76 per cent increase, in Boroondara a 10.95 per cent increase, in Bayside a 5.19 per cent increase, in Stonnington a 9.49 per cent increase, in Monash a 4.69 per cent increase, in Port Phillip a 3.89 per cent increase and in Whitehorse a 2.33 per cent increase. Across Southern Metropolitan Region there was a 9 per cent increase overall, which is a very significant risk to the community.

Today we have seen information come out about a Malvern carjacking and the youth gang that is suspected of it. This is something that is frightening. I recently visited a crime scene with the police and others — this was in Ormond — where the Apex gang had broken into a home which housed six Chinese students, who were young boys aged between 16 and 19. These were good kids who were doing their study and living there. The Apex gang broke in at 6 o'clock on a Saturday morning, held them hostage in the house and, in an extraordinary move, hit one of them with a hammer. They stole cars and electrical goods. This is the sort of fearsome activity that is occurring in our suburbs.

A 16-year-old who was allegedly involved in Tuesday's carjacking in Malvern is apparently a member of the Apex crime gang and apparently was

present at the Moomba riot. This is a very serious matter. It does appear that gangs like the Apex group are literally running riot in Melbourne, and it is very much a matter where Daniel Andrews is too weak to stand up and lay down the law. Daniel Andrews has cut police resources. He has overseen the closure of police stations around Victoria as well as a watering down of our bail system. It is genuinely scandalous. The community is furious about this, I have got to say, everywhere I go.

I fought ahead of the 2010 election to get police restored to the Ashburton police station. John Brumby and his government cut the police at Ashburton from 11 to 1. We put them back. Now the government has taken them out again, and Malvern is also under threat. Burwood is also under threat. A series of police stations around my area are under threat, and the community is absolutely ballistically furious about this. Ron Iddles has said that police have been forced to close the counter at Malvern's 24-hour police station at night-time because the resources are not available. The resources are not there.

Daniel Andrews said that he was coming after the Apex gang, but he took a long time to make that statement. He went into hiding for about a day and a half. He could not be found anywhere. He is weak, weak, weak. He is hopeless. Victorians are right to be asking questions about this — about why alleged criminal gang members are out on the street. They are right to be asking questions about this rise of the Apex gang that thinks it can thumb its nose at the police. They are right to be asking about cuts to police services, including police stations in my electorate and indeed the minister's electorate. The community are very worried about this.

**An honourable member** — Rightly so.

**Mr DAVIS** — And rightly so. It is time that Daniel Andrews actually stood up. It is time that his government got serious. It is time that the Minister for Police did what is required. This is not the right way to go, and it is getting very serious indeed. I have got to say I was personally shocked when I went to this house in Ormond. The fear and the concern of those young boys was very significant, and I think the community feels that more generally.

### **Electoral Matters Committee: conduct of 2014 Victorian state election**

**Ms CROZIER** (Southern Metropolitan) — I am again going to speak on the Electoral Matters Committee's *Report into the conduct of the 2014*

*Victorian state election*, which I have made a number of contributions on previously regarding some situations that occurred during the 2014 election. What I want to do in my contribution today is back up the comments that I have previously made with comments by a United Firefighters Union (UFU) member that are in the public domain. This is one of the UFU members who was on site at the Bentleigh pre-poll for the majority of the time that I was there. As opposed to other UFU members, he was certainly one of the UFU members who spent a significant amount of time at the pre-poll. In this article dated October 2014 the UFU member talks about union involvement, and I quote:

When I became a firefighter, it was compulsory to join the union. It was a closed shop.

He lived in Bentleigh, and he was a great supporter of the then local member. I am going to quote some large pieces from this news article for the purposes of *Hansard*, and I quote:

Around about two years ago, in conversation with [United Firefighters Union secretary] Peter Marshall, we decided that with the advent of the new enterprise bargaining agreement we knew that we were going to have a fight on our hands with the government so we started to develop a strategy for how we would go about our new EBA and pressurise the government and we decided our best course of action would probably be a political campaign.

...

I made a lot of phone calls to the troops in the field, the firefighters. And I started to get this strong feeling that the troops in the field were in for a fight ...

This article goes on and on, but I think it is very telling.

**An honourable member** interjected.

**Ms CROZIER** — This is what the UFU is saying, and I think it is important that we understand exactly what is going on here. This particular piece goes on to say, and I quote again:

And to be honest the employers and government have played their part beautifully because they have antagonised the firefighters, they have been the sole creators of a lot of activists ...

I think there was always that intention of Trades Hall to get on board with it. We could see what was happening with the nurses dispute, the teachers as well, and the paramedics were in the thick of it at the time.

We started to develop a plan and then I got exposed to [Victorian Trades Hall secretary] Luke Hilakari.

This was the next part of their campaign. They said people started to trust them and they started to do their doorknocking. I believe there were something like 43 000 houses that the UFU doorknocked. There were

723 UFU members that manned booths in that 2014 election. The article goes on, and I quote again:

... we did our first doorknocking in February, so this campaign has been a long egg hatching.

When we go doorknocking, we have nurses, teachers, paramedics and firefighters and we try to pair up a firefighter or other public sector worker with an orange person — we call them that because they wear an orange T-shirt.

When a firefighter or a nurse or an ambo turns up on a doorstep, it's been invaluable to our campaign. They're all such trusted professions ...

And can I say, as a former nurse, how disappointed I am to see these words in print. I cannot believe that the domination of the unions would be used to manipulate people, and we are seeing that again in this federal election campaign.

To go back to this particular 2014 election, I quote from this particular article a final time:

We're in the last few weeks now and I feel we're making inroads, but as I caution others, this is not a time to relax, we've got to push all the way to the line and hopefully on election night we will get a good outcome.

I'm hoping we can roll out a similar campaign in the future. Like the old Leonard Cohen song says, 'First we take Manhattan, then we take Berlin'.

I would say this is exactly the intention of the UFU. This was its whole intent: to start this campaign in 2014 at the state election and to run a similar campaign in time, and we have seen the paybacks with Daniel Andrews and his extraordinary support for this highly militant union. To defy the tens of thousands of volunteers in our community is extraordinary. The spin that is coming out of the government to say that we are the liars is extraordinary.

This article from the union member absolutely demonstrates what happened in 2014 and what will happen and is happening across the country. I think everybody should be very concerned.

But I will say again that this was one of those unionists that I worked with very closely on the pre-poll at Bentleigh, and I think it goes to why this inquiry made the recommendations it did and formed the views that it did.

### **Country Fire Authority: report 2014–15**

**Mr MORRIS** (Western Victoria) — I rise to make some comment on the Country Fire Authority (CFA) annual report 2014–15. At the outset I just want to acknowledge the important work that all of our CFA volunteers do to ensure that our community is kept safe,

not only in times of high bushfire risk but also through other times. When there is a car accident that needs to be attended to, particularly throughout the more rural parts of regional Victoria, it is often the CFA volunteers who go out there and ensure that members of our community are kept safe in such situations. That is why it is so incredibly important to understand and so incredibly disappointing that this government has seen fit to sell out the 60 000 CFA volunteers who keep our community safe all throughout the year — all the year round.

What have we seen from this government? We have seen this government and this Premier bullying the emergency services minister out of her portfolio, forcing her to resign due to their bullying tactics. From there we have seen the new minister come in and unilaterally sack the board just because it did not agree with the outrageous enterprise bargaining agreement that the government was trying to impress upon the CFA.

What else have we seen from there? We have seen that the very capable CEO of the CFA has also been forced to resign — a very capable woman who was hand-picked by this government but then discarded once she refused to sell her souls as this Premier and new minister have.

What did we see after that? Mrs Peulich made comment on this. I believe it was 4 hours and 12 minutes after the resignation of Lucinda Nolan as the CEO of the CFA that we saw the new board apparently appoint Frances Diver as the new CEO of the CFA. This is where it gets exceptionally confusing. The CFA announced that Ms Diver was going to be the CEO of the CFA, and it was yesterday that we learnt that the Premier had decided that, no, she was not actually the CEO of the CFA.

**Ms Lovell** interjected.

**Mr MORRIS** — He tried to overrule the board. So who is it that is running the CFA? We heard from the new Minister for Emergency Services that it was going to be up to the board to appoint the new CEO, and then we had what the Premier himself did. He managed to downgrade the new CEO of the CFA from being the substantive CEO to being an interim CEO just by a whim.

I think what we have seen here is the tail wagging the dog. We have got this Premier who is dictating to this board about who it is that is going to be leading the CFA.

**Ms Lovell** interjected.

**Mr MORRIS** — That is an exceptionally good question, Ms Lovell: who is it that is running the Premier? I think we all know. We all know it is the secretary of the UFU, Peter Marshall — who has been trying for decades to take control of the CFA — who is running this Premier. It has been asked by many: what is it that Peter Marshall has over this Premier? Why is it that all of a sudden Peter Marshall is the most powerful man in this state? Why is it that Daniel Andrews is taking his orders from the leader of a union of only a few hundred members? Why is it that he is such a powerful man? Why is it? We know what happened in 2014. We know of the intimidation. We know of the work of the UFU at the polling booths, where they were threatening and intimidating towards many of the female members and candidates across particularly the sandbelt seats of Melbourne. We know about that disgraceful behaviour. Indeed it is there in print about the behaviour of the UFU members, who did ensure that Daniel Andrews was elected as the Premier of Victoria. And now we are seeing payback.

I did want to put on the record, though, my thanks to just a few of the CFA volunteers from western Victoria who have been leading the charge against Daniel Andrews and Peter Marshall and their takeover of the CFA: Paul Jenkins, who is a former board member and life member of the CFA, a very good man, a gentleman who also served in the other house as the member for Ballarat West; Hans van Hamond, who is a Volunteer Fire Brigades Victoria board member, someone who is standing up to support CFA volunteerism; Robert Cook, who is from the Meredith brigade, someone who has given decades of service; and Graeme Finlay, from the Learmonth brigade as well. All these gentlemen work exceptionally hard to ensure our state is kept safe.

## STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016

### *Assembly's amendments*

#### **Returned from Assembly with message agreeing to following Council's suggested amendments:**

1. **Suggested amendment to the Legislative Assembly** —

Clause 4, lines 10 and 11, omit "or short-term accommodation".

2. **Suggested amendment to the Legislative Assembly** —

Clause 4, lines 17 and 18, omit "or short-term accommodation".

3. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, line 25, omit “or short-term accommodation”.
4. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 6, lines 4 and 5, omit “or short-term accommodation”.
5. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 6, lines 12 and 13, omit “or short-term accommodation”.
6. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 6, after line 15 insert—  
 “(2) Despite subsection (1), residential property does not include any of the following—  
 (a) land—  
 (i) capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way; and  
 (ii) that a person intends to use solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village;  
 (b) land which includes a building, or part of a building, that a person intends to refurbish or extend so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way;  
 (c) land—  
 (i) on which a person intends to construct a building so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way; or  
 (ii) in respect of which a person has undertaken or intends to undertake land development for the purposes of—  
 (A) constructing a building so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility,
- a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way; or
- (B) enabling another person to construct a building so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way.”.
7. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 6, line 16, omit “(2)” and insert “(3)”.
8. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 6, after line 16 insert—  
 “*commercial residential premises* has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth;”.
9. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 6, lines 21 to 23, omit all words and expressions on these lines and insert—  
 “*residential care facility* has the same meaning as in section 76 of the **Land Tax Act 2005**;  
*retirement village* has the same meaning as in the **Retirement Villages Act 1986**;  
*supported residential service* has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**.”.
10. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 7, lines 1 and 2, omit “a serviced” and insert “an”.
11. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 7, line 8, omit “or as short-term accommodation”.
12. **Suggested amendment to the Legislative Assembly** —  
 Clause 4, page 7, line 9, omit “those ways” and insert “that way”.

**Committed.**

*Committee*

**Resumed from 21 June; further consideration of postponed clause 4.**

**The DEPUTY PRESIDENT** — Order! In accordance with standing order 14.15(2), as there are no further amendments or proposals to omit the clause, no question will be put.

**Reported to house without further amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**APPROPRIATION (PARLIAMENT  
2016–2017) BILL 2016**

*Council’s suggested amendments*

**Returned from Assembly with message relating to Council’s suggested amendments.**

**Ordered to be referred to committee on next day of meeting.**

**ADJOURNMENT**

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

That the house do now adjourn.

**Red Cross patient transport service**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Health, and the action that I am seeking is that she provide additional funding to ensure the maintenance of patient transport services in Mornington, Ringwood East and Geelong. The context for this is that the Red Cross has been delivering patient transport services throughout Victoria for many decades. It is often a service of last resort when there are no other transport services, such as community, hospital or agency-related transport, available. Unfortunately, due to an increase in vehicle-related costs, the Red Cross has had to make some decisions about reductions in its fleet. It has announced that its statewide fleet of 39 cars will be reduced to only 30 cars. It is through no fault of the Red Cross that these reductions have had to take place, and it has been working very hard to see that its patients are covered by other mechanisms.

The fact is, however, that these cars are being withdrawn. It is happening now, and from 1 July these services will no longer be available. The nine cars are essentially coming from Mornington, Ringwood East, Geelong and Castlemaine, and five are coming from metropolitan Melbourne.

The concern held by the Red Cross is that it has raised this issue a number of times with the Department of Health and Human Services and also with the minister seeking additional funding so that it can secure its full fleet of 39 cars. Unfortunately that has not been the case. For patient transport the Red Cross receives some secure year-to-year funding. It has to negotiate the rest on a year-on-year basis, and there is still another gap between being able to operate the full fleet as it needs to in the future.

The Castlemaine community and the volunteers particularly have organised a fabulous campaign, and that strong campaign has resulted in a commitment from the Minister for Health. I quote from an article from the *Midland Express* headed ‘Huge sigh of relief’:

... the health department would provide a car and funding for a paid coordinator to Castlemaine Health to run the service.

So the Minister for Health has made a decision to fill the gap in Castlemaine that has been left by the removal of a car, but cars have also been removed from Mornington, Ringwood East and Geelong, where that same commitment has not been made. The five cars in metropolitan Melbourne act as feeders and pick-ups. Obviously that is a concern. It would be good to have the whole fleet funded, but particularly those in the regional areas and the outer suburbs where that coverage is needed. That is why I am calling on the minister to make sure that the funding to Red Cross either continues and increases to enable it to maintain its fleet or that the local health services get the funding so that patient transport can continue.

**Self-defence laws**

**Mr BOURMAN** (Eastern Victoria) — My adjournment matter today is for the Minister for Police. As we have seen recently in the media, there has been a spate of fatal stabbings; in fact we recently had three in three days. Apparently one of the victims was just one guy taking his dog for a walk. Much is made of firearms in our community, but the fact is that stabbings and other forms of homicide are far more prevalent. It is time that we as a society looked at non-lethal forms of self-defence. It is time that we gave people the ability to defend themselves rather than just submitting. As such I call on the police minister and the government as a whole to actually take this seriously and initiate an

inquiry to see what we can do to stop this increase in crime.

### **Retail tenancy regulation**

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the new Minister for Consumer Affairs, Gaming and Liquor Regulation, Marlene Kairouz. I am sure she will do a fantastic job. The matter is around consumer affairs covering real estate agents. I have got a concern. I met some constituents who have taken out two separate leases of a double-storey shop. At the time they took out their leases they had a concern about a nearby level crossing, but they were advised by their real estate agent that the removal of the level crossing would not go ahead.

One of them told me that they did their homework. They or the real estate agent — I am pretty sure it was the real estate agent — obtained a letter from the local state MP that this particular project would not go ahead. It is my concern that that same local MP has received some campaign donations from that particular real estate agent. This is a level crossing removal that was committed to by both parties at the time of the election. It was actually one of the level crossing removals that was going ahead under the previous government, which put out a contract before the election, so I find it absolutely amazing that this would happen.

The action I seek from the Minister for Consumer Affairs, Gaming and Liquor Regulation is that she ask her department to look at any regulation or any law that would tighten this up and stop it being okay for local MPs to give false letters to potential lessees about projects in areas that may affect those particular tenants.

### **V/Line ticketing system**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Public Transport, and it is regarding the lack of V/Line online ticket printing capacity. My request of the minister is that as a matter of priority she make it possible for the entire V/Line ticket purchase process, including the printing of tickets, to be completed online for the convenience of passengers, particularly those in small rural townships.

I recently raised an issue with the minister regarding ticket purchasing options at small regional stations like Murchison. The minister was dismissive in her response to these concerns, brushing them off with the comment that 'Passengers are able to purchase tickets from the Murchison post office, which acts as a ticketing agent'. Unfortunately this purchase process is

not a simple one — not only is the post office more than 2 kilometres from the station but the purchasing procedure is outdated and cumbersome. I imagine this process also causes grief for constituents in other small regional towns with small stations in many other areas of the state.

V/Line's ticketing system at these small retail outlets is not automated. To get an actual ticket for a trip originating in a small regional township such as Murchison passengers currently have two options. The first is to book and pay online, but then the passenger either needs to go in to the ticketing agent to collect their ticket or book more than seven days in advance so that the tickets can be posted out. This option is not available for last-minute travellers. It also relies on Australia Post deliveries being on time, and with the new Australia Post delivery times tickets may take several days to be delivered.

The second option is to purchase a ticket at a ticketing agent like the Murchison post office, which involves a staff member having to make a telephone call to V/Line and sit on the telephone line and wait for the details to be provided so that they can then handwrite a ticket. I am advised that this process can take up to 20 minutes. The ticket outlet in Murchison, for example, is a one-person-operated post office, so the process occupies the only staff member for the entire 20 minutes. Plus in Murchison the ticket agent is more than 2 kilometres away from the actual station. It makes the entire process of buying and collecting a ticket a time-consuming and arduous process for the residents of small regional towns like Murchison.

In this day and age surely the sensible process would be that people could book and pay for a ticket online and then print the ticket out on their home computer. This is a process available for airline tickets, concert tickets, cinema tickets — almost any ticket you buy, particularly from a major agency — but it is not available for V/Line. My request of the minister is that as a matter of priority she makes it possible for the entire V/Line ticket purchase process, including the printing of tickets, to be completed online for the convenience of passengers, particularly those in small regional townships.

### **Goods and services tax**

**Ms PATTEN** (Northern Metropolitan) — My adjournment matter is for the Treasurer. Last Saturday I attended the birthday celebration of the Melbourne Period Project. This is a wonderful organisation that grew in Northern Metropolitan Region, my electorate, and it now exists the whole way along the east coast of

Australia. It supports women experiencing homelessness by providing sanitary products, help and advice. It has moved out to Geelong and a few regional areas in Victoria also.

In 2011 the census found that almost 23 000 Victorians were homeless. That number is constantly increasing and is even higher today. I know that we have all seen it around Parliament, and I know we all share those concerns around homelessness in Victoria and in Melbourne in particular. Forty-four per cent of those people are women and trans men, so the biological reality is that they are going to get their period each month. For people who are already facing stigma and discrimination, just maintaining your hygiene out on the street is actually really difficult but it is really important for a person's self-worth. The period project really helps with this. It has volunteers out there handing out products. It collects products, and the products are all donated. Hundreds of people around Victoria donate these products, and hundreds of people donate money to this organisation. It is managed by volunteers.

One of the things is that tampons and sanitary products still attract GST. They are still considered luxury items. There would not be a person in this chamber, I am sure, who would think that sanitary products are luxury products. While I understand that this is a federal matter, I would just like to ask the Treasurer to put forward a case — I would be happy to assist with that — to the federal government to support the removal of the GST on tampons.

**The PRESIDENT** — Order! This is a difficult one because it is not really the jurisdiction of the minister. I always have difficulty with this sort of advocacy of a minister talking to a federal counterpart, but the issue is one that I am aware of and have sympathy with. I will let the matter stand and let the Treasurer determine whether or not he is able to convey that message to his federal counterpart, but it is not normally one that I would be looking at in respect of a minister's actual jurisdiction.

### **Solar energy**

**Mr MELHEM** (Western Metropolitan) — My adjournment matter is for the Minister for Energy, Environment and Climate Change, Lily D'Ambrosio. The Victorian government previously announced an inquiry into the true value of distributed generation to Victorian consumers. The findings of this inquiry were then used to inform how feed-in tariffs should be structured in Victoria, particularly for solar power. For 2016 the Essential Services Commission (ESC)

adopted a minimum feed-in tariff rate of 5 cents per kilowatt hour for excess electricity fed back into the grid. However, this change did not affect the existing pre-2013 customers on the premium transitional extended feed-in tariff scheme. In other words, the closed feed-in tariff schemes continue to be available to existing customers who maintain their eligibility until the relevant scheme closure date.

Despite this, as of next year all current transitional feed-in tariff schemes and standard feed-in tariff schemes will have their tariffs streamlined to just the ESC rate. Considering that my electorate makes up one of the highest percentages of solar panel owners in Victoria, the action I seek is for the minister to outline to me the impact the new feed-in tariff will have on existing customers as of January next year.

### **Major event bicycle parking**

**Ms DUNN** (Eastern Metropolitan) — My adjournment matter is for the Minister for Tourism and Major Events, John Eren. The action I seek is that the minister ensure that there are enough temporary secure bike parking areas implemented at major events such as White Night Melbourne and the AFL Grand Final in order to accommodate Melbourne's large cycling demographic. The popularity of cycling in Melbourne is ever increasing. With this comes higher demand for cycling facilities and security, especially at large organised events.

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

### **Melbourne Regional Landfill**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Energy, Environment and Climate Change. I am sure the minister is aware of Cleanaway's proposal to build what will be one of the biggest tips in Australia, one that I am sure will be able to be seen from the moon. This is a proposal that has generated enormous opposition throughout the western suburbs in places like Deer Park, Caroline Springs — as I am sure

Mr Melhem over there is only too aware — and surrounding areas.

I can understand why, because the current tip, which is only a fraction of the size of what is proposed, is a stinking hole in the ground which is causing enormous grief for residents of nearby suburbs. Many will say that tip should never have been built there, and I have to agree, but the fact is that it has been built there within dry-retching distance of residential housing. It is something that people should not be subject to in their own homes.

The campaign continues against the current tip. The campaign against the extension of the tip is very strong. Many, many thousands of people are supportive of that campaign, but some local residents have come to me and have a more far-reaching approach to this. They are wondering what will happen if indeed the planned extension goes ahead and the landfill is used. Will Cleanaway just get up and walk away, or will it attempt in some way to rehabilitate this extensive piece of land? So they have asked me to ask the minister to investigate and report on how much Cleanaway has put aside for the rehabilitation of this particular land.

I think it is bad enough that people face the appalling stench from this stinking hole in the ground for many years to come, so I think it is only a reasonable and fair thing that they be given some assurances that when Cleanaway is finished with the hole in the ground it will not just walk away but that it has put away substantial sums of money to rehabilitate the land. So I ask the minister to investigate and report back on exactly how much Cleanaway has put aside for this purpose.

### **Gender equality**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is for the Minister for Women in the other place, who is also the Minister for the Prevention of Family Violence, and it is in relation to empowering women across Victoria. Gender inequality affects women in all areas of their lives. In terms of the Victorian workforce, the participation rate for women is 58.8 percent, compared to 71.4 percent for men, with women in full-time work earning around \$15 000 less than men each year. The national gender pay gap is 18.2 per cent, and it has remained stuck between 15 per cent and 18 per cent for the past two decades. This leads to women retiring with just over half the superannuation savings of men. This fact stands even though more women than men graduate from higher education, yet women get a lower average graduate salary.

Further, one in two women report experiencing discrimination as a result of pregnancy, parental leave or return to work. In terms of leadership positions in the workplace women hold just 21 per cent of directorships on ASX 200 boards and 19.4 per cent on ASX 300 boards. This is the case even though an analysis of ASX 500 companies found that those with female representation on their boards outperformed others by 8.7 percent over five years.

Fifty of Victoria's 128 parliamentarians are women, and although women represent 67 percent of the Victorian public sector workforce, only 37 percent are in executive roles. This government is doing a significant amount of work on these issues. We have a policy of no less than 50 percent of all future appointments to paid government boards and Victorian courts being women. We established Australia's first Royal Commission into Family Violence. We have allocated \$572 million statewide to look at housing and crisis refuges, more counselling and prevention programs and more support for children who are victims of family violence.

I look forward to the minister visiting my electorate in August, when further discussions on improving outcomes for women in western Victoria will take place. However, the action I seek from the minister today is for her to meet with representatives of important groups such as the Women in Community Life Advisory Committee and the Women in Local Democracy group in the Geelong region to discuss increasing opportunities for women in leadership positions and leadership generally in western Victoria.

### **Level crossings**

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is for the minister responsible for the removal of level crossings. It again relates to the issues surrounding the level crossing removals in Centre Road, Bentleigh; McKinnon Road, McKinnon; and North Road, Ormond. I have spoken a number of times in this place about the massive disruption to traders and residents in the surrounding areas, which is much as one would expect from a project like this but it has distressed those traders and residents because of the mismanagement of the project. The disruption has included of course parking disruption and loss of trade. Up to 15 businesses are failing and staff are being put off, so there is a considerable amount of concern about the management of this project in relation to the information that has been shared and the miscommunication of the information that has been supplied about such things as

power outages and even the rescheduling of the project itself.

An issue that has also arisen is in relation to the enormous amount of soil that is being transferred from the sites. I understand some 1300 residents have been offered relocation to Quest apartments, and I think several dozen people have taken up that offer. But the residents and traders who remain are finding that their premises are being affected by dust and dirt associated with the removal of the soil. I ask the minister to provide me with information on the removal of soil and whether there are any toxic contaminants evident in the soil that is being removed from the three sites at McKinnon Road, Centre Road and North Road so that I can allay the fears and anxieties of the residents and traders who are being affected by these projects.

### Dairy industry

**Mr PURCELL** (Western Victoria) — The adjournment matter I raise tonight is for the Minister for Agriculture. As has been previously mentioned in this chamber, the dairy industry is suffering seriously from the recent clawback by, first of all, Murray Goulburn and then by Fonterra. This has caused two major issues. There is the immediate issue of how the families actually exist — that is, how they can pay their bills and feed their children — and then there is the longer term issue of how we stop this happening again.

The real problem is not so much that there was a reduction in the price of milk. The real problem is that it was done in the 10th month of the financial year. What this has meant is that farmers have had to and will have to continue to repay a significant amount of money that they have been paid by the milk processing companies during the first 10 months of the year. The immediate crisis is being fairly well handled by the state and federal governments, and it is tending to work fairly well. But while I was visiting a dairy in the Koroit area recently it really came home to me that the work that is immediately being done is not the issue. The issue is that we need to have contracts that are signed by the farmers developed without the clawback clause, because the clawback clause is the tool that these companies can use to take money back from farmers at a later date during the financial year if the companies are not well managed. The issue here is that we really need to do something about the clawback clauses.

The flow-on effects from the dairy farms are starting to hurt in the cities and the towns throughout rural Victoria, certainly throughout Western Victoria Region, and we are seeing many of the processors not having

their bills paid so they are also now laying off people. It is estimated that there will be 850 jobs lost in south-west Victoria alone. I therefore ask the minister to join me in meeting with the major dairy companies to see if we can convince all dairy processing companies in Victoria to remove the clawback provisions that exist in all future supply contracts with the farmers of Victoria.

### Geelong Authority

**Mr RAMSAY** (Western Victoria) — My adjournment matter tonight is for the Minister for Planning, the Honourable Richard Wynne. It is a matter that I have raised with him before in this house in relation to the proposed Geelong convention and exhibition centre. This is a top priority of G21, the Committee for Geelong, the City of Greater Geelong, the Geelong Chamber of Commerce and other stakeholder groups in the Geelong region. I appreciate that in the budget there was an allocation of \$5 million to the Geelong Authority, but that money was not designated for a potential business case for the convention and exhibition centre.

I raised this matter on 3 May in relation to the investigation of a business case and I raised it on 24 May in relation to the potential site for the convention and exhibition centre, which at the moment appears to favour the Deakin University car park. Needless to say I had a phone call from Jane den Hollander, the vice-chancellor of Deakin University, to suggest that there were discussions going on in relation to a potential business case for the Geelong convention and exhibition centre and that compulsory acquisition would not be something that Deakin University would support. I understand that, but what I was trying to do was to elicit some information about where we sit with progressing this issue and having a business case prepared ready for commitments from both the state and federal governments.

We have missed the opportunity during this federal election timetable. But I am concerned about the role of the Geelong planning authority given that the chair, Peter Dorling, has now been made an administrator of the City of Greater Geelong. My action for the minister is that he look again at the Geelong planning authority to see if it is providing any useful work in moving forward large-scale projects for Geelong, given that we now have administrators administering the city and also administering a number of the major projects that have been proposed by different stakeholder groups, given that we have lost the chair of that authority and given that many of the major projects that were being proposed by the planning authority, like Vision 2, are

actually being done by the administrators. I do not see any use now for the Geelong planning authority, and I ask the minister to investigate whether it serves any useful purpose at all.

### Police resources

**Mr O'DONOHUE** (Eastern Victoria) — I raise an adjournment matter for the Minister for Police, and it relates to the announcement by the Chief Commissioner of Police two Sundays ago that some police stations will see their opening hours reduced. The action I seek from the minister is for her to detail which police stations will have their opening hours reduced, what those reductions will be and what community consultation will take place before those police station opening hour reductions are implemented.

As we know, the crime statistics that were released last week showed that crime in Victoria was up by 12.4 per cent to 519 130 offences from 461 796 offences the year before. Disturbingly weapons and explosives offences were up 18.5 per cent, theft offences were up 16 per cent, burglary and break-and-enter offences were up 13.7 per cent and drug use and possession offences were up 13.4 per cent. A range of other offence categories were also up significantly.

Despite crime growing significantly and despite some very disturbing incidents like the two carjackings we have seen in the last 24 hours, it was revealed this morning on radio that the 24-hour Malvern police station has recently not had the resources to open at night-time. This calls into question the government's commitment, or lack thereof, to provide Victoria Police with the resources it needs to have police on the beat, catching criminals and preventing crime while also having police at police stations. I note the advice from Victoria Police that if you get bumped, you should drive to your nearest police station. Well, all I can say is that I hope the police station you drive to is open when you get there because, as was revealed this morning, the Malvern police station has been unable to open at night-time in recent days and weeks.

I ask the minister to detail to me and to the community which police stations will have their opening hours reduced and what public consultation will take place before these cuts are implemented.

### Palace Theatre

**Mr DAVIS** (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Planning. It concerns a very well known

fixture in our city: the Palace Theatre at the top end of Bourke Street. The community will know this very well; it is a magnificent theatre that we can all be very proud of.

There is a long history going back a number of years to the planning issues around this building and the series of applications that have been made for both heritage protection and building permits as well as permits for demolition for parts of the building. A new application was made to the Heritage Council of Victoria recently, and I have met with a number of the proponents of that application. They are not necessarily getting the hearing, the sensitivity and the focus they ought to be getting, given the heritage council's significant role.

I want to quote from the application where it talks about the historical significance of the Palace Theatre and says that Professor Graeme Davison describes it as 'a document illustrative of the history of vaudeville' and as the first expressly built theatre for the purpose of vaudeville entertainment. The application goes on to say that Professor Davison in his report says:

The National Auditorium, later the Palace Theatre, first appeared as a purpose-built vaudeville theatre under the proprietorship first of James Brennan and later of the Fuller family.

The application also states:

Graeme Butler's heritage assessment of the Palace Theatre for the City of Melbourne has documented the origins of the building; however, Professor Davison believes that no previous study of the Palace Theatre does justice to the significance of vaudeville or to the building's significance as a marker of subsequent changes in popular entertainment.

It is sufficient to say that Professor Davison is a very respected historian and the review that he has done is quite different from the previous review that was done. The new application draws on his work.

At the moment there is a demolition permit for part of the theatre. There is also a request that there be some stay put in place. The heritage council has refused, in effect, to act on this, saying that it has already looked at it, but the new information I think is material, and I urge the heritage council to look at it and make a decision. Assuming that its failure to act continues, the minister has adequate powers under the Planning and Environment Act 1987 to act to protect this theatre.

I do not want to wake up in the morning over the next short period seeing tremendous damage being done to our heritage. The Minister for Planning is in a position to prevent that tremendous damage. I am happy to provide him with a copy of the application, but I do believe he should act.

## Victorian Comprehensive Cancer Centre

**Ms FITZHERBERT** (Southern Metropolitan) — My adjournment matter is for the Minister for Health, and it concerns the Peter Mac Private hospital. It is prompted by reports today about the companies that are applying to take over level 13 at the Victorian Comprehensive Cancer Centre (VCCC).

We have discussed in this place before the dumping of Peter Mac Private by the current government and the losses that this has led to. There has been the loss of millions of dollars worth of donations that would have benefited public patients at the VCCC, there has been the loss of a very competent and accomplished board chair and there has been the loss of facilities. There has been the loss of a series of theatres — four theatres — a number of beds and numerous facilities that would have been provided at no cost to the state. They would have added to the capacity for cancer patients in this state and would have indeed reverted to ownership by the state at the end of the lease of the company that would have been running level 13. There has been an enormous amount of loss as a result of this stupid decision which the government will not acknowledge.

I want to focus in particular on the lifts. The lifts have been offered as a reason why Peter Mac Private could not happen, and we have been told that this is all about patient safety. I am going to quote from a news.com.au article that was published on 22 January this year. It quotes the Minister for Health, and it says:

She said the former government's proposal would have seen patients transported in lifts shared with animals, animal waste and other dedicated laboratory goods and supplies such as medical waste.

I have heard this matter referred to a number of times, and I want to label it as a complete furphy and dig into it a little bit.

I recently attended a function that I was invited to at the VCCC and I spoke to someone who was involved in the project. I stress that this is not a medical or other staff member or a member of the board of Peter Mac or the VCCC; it is someone who was involved in the building and the project, and at quite a senior level. The question was put to me: why would private providers have actively competed to take over this space if the lifts were substandard and were such a deal-breaker? The reality is that they would not.

One issue that did matter in relation to the lifts is that of size. It was not initially anticipated that the lifts would be used to transport beds, so they were not built to be an appropriate size to do that. One of the terms of a

private provider taking over the fitting out of this floor was a variation to the contract for the building project to change the lift access, which was made. When the current government took office it made another variation to the terms of that contract at additional cost. The government returned it to the original terms of the plan, or something near that, and then went ahead and said, 'The lifts were substandard; that's why we couldn't do it', which was totally dishonest. The action I seek is for the minister to correct the public misinformation regarding the lifts at Peter Mac Private and in particular clarify the variations to the contract as they relate to lifts.

## Local government reform

**Mrs PEULICH** (South Eastern Metropolitan) — I have on a number of occasions raised matters in relation to local government and in particular the need for reform. I guess I am disappointed that the review of the Local Government Act 1989 is taking so long.

**Mr Davis** interjected.

**Mrs PEULICH** — Yes. But the matter I wish to raise tonight for the attention of the Minister for Local Government is the need for an audit of democratic practices across local government. That is an important key performance indicator (KPI). Whether it is the manner in which public consultation occurs, the standing orders that are applied, the frequency of use of in camera meetings or other practices, I am not here to nominate the KPIs that would be used in such an audit. But it is important, because there are some variations and unfortunately the biggest concern is the inconsistency with which the minister responds to these matters.

We have seen action taken to sack the Geelong City Council on grounds that could easily be applied to every other local government area. We saw today the tabling of an Ombudsman's report, *Investigation into Casey City Council's Special Charge Scheme for Market Lane*. I was actually stunned to see that this Ombudsman's report was tabled or even undertaken; I was not aware of it at all. It sounds like a hanging offence. I have just quickly read through the recommendations, and clearly there are some improvements that are required. But suddenly today I learnt that the minister has also taken the initiative of actually appointing a monitor.

Obviously the minister is free to do that, but it would seem to me that there have not been public grounds that justify or necessitate that action, especially when compared to other councils that have actually come to

the public's attention, such as the City of Monash, which is controlled by the Labor Party, and in particular mayor Geoff Lake, who has rammed through a special type of standing order whereby elected councillors have to put their hands on their heads to take a point of order.

It seems to me that all local government areas should be assessed on performance. Therefore I call on the minister to undertake or arrange for an independent review of the democratic practices of all local governments so that we can identify those councils that need to be dealt with sternly and the reforms that need to occur across the system and indeed so that all that information can be taken on board when the Local Government Act 1989 is finally reviewed and a new bill is brought forward as a draft. I call on the minister to do this immediately, because my concern is that political motives colour her actions more than the actual performance of local governments. There are certainly some local governments that have deserved her prompt attention but that she has failed to respond to.

**The PRESIDENT** — Order! I was going to refer to the Procedure Committee the idea of requiring hands on heads for points of order in here!

**Mr Finn** interjected.

**The PRESIDENT** — I already act like a schoolteacher sometimes, so it seems like a natural progression, really. I thank Mr Finn.

Can I just indicate that Mrs Peulich's adjournment item is somewhat similar to one she has raised previously in respect of checking on by-laws used across local government. I am of the view that this is a broader review that she is seeking, so I do not believe that it is a problem for this adjournment item to stand in its own right tonight.

### Responses

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I have adjournment matters this evening from Ms Wooldridge to the Minister for Health in relation to additional funding in order to secure full funding for a full fleet of cars for the Red Cross.

**Mr Bourman** raised a matter for the Minister for Police calling on the government to do more to prevent knife attacks.

**Mr Leane** raised a matter for the Minister for Consumer Affairs, Gaming and Liquor Regulation and asked her to look at a possible law or regulation about misleading information being spread in the community.

**Ms Lovell** raised a matter for the Minister for Public Transport about making the entire V/Line ticket purchasing process an online transaction.

**Ms Patten** raised a matter for the Treasurer and asked him to advocate for the GST to be removed from tampons.

**Mr Melhem** raised a matter asking the Minister for Energy, Environment and Climate Change to advise what the current solar panel feed-in tariff is.

**Ms Dunn** raised a matter for the Minister for Tourism and Major Events and asked him to provide additional bike lockers at future events.

**Mr Finn** raised a matter for the Minister for Energy, Environment and Climate Change and asked her to investigate and report on how much Cleanaway has put away for restoration.

**Ms Tierney** raised a matter for the Minister for Women regarding the minister visiting and meeting with local representatives in and around the Geelong region to talk about advocacy and what can be done to improve the status of women in the region.

**Ms Crozier** raised a matter for the Minister for Public Transport in relation to soil being removed from level crossing sites at train stations at North Road in Ormond, McKinnon Road in McKinnon and Centre Road in Bentleigh, and advice as to whether or not there are toxic contaminants in that soil.

**Mr Purcell** raised a matter for the Minister for Agriculture requesting that she meet with major dairy companies to advocate for the removal of the clawback provision in existing contracts.

**Mr Ramsay** raised a matter for the Minister for Planning in relation to the Geelong Convention and Exhibition Centre and whether there is a need for the Geelong Authority anymore, given that the majority of planned projects — and Mr Ramsay is not here to correct me otherwise — appear to have been pushed through to the commissioners.

**Mr O'Donohue** raised a matter for the Minister for Police asking for the detail of which stations will have their operating hours changed and whether communication and community consultation will occur.

**Mr Davis** raised a matter for the Minister for Planning in relation to the Palace Theatre in Bourke Street asking him to intervene and to use his planning powers to do so.

Ms Fitzherbert raised a matter for the Minister for Health in relation to level 13 of the Victorian Comprehensive Cancer Centre and its lifts and looking at amending the existing contract should that be an issue. Was it in relation to lifts and the amending of contracts?

**Ms Fitzherbert** — Yes, I was asking about previous amendments to the existing contract.

**Mr DALIDAKIS** — In relation to previous amendments to the existing contract. I thank Ms Fitzherbert.

Finally, Mrs Peulich raised a matter for the Minister for Local Government for a broader review into standards across the sector.

**The PRESIDENT** — Order! Are there any written responses?

**Mr DALIDAKIS** — I have written responses to adjournment matters raised by Mr Finn on 4 May, Ms Bath on 24 May, Mr Eideh on 24 May, Mr Eideh on 26 May and Dr Carling-Jenkins on 26 May, all this year.

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

**House adjourned 6.35 p.m.**