

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 5 June 2018**

**(Extract from book 8)**

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## **The Lieutenant-Governor**

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(from 16 October 2017)

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### Legislative Council committees

**Privileges Committee** — Mr Dalidakis, Mr Mulino, Mr O’Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes 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, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

**Standing Committee on the Environment and Planning** — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmarr, Mr Melhem, Mr Mulino, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, #Ms Symes, Ms Truong and Mr Young.

**Standing Committee on Legal and Social Issues** — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, Mr Morris, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Springle and Ms Symes.

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### Legislative Council select committees

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

**Fire Services Bill Select Committee** — Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

### Joint committees

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

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

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

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

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

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

**House Committee** — (*Council*): The President (*ex officio*), Mr Eideh, 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 Gepp and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

**Public Accounts and Estimates Committee** — (*Council*): Ms Patten, 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* — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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Mr L. B. O'SULLIVAN

**Leader of the Greens:**

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
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Bath, Ms Melina <sup>2</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David <sup>8</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel <sup>3</sup>	Western Metropolitan	AC	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	O'Sullivan, Luke Bartholomew <sup>9</sup>	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona <sup>10</sup>	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini <sup>11</sup>	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark <sup>5</sup>	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred <sup>7</sup>	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph <sup>6</sup>	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong <sup>12</sup>	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

<sup>1</sup> Resigned 28 September 2017

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

<sup>3</sup> DLP until 26 June 2017

<sup>4</sup> Resigned 27 May 2016

<sup>5</sup> Appointed 7 June 2017

<sup>6</sup> Resigned 6 April 2017

<sup>7</sup> Resigned 9 February 2018

<sup>8</sup> Resigned 25 February 2015

<sup>9</sup> Appointed 12 October 2016

<sup>10</sup> ASP until 16 January 2018

<sup>11</sup> Appointed 18 October 2017

<sup>12</sup> Appointed 21 February 2018

**PARTY ABBREVIATIONS**

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party;  
DLP — Democratic Labour Party; Greens — Australian Greens;  
LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria  
SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs



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**Tuesday, 5 June 2018**

The **PRESIDENT (Hon. B. N. Atkinson)** took the chair at 12.05 p.m. and read the prayer.

### ACKNOWLEDGEMENT OF COUNTRY

The **PRESIDENT (12:06)** — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

### CONDOLENCES

#### David Lewis Treasure

The **PRESIDENT (12:07)** — It is my sad duty to advise the house of the death on 10 May 2018 of Mr David Lewis Treasure, member of the Legislative Assembly for the electoral district of Gippsland East from 1992 to 1999.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

**Honourable members stood in their places.**

### ROYAL ASSENT

**Messages read advising royal assent to:**

**29 May**

Justice Legislation Amendment (Access to Justice) Act 2018

Offshore Petroleum and Greenhouse Gas Storage Amendment Act 2018

Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018.

**5 June**

Legal Identity of Defendants (Organisational Child Abuse) Act 2018

Parks Victoria Act 2018.

### PETITIONS

**Following petitions presented to house:**

#### Safe Schools program

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that programs such as the 'Safe Schools program (SSP)', 'Catching on Early' and 'Catching on Later', which were founded and supported by the Australian safe schools coalition, teach students inappropriate content comprised of comprehensive lesbian, gay, bisexual and transgender (LGBT) gender theory and as a result undermine religious, cultural and family values. We fear that children who are exposed to this type of highly sexualised content may become very likely to develop stress, peer pressure and high levels of confusion regarding sensitive topics such as sexuality, reproduction and gender. Within these programs and against parents' wishes, Australian children are:

- (1) instructed to role-play LGBT sexual scenarios;
- (2) given inappropriate LGBT material in the form of books and referred to sexually explicit LGBT material online;
- (3) taught gender theory equates to fact and many other troublesome practices creating confusion and discontent.

Initially marketed as an anti-bullying program, the SSP proves to have nothing to do with anti-bullying and instead is about advancing a fringe LGBT sexual ideology by targeting Australian children of all ages and coercing them into contemplating or even engaging in LGBT lifestyle.

The petitioners therefore request that the Legislative Council call on the government to thoroughly review these programs and ultimately disband them.

**By Dr CARLING-JENKINS (Western Metropolitan) (56 signatures).**

**Laid on table.**

#### Vermont South cyclist safety

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria (initiated by the Metro East Bicycle User Group Inc.) draws to the attention of the Legislative Council the dangers facing cyclists on Burwood Highway when crossing Dandenong Creek in Vermont South. Burwood Highway is a primary state arterial road, running east to west, linking the inner and middle suburbs to the outer eastern suburbs. At the crossing over Dandenong Creek, the bridge has three lanes either side with no bike lane and no space for bike lanes. The speed limit here is 80 kilometres per hour. The only alternative route is a combination of a rough gravel path and elevated boardwalk through the creek's wetlands, which is closed by Parks Victoria in inclement weather. This route is tortuous and inherently dangerous and has led to the death of a cyclist.

The petitioners therefore request that the Legislative Council call on the government to construct a shared user cycle/pedestrian path from Morack Road, Vermont South, connecting the Dandenong Creek trail to the EastLink trail overpass on Burwood Highway, Vermont, including a new dedicated bridge to the south of the vehicle bridge.

**By Mr LEANE (Eastern Metropolitan)**  
**(19 signatures).**

**Laid on table.**

## **STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES**

### **Public housing renewal program**

**Ms FITZHERBERT (Southern Metropolitan)**  
**presented report, including appendices, extract of proceedings and minority report, together with transcripts of evidence.**

**Laid on table.**

**Ordered that report be published.**

**Ms FITZHERBERT (Southern Metropolitan)**  
(12:12) — I move:

That the Council take note of the report.

I wish to acknowledge the committee secretariat staff who so ably assisted us in this inquiry, and on behalf of the committee I give thanks to Patrick O'Brien, Matthew Newington, Anique Owen, Joanne Bush, Christina Smith and Prue Purdey. Given that I believe this is the last report that this committee will produce in this term of government, I want to particularly acknowledge the contribution of Patrick O'Brien in support of our work.

The number of Victorians applying for public housing is increasing. In March 2018 in Victoria there were 36 742 applications for public housing, and that means there were just over 2000 additional applications for public housing compared to November 2015. A more important question for me, though, was how many people are represented by current applications for public housing. The answer is 57 877 adults and 24 622 children. The number of people on the Victorian Housing Register increased by around 1500 people in the first three months of 2018 alone. The public housing renewal program, however, is primarily about upgrading existing public housing stock rather than providing significant additional stock. It means the sale of nine public housing estates in Melbourne to developers that will replace the existing public housing stock with a mixture of public housing and private

dwellings, some of which will be affordable housing, which is vaguely defined. The ratios of the different types of housing at each site are unknown.

The estates are clearly in need of upgrade, but the model and method have been questioned and criticised by many stakeholders during this inquiry. The new developments will include a minimum of 10 per cent extra public housing dwellings. Critics of the program say this is a lost opportunity to create much more public housing on sites that are well-connected to services and their communities. Once sold, they argue, public land for public housing is lost forever. Another recurring criticism is that the indicative plans showed much greater height and density on each site than currently exists. Based on indicative designs it also appears that public housing capacity would decline due to the reduced number of bedrooms for public housing tenants. This could not be definitively tested, as the tendering process is confidential and the plans are yet to be finalised. Indeed we are currently unsure of the status of contracts for these proposed developments.

Community consultation was flawed and confusing. This was exacerbated by having two parallel consultations — one to seek input on indicative designs and explain the program to tenants, and the second for the planning process. The committee was very concerned by evidence that tenants were given paperwork to sign in relation to moving from their homes but were not allowed to take it away to obtain independent advice before signing.

It also emerged that the agreements that tenants were initially asked to sign did not reflect the pledge prepared by the Victorian Public Tenants Association and signed by the Minister for Housing, Disability and Ageing, which purported to give an absolute right to tenants to return to estates after they had been rebuilt. It appears that the airing of this issue at this inquiry caused the paperwork to be changed, including what will be a retrospective change for at least 110 tenants who had already signed the original agreement and left their homes. This intervention should not have been necessary.

Some questions could not be answered during this inquiry, both for residents and neighbours and for this committee, because the answers are presently unknown. Time lines changed during this inquiry, and many remain unclear, including likely completion dates. The committee asked for the tender document for developers but was not allowed to see it. We were, however, assured numerous times that various aspects of the program would be resolved through the procurement process.

Unless the program becomes far more transparent than it has been to date, it will be difficult for anyone outside of government to assess whether it has been truly successful in achieving its objectives. For this reason several recommendations focused on reporting of outcomes, such as explaining the rationale for the final public-private build ratio at each site.

I wish to thank all members of the committee for their contribution to this inquiry and commend the report to the house.

**Ms SPRINGLE** (South Eastern Metropolitan) (12:16) — I too would like to offer my thanks to the secretariat, and in particular Patrick O'Brien — the long-suffering leader of that team — of the Legal and Social Issues Committee. It has always been a pleasure to work with them, and I do thank them for their support.

To follow on from Ms Fitzherbert's contribution, this inquiry left us, I think, with more questions than answers in relation to this particular project. It is no surprise, once again, that the Greens reject the premise of the model that has been chosen by the government in terms of increasing public housing in Victoria. We reject the premise that the private sector can effectively solve the problems of the incredible waiting lists that we are finding in Victoria at the moment for public housing. Nothing short of a spectacular investment in new builds from the government will actually reduce those waiting lists effectively in a timely fashion. That is, I suppose, the premise that we came into this inquiry with. There was not a lot that we found through the evidence that was given or through the testimony that really changed our minds. Even if you were to look at alternative models, which we are not even sure was done, I do not know that you would find something that was of a similar ilk that would address the issues that we have and the increasing homelessness that we are all witnessing with our very eyes on the streets of Melbourne and the suburbs.

I will leave it at that. I am sure my colleague Dr Ratnam will have more to say, but I thank again the secretariat and my colleagues on the committee. It has been a delightful three and a half years, and I thank you for your contribution.

**Ms CROZIER** (Southern Metropolitan) (12:18) — I would also like to make a few remarks in relation to the inquiry into the public housing renewal program undertaken by the Legal and Social Issues Committee. Can I also put on record my thanks to the secretariat, who diligently went through many issues that were highlighted during the course of this committee,

through both the committee stage and the hearings, where we heard from many stakeholders. In particular, as Ms Fitzherbert has highlighted, there were some really genuine concerns raised by stakeholders in relation to the consultation process undertaken by the department. I note that the administration of the consultation processes we have highlighted in the report really spells out just some of those major concerns.

If you refer to the report, President, the North Brighton Residents Action Group was highly critical of the process and had very good reason to be critical of the process. As I said, the report states that they believe that local residents had been treated with contempt throughout the process. It is also noted that one of its representatives made a freedom of information application to the Minister for Planning to obtain data required to inform a submission. The application was not answered in the time required under the Freedom of Information Act 1982, and any further action would require a complaint to be made to the Victorian information commissioner.

That just highlights the extent of the issues that we have heard have arisen around the consultation process, not just with that particular site but many other sites around the renewable program. Whilst I acknowledge that renewal public housing does need upgrades and ongoing maintenance, I think there are many issues that we have heard about through the inquiry where the government has failed, in the three and half years that it has been in government, to deal with this problem. I would also like to commend the report to the house.

**Dr RATNAM** (Northern Metropolitan) (12:20) — I too would like to note this report and thank all the members who participated during the many hours that it took to compile this and hear the evidence, and all the secretariat staff as well. I also acknowledge my Greens colleagues who moved for this inquiry, and the substance of it justifies why this inquiry was just so important on this matter of such public importance.

The inquiry report made a range of findings including that the public housing renewal program (PHRP) is poorly planned and not supported by the research, evidence or lessons learned from previous renewal projects that this is modelled on. It found that the government could not provide clarity about how much affordable housing it would provide on each site.

The mixed tenure model of public and private development on each site does not achieve the social outcome that the government claims it leads to. Social mix needs to occur at a precinct or neighbourhood level

for it to have a positive impact, not at the site level proposed through the PHRP.

The inquiry also revealed that the government was not clear about the amount of affordable housing that will be built, despite advanced discussions with developers, who appear to have been given the power to shape the program to maximise their profits and be sold public land — and concerning public land at discounted rates.

The inquiry found that the government had not conducted a comprehensive cost-benefit analysis of the sale of public housing land. It also found that the consultation process had been very poor, leading to undue distress and anxiety amongst public housing tenants.

The PHRP model is based on a model that accepts that the level of funding made available by the government for public housing is unchangeable. This is a flawed assumption. The government would not need to sell the public housing land to private developers if it increased the amount it was willing to invest in maintaining and building new public housing.

The government has allowed private developers to fundamentally alter the framework for the provision of public housing at each of the sites due for renewal. Each of the sites currently provides open space and recreational areas for residents to use. The densities being proposed for each of these sites being proposed would dramatically reduce the availability and amenity of open space and recreational space, and therefore the quality of life on each of these estates. Overwhelmingly the evidence submitted to the inquiry was that the program model is fundamentally flawed.

**Ms SYMES** (Northern Victoria) (12:22) — I too would like to note the report and in doing so say that there are public housing estates across Melbourne in which we have families and individuals living in dilapidated, outdated, cramped and crumbling buildings. They are horribly hot in summer and freezing cold in winter, not to mention that these old buildings mean that the majority of tenants only reach their homes via stairs — stairs that make life that much harder for those many public tenants who are ageing, who have physical disabilities or who have small children. These are places that are quite simply past their use-by date.

The Labor government is funding a program to build better, 21st century-standard accommodation. The public housing renewal program is about giving tenants access to safe, secure and affordable accommodation. It

is about ensuring that our current and future tenants do not continue to endure substandard living conditions, while building diverse, inclusive communities. The government proposes to fund the program through \$185 million in seed funding and by partnering with developers who, if successful under the tender process, will be involved in building and selling affordable private housing on the sites alongside social housing.

We heard through the inquiry that the underlying driver for the program is about renewing existing stock and ensuring an increase of a minimum of 10 per cent in public housing stock. Importantly, that stock is going to be fit for purpose and respond to the growing need and demands of tenants, and that demand is particularly for one and two-bedroom homes.

This is a policy that I think we should be very, very proud of. It is going to deliver a great outcome for families and individuals who rely on public housing. Our inquiry looked into the processes and models, and it is definitely fair to say that there have been flaws in the consultation process and in particular the communication. I would like to note recommendation 12:

That the Department of Health and Human Services immediately review and improve how it collaborates with tenants such that it better assists tenants through the public housing renewal program.

I am very pleased to say that we have already seen some improvements in this regard in relation to the right to return. Some tenants were unconvinced about the status of this right, and the housing department have now taken steps and provided certainty and comfort to tenants to ensure that if they would like to return to the place that they left to their new facility, they will certainly have the right to do so. I too would like to thank the committee members and the secretariat for the preparation of this report.

**Mr MORRIS** (Western Victoria) (12:24) — I too would like to take note of the report, and I join other members of the committee in thanking Patrick O'Brien and his team for their work in developing, with the committee, this report. I would like to thank my fellow committee members and indeed congratulate Ms Fitzherbert on her chairmanship of the committee and on delivering this report.

One of the more enlightening parts of the process of this inquiry was the opportunity to have a field trip of types and to head out to some of the sites that are being redeveloped and discuss with many of the residents there their experiences of that. I was pleased that some of the committee members were able to attend. It is

disappointing that more committee members were not able to attend.

Throughout the process of this committee investigation we have certainly unravelled some numbers that are quite concerning. To understand and recognise now that there are 82 499 people on the public housing waiting list is, I think, a revelation that would shock many people. Through the process of examining some of the projects that the government is undertaking the committee was at times quite frustrated with the lack of transparency about what is being done at these sites and indeed the intention of the government at many of these sites. The government was spruiking that more apartments were being made available at some of these sites; however, the committee, having investigated, found that it may be the case that there indeed may be fewer bedrooms and therefore a lower capacity at some of the sites that we investigated.

The report is certainly well considered. I note there was quite a collegiate approach to this report, and I thank all committee members for that. I commend the report and indeed many of the recommendations in it to the house.

**Mr MULINO** (Eastern Victoria) (12:26) — I also rise to take note of the report. I acknowledge the work of the secretariat, as have other members. I also acknowledge the work of members on this report. It is an issue which, as has been reflected in the speeches today, is not one we all agree on every aspect of, but I think this report reflects a collegiate attitude to this issue, as the previous speaker mentioned. I think we have navigated some of those tricky aspects and come up with a report in which most of us agreed on a core set of issues and recommendations.

I just want to make two very brief observations without wanting to repeat what others have said, a lot of which I agree with. Firstly, this is just one component of a multifaceted response to a very complicated social problem, which is social and community housing, the supply of housing full stop and housing affordability in our society. *Homes for Victorians* was a package that included over 25 components, including some demand-side measures and some supply-side measures. We need both demand and supply-side measures, I believe, to fully respond to this issue. I just want to stress firstly that this is just one of many responses to this broader social problem.

Secondly, I want to just make an observation in relation to this particular component of that overall response. One of the rationales for the collaboration between the public sector and the private sector in trying to achieve better outcomes in relation to these public sector estates

is that we are hoping to achieve a significant leverage of public sector funds at a time when there are so many valid and worthwhile claims on public sector funds. We are investing \$185 million through which we will upgrade many public housing apartments which have gone unimproved for many, many years, some of which are uninhabitable. If we were to do this in a way in which we were not participating with the private sector, I think it is worth putting on the record that it would involve many hundreds of millions of dollars more funding. We have got to ask the question: where would that funding come from? I just want to put that rationale on the public record, and I recommend the report to the house.

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 8*

**Mr DALLA-RIVA** (Eastern Metropolitan) presented *Alert Digest No. 8 of 2018, including appendices.*

**Laid on table.**

**Ordered to be published.**

## PAPERS

**Laid on table by Clerk:**

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

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

Alpine Planning Scheme — Amendment C54.

Boroondara Planning Scheme — Amendment C267.

East Gippsland Planning Scheme — Amendment C144.

Benalla, South Gippsland, Southern Grampians and Wodonga Planning Schemes — Amendment GC66.

Hobsons Bay Planning Scheme — Amendment C107.

Knox Planning Scheme — Amendment C149.

Latrobe Planning Scheme — Amendment C106 (Part 1).

Mansfield Planning Scheme — Amendment C36.

Melbourne Planning Scheme — Amendment C324.

Monash Planning Scheme — Amendment C137.

Mornington Peninsula Planning Scheme — Amendments C200 and C209.

Port Phillip Planning Scheme — Amendment C143.

Whitehorse Planning Scheme — Amendment C197.

Whittlesea Planning Scheme — Amendments C218 and C220.

Statutory Rules under the following Acts of Parliament —

Aboriginal Heritage Act 2006 — No. 59.

Conveyancers Act 2006 — Nos. 60, 61, 62 and 63.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 64.

Subordinate Legislation Act 1994 — No. 65.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 52 to 54, 60 to 66 and 70.

Victorian Electoral Commission — Report on the Greater Geelong City Council General Election 2017.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Amendment and Revocation Notice, Gazetted 25 May 2018.

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

Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017 — Part 1 and section 6(1) — 2 June 2018 — Remaining provisions — 2 July 2018 (*Gazette No. S248, 29 May 2018*).

Major Events Legislation Amendment (Ticket Scalping and Other Matters) Act 2018 — Whole Act — 1 June 2018 (*Gazette No. S248, 29 May 2018*).

## NOTICES OF MOTION

Notices of motion given.

### BUSINESS OF THE HOUSE

#### General business

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:33) — By leave, I move:

That precedence be given to the following general business on Wednesday, 6 June:

- (1) notice of motion given this day by Mr Davis in relation to the production of certain documents relating to the government land transfer for the new AFL headquarters at Docklands;
- (2) notice of motion 565 standing in the name of Ms Crozier relating to the negative impacts of the medically supervised injecting centre in Richmond;

(3) notice of motion 576 standing in the name of Ms Truong to revoke amendment GC93 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, port of Melbourne and Wyndham planning schemes;

(4) notice of motion 577 standing in the name of Dr Ratnam to revoke amendments to various planning schemes relating to certain public housing projects;

(5) notice of motion 575 standing in the name of Ms Fitzherbert in relation to bowel cancer and the availability of colonoscopies;

(6) notice of motion 533 standing in the name of Ms Wooldridge in relation to mandatory youth drug treatment;

(7) notice of motion 566 standing in the name of Mr Ondarchie in relation to the government's attack on school cleaning small businesses.

**Motion agreed to.**

### PRIVILEGES COMMITTEE

#### Membership and reporting date

**Mr PURCELL** (Western Victoria) (12:34) — By leave, I move:

- (1) pursuant to standing order 7.07 the order of the Council of 23 May 2018 relating to the chairing arrangements for the Privileges Committee be rescinded to the extent necessary so as to provide that Ms Springle is elected deputy chair of the committee; and
- (2) the resolution of the Council of 28 March 2018 requiring the Privileges Committee to inquire into and to report by 19 June 2018 on the use of electorates office staffing entitlements be amended so as to now require the committee to present its final report by 23 August 2018.

**Motion agreed to.**

### MINISTERS STATEMENTS

#### International education sector

**Mr DALIDAKIS** (Minister for Trade and Investment) (12:35) — I rise to update the house on the most recent achievements of Victoria's international education sector. This morning I am pleased to announce that our largest export sector has reached an unprecedented milestone, growing by more than \$1 billion on the previous calendar year to bring it to a massive \$9.9 billion in revenue for the state in 2017.

International students are choosing to study in Victoria in record numbers, with more than 253 000 enrolments last year from over 170 countries. In May Melbourne was ranked the world's third best student city,

surpassing Paris and Montreal, as well as Australia's best student city for the fourth year in a row.

Our government is working hand in hand with the sector to ensure that not only do visiting students have a positive time in Victoria but they are also ready for employment when they return home. Our ongoing investments in this sector, such as the Study Melbourne Student Centre, the work rights legal service and public transport discounts as delivered in this year's budget, have furthered the attractiveness of Victoria as a student destination for students and their families.

Indeed supporting around 58 000 local jobs, the growth that we are seeing within the sector is yet another great example of where our global connections, delivered by Trade Victoria, are delivering better outcomes for Victorians. The results we have seen today are a strong vote of confidence in Victoria, and we will continue to work hard to ensure that more international students pick Victoria as their study destination.

### Early childhood teachers

**Ms MIKAKOS** (Minister for Early Childhood Education) (12:37) — I rise to inform the house on how the Andrews Labor government is boosting the number of experienced and highly qualified early childhood teachers in our kindergartens. On 25 May I was pleased to speak at and open the Early Learning Association Australia and Gowrie Victoria Together We Grow early childhood education conference and to announce a \$9.7 million workforce package. I congratulate the conference organisers on another successful conference.

This investment includes \$8 million for scholarships to attract new early childhood teachers to the field and for existing educators who wish to upskill to a teaching qualification. These scholarships will be offered to students seeking to start studies in 2019 and will continue to build a highly skilled early childhood teaching workforce to meet the growing enrolments in kindergarten programs in Victoria.

I was also pleased to announce a further \$225 000 for a targeted scholarship program to attract Aboriginal Victorians into the early childhood profession, which will support the 10-year *Marrung Aboriginal Education Plan*. These scholarships will also focus on attracting new bilingual educators to the workforce.

I also announced a further \$1.5 million investment to enable early childhood teachers to familiarise themselves with a new online system for writing transition statements. This new online format, which

will now include a direct transfer of statements between kindergartens and schools, will help schools better support their newest students.

This year's conference theme, Our Children — Our Community, directly reflects the Andrews Labor government's vision for Victoria's early childhood system, a world-class system that is child and family-focused, connected, flexible and accountable. With such a dedicated and passionate early childhood workforce we want to continue to reach for the highest standards of quality and the best learning and development outcomes for every Victorian child. That is why as a government we are investing in our dedicated early childhood workforce.

### Technology sector

**Mr DALIDAKIS** (Minister for Innovation and the Digital Economy) (12:38) — I rise to inform the house of the latest achievement of the Andrews Labor government to make Victoria the technology capital of Australia. Last Friday I was pleased to announce with Andrew Johnson, the chief executive officer of the Australian Computer Society — or as we collectively know them, the ACS — that the Reimagination Thought Leaders Summit and the Digital Disruptors Awards will come to Melbourne. This leading technology event will now call Melbourne home. With ACS being Australia's national peak body for digital technology, representing over 37 000 practitioners and professionals, this is a significant win for Victoria. Bringing together 900 of the nation's tech leaders from industry, government and education, the summit will create a platform to bring more ideas to life, enable our tech companies to grow and create more local jobs.

Reimagination now joins a growing list of Australia's biggest and best tech events, including C2, Cisco Live and the National iAwards, that are all based in Melbourne. I look forward to welcoming the delegates when they arrive in Melbourne later this year.

I would also like to take this opportunity to congratulate Adriana Goscoigne, founder and global CEO of Girls in Tech, and Susan Brown, Australian managing director, for their fantastic efforts in launching the Girls in Tech Catalyst Conference in Melbourne last Wednesday. Attended by over 270 female innovators and inventors, the conference created an environment where delegates were supported to grow in their capabilities, to take their ideas to the next level and to build long-lasting networks. Thank you to all at Girls in Tech and LaunchVic for leading from the front and forging new pathways for women and girls in science, technology, engineering and mathematics.

### Cherry Creek youth justice facility

**Ms MIKAKOS** (Minister for Families and Children) (12:40) — I rise to inform the house about the progress of the government's new youth justice centre and how our investment is supporting Victorian industry and putting local jobs first. I am pleased to advise the house that construction firm John Holland will be responsible for building the new state-of-the-art and highly secure youth justice facility at Cherry Creek. John Holland, which has previously built other custodial facilities, will drive the design, construction, commission and completion of the \$288 million centre, which will house 224 beds for young people on remand or sentenced to custody, a mental health unit, an intensive supervision unit and other services.

Work has already commenced on pre-design and master planning with expert architecture and design firm HDR. The project is expected to create between 2000 and 3000 direct and indirect construction and related jobs and will maximise the use of locally milled steel. Through the Labor government's Local Jobs First policy it will be required to use at least 90 per cent local content, with apprentices, trainees and engineering cadets making up at least 10 per cent of the total labour hours. The new youth justice centre will bring about 450 ongoing jobs to the area, with a range of roles available, including custodial and administration staff, psychologists, teachers, cleaners, gardeners and facility managers.

The new centre is just one part of the Labor government's plan to rebuild Victoria's youth justice system for a safer community. To date we have provided over \$1 billion to our youth justice system. After four years of neglect and cuts under the Liberals, we are getting on with this vital project to keep staff and the community safe. I note that the Liberal-led parliamentary inquiry into youth justice centres in Victoria did not make a single recommendation on current or future youth justice infrastructure and facilities. We are getting on with implementing the recommendations from our own commissioned inquiries. We know that the Liberals ignored the advice of the Victorian Ombudsman in 2010, shelved their master plan for Parkville, built a gingerbread house of a facility at Malmsbury and cut staff.

### Latin America trade and investment strategy

**Mr DALIDAKIS** (Minister for Trade and Investment) (12:42) — I rise to update the house on a new initiative led by the Andrews Labor government to double our economic ties with Latin America. Last week, on behalf of the Premier I was proud to launch

*Globally Connected: Victoria's Latin America Trade and Investment Strategy*. Economies across Latin America are rapidly growing and opening up to the world, presenting enormous opportunities for Victorian businesses to make their mark. The strategy presents our blueprint to secure further growth and prosperity through trade with an increasingly dynamic international market. Centred on our government's focus to strengthen Victoria's international trade competitiveness, the strategy will help us in our pursuit to double the value of Victoria's goods exports to Latin America, double the number of Latin American students studying in Victoria and double the number of visitors to Victoria from the region. Most importantly, it will help us to thread our shared economic pursuits by investing in people-to-people and cultural links. There is nothing more important than this. By connecting our people, our businesses will prosper.

That is why I was incredibly proud to announce the establishment of the inaugural Lopez-Lochert Scholarship, which will see Victorian TAFE students travel to Chile in early 2019 to participate in vocational training courses. The scholarships have been named after Rafaela Lopez, the former president of the Spanish Latin American Welfare Centre, and Peter Lochert, the current Secretary of the Department of Parliamentary Services and eminent Victorian of Chilean descent. Both Ms Lopez and Mr Lochert have been tireless in their service to the Latin American community, and indeed Mr Lochert has served the TAFE and vocational education training sector for many distinguished years as well. It was my honour to establish these scholarships to celebrate their contribution to Victorian-Latin American relations.

I would also like to take this opportunity to thank the 14 ambassadors who came down from Canberra to celebrate the Latin American strategy, one of the largest collections of Latin American ambassadors Melbourne has ever had at one time. I also want to acknowledge the Member for Tarneit, Telmo Languiller, who has championed the strengthening of our bilateral relationship with Latin America throughout his parliamentary career. He has signalled that he is retiring at the forthcoming election, and I thank him for his work.

### MEMBERS STATEMENTS

#### Shepparton Indigenous murals

**Ms LOVELL** (Northern Victoria) (12:44) — It was a privilege to attend two special mural unveilings in Shepparton recently, each celebrating the lives of significant Indigenous community members from the

great Goulburn Valley. The two large murals are situated in prominent locations in the Shepparton CBD, and the ceremonies coincided with Reconciliation Week 2018.

The first unveiling was held during a special memorial service to honour our local Aboriginal men and women who have served our nation in war. To mark the occasion Greater Shepparton City Council unveiled a magnificent mural on the front of the council's Eastbank Centre of Private Daniel Cooper, a local Indigenous man, who fought and died for his country in World War I. It was great to chat with a number of Private Cooper's descendants who were in attendance, including Uncle Alf Turner, Glenn James and Leonie Drummond.

On Tuesday of last week I attended the launch of Shepparton's Aboriginal female mural, featuring Auntie Margaret Tucker and Nanny Nora Charles, two strong female leaders within the Victorian Aboriginal community. Auntie Margaret was one of Australia's first female Aboriginal rights activists and was a founding member of the Australian Aborigines League, while Nanny Nora is one of the earliest and best known local Aboriginal midwives, delivering babies in Aboriginal camps and missions over many years. The murals are a fitting tribute to these departed Aboriginal leaders and a wonderful acknowledgement of the importance of Aboriginal history and culture in our local community.

### **Plastic pollution**

**Ms SPRINGLE** (South Eastern Metropolitan) (12:45) — This week the European Union (EU) announced new rules to target the most polluting single-use plastic products. In announcing the new rules the EU acknowledged the potential health impacts of microplastics in the water we drink and the food we eat. At this point we know it is happening, but we simply do not know what the long-term health impacts will be. What we do know is that plastic pollution is already killing marine and bird life and building up to crisis levels in marine environments.

The EU's new rules will include bans on certain products where alternatives are readily available and affordable. These include plastic cotton buds, cutlery, plates, straws, drink stirrers and sticks for balloons. Member states will be required to set targets for reducing consumption of other plastic products, and corporations will be required to contribute more to waste management costs. These new rules will result in huge reductions in greenhouse gas emissions as well as savings to governments and populations.

Meanwhile in Victoria the response to our plastic pollution crisis has been deafening silence. It is time this government stepped up to the war on waste rather than being the lacklustre bystander it currently is.

### **Ireland abortion referendum**

**Dr CARLING-JENKINS** (Western Metropolitan) (12:47) — I rise today to speak on Ireland's recent decision to repeal its eighth constitutional amendment, paving the way for abortion legislation by the end of the year in that country. The pro-abortion lobby used the emotional pull of misguided singular personal testimonies — some of which have been refuted by doctors as inaccurate — to argue their point. Thousands of women and their unborn babies will now be detrimentally affected by the normalisation of abortion in that society. A better focus for campaign efforts would have been an exploration of how to better support women facing crisis pregnancy. This is a very disappointing change of direction for a once deeply Catholic nation. I have spoken about this issue many times and will continue to do so. The lives of the unborn are not ours to take. We must speak up, give a voice to the voiceless and continue to hope that one day we will see the true value in every life over our own autonomous rights.

### **Philippa Finney**

**Mr DALIDAKIS** (Minister for Trade and Investment) (12:48) — I rise to say a few words about the late and great Philippa Finney, who passed away peacefully but suddenly last month. Philippa served for many years as a dedicated Labor Party activist, campaign volunteer and branch organiser, serving until her tragic passing just last month as treasurer of the Prahran branch of the Labor Party.

I have always said that the Prahran branch is one of my favourite local branches in Southern Metropolitan Region, in no small part due to the tireless efforts of people like Philippa. We have all sorts of branches in the Labor Party — some small, some large; some active, some inactive; and some engaged and interested, just as the Prahran branch is — but as I said, it is people like Philippa who make our party what it is.

Philippa's commitment to the Labor cause was tireless. The time she gave to the Prahran branch and indeed our campaign to win back the seat of Prahran made a real difference in 2014. Whilst we came up short in Prahran, we did not of course in the election itself. I know how fond all of our 'branchies' and our campaign team were of her, as indeed I was. I think that her kindness and generosity can be best summed up by the fact that when

I arrived at the branch's end-of-year barbecue last year, an event that I attend every year, she presented me with a small gift for my wife as a thankyou to her for the tireless work she does and the effort she makes when I am not at home. It was so the branch could show recognition that my wife is part of us, as a relationship, but of course this recognition was Philippa's own.

My deepest sympathies go out to her husband, Alan; her children, Sarah, Katie, Tim and Joanna; and her grandchildren, Sam and Beatrice. They were lucky to have such a special woman in their lives. I will never forget her, and I am sure that they will not either.

### **Anzac Day**

**Ms BATH** (Eastern Victoria) (12:49) — The Churchill United and Morwell Fortuna 60 soccer clubs have a special connection with Anzac Day. Each year both teams go head to head in a fundraising match, the proceeds of which are donated to the Morwell RSL. This year Fortuna turned the table on last year's winner, Churchill. Club officials Trevor Riess and Allan Roberts presented a cheque for \$4370 to Bruce Jeffrey and Don George from the Morwell RSL. I congratulate them on a fantastic event and the spirit in which the game was played.

### **Ramadan iftar dinner**

**Ms BATH** — Last Saturday evening, as part of the holy month of Ramadan, I was delighted to share in an iftar dinner hosted by the United Muslim Sisters of Latrobe Valley. Muslims and non-Muslims came together in an atmosphere of good friendship and good food to exchange stories and enhance our understanding of each other. Special thanks to president Arfa Khan, vice-president Khatija Halabi and MC for the evening Yumna Ahmed for their wonderful hospitality and friendship and wonderful colourful scarves.

### **Gippsland Carers Association**

**Ms BATH** — Over the last 20 years the Gippsland Carers Association has provided support and advocacy to unpaid family carers who selflessly carry out the burden of caring for those with disabilities and chronic ill health. If elected on 24 November, I will be very proud to be part of a Liberal-Nationals coalition that will fund a three-year pilot program for a regional carer support network. This will enable the group to widen the scope of what they do best — care for the carers of Gippsland. Congratulations to Jean Tops, Lorraine Beasley and all the team at the Gippsland Carers Association.

### **Native forest logging**

**Ms DUNN** (Eastern Metropolitan) (12:51) — Senator Anne Ruston, the commonwealth Assistant Minister for Agriculture and Water Resources, made the claim in budget estimates hearings that native forest logging cuts down only six in 10 000 native trees per year. The senator seemed confused as to whether her claim applied to Victoria or the whole country. Either way, she is substituting types of forest that are incomparable.

Victoria has many forest types. These include Mallee woodlands, stringybark forests, box ironbark, myrtle beech rainforests and different types of wet montane forests dominated variously by messmate, mountain grey gum, shining gum, alpine ash and mountain ash. None of these forest types are the same. They support different species and provide different ecosystem services.

You cannot claim that logging mountain ash forest is acceptable because there are plenty of other tree species. Senator Ruston has said that when it comes to native forest logging in Australia 'the science must come first'. If the senator truly believes this, she would do well to read the many peer-reviewed publications in high-impact journals that prove that the mountain ash ecosystem is critically endangered and nearing collapse and that logging is the central driver. The senator would also do well to avoid rather than promote the practice of dodgy forest accounting.

### **Jets Studio**

**Ms PATTEN** (Northern Metropolitan) (12:53) — I would like to use this moment to give a shout-out to Jets Studio in my electorate and to say how really impressed I am with the work they are doing there — the ethos, the engagement and the real dedication of the staff at Jets Studio, which is a multifunctional creative arts youth facility that delivers a range of programs largely around music but also a whole bunch of the elements around music, whether it is album cover designing, posters or organising live events. It really was fabulous. It was great to see some of the kids who are participating there finally finding a space. A lot of those kids did not have a space that they felt comfortable with. They were not interested in football, they were not necessarily interested in other areas and nor could they afford to buy the instruments and learn the instruments that were provided at Jets. I just really wanted to give a shout-out to this fantastic studio and the wonderful nurturing environment that they created there, be it by providing food or providing a very safe space.

### World Environment Day

**Ms PATTEN** — I would also like to say, as it is World Environment Day: let us not use a plastic straw today.

### Ballarat car parking

**Mr MORRIS** (Western Victoria) (12:54) — Daniel Andrews and Labor have plans to slash hundreds of car parks in Ballarat's CBD. Despite promising over 4000 free car parks, Labor has once again failed to deliver. Ballarat council, rather than holding Labor to account for slashing car parks in Ballarat's CBD, is now following Daniel Andrews's lead by failing to consult prior to the release of the radical and universally unpopular Ballarat car parking proposal. Labor said there would be over 4000 free car parks in Ballarat under this plan, but it has now been revealed that the exact opposite is true. This plan would force Ballarat ratepayers to pay for over 4000 previously free car parks. It is little wonder the community is outraged.

There have been claims of political interference on this issue. To this I say: local MPs weighing in on this issue is not political interference; it is us doing our jobs. It is our job to stand up for our community, particularly in light of the outrageous circumstances we saw unfold last week. I commend Cr Amy Johnson for actually listening to the community and attempting to scrap the proposed plan. I congratulate Cr Grant Tillet for offering an apology to the community at the recent meeting, as an apology was no doubt warranted. We all know change is difficult, but it is nigh on impossible when you are at war with your own community.

### Hope Restart Centre

**Ms SHING** (Eastern Victoria) (12:55) — Minister Martin Foley was in Bairnsdale yesterday to make a really welcome announcement to the community of East Gippsland and to the many families and addicts who battle with ongoing alcohol and other drug addiction. We have committed \$1.8 million in minimum annual funding for the operational costs of the Hope Restart Centre, a residential rehabilitation facility which will enable people to access care, support and residential treatment associated with alcohol, illicit drug and prescription drug use and addiction. This will enable them to access care and services closer to home and to the essential connections that enable people to recover from addiction, not just as a health issue but also as a community issue and as an issue of ongoing participation and recovery.

I would like to extend my sincere congratulations to the Hope Restart Centre. This is the culmination of many, many years of work. It has been a privilege to advocate with and for you over the last three years. In particular I would like to pay tribute to the following members of the Hope Restart Centre: Richard Rijs, Peter Down, John Glynn, Peter Neal, Tony Ward, Julie Barling, David Pollard, Ricky Ross, Donna McDonald and the wonderful Margaret Down, and to retired board committee members as well, Adrian Jackson and Rod Parker, whose work was also indispensable. I congratulate you all, and I am really looking forward to construction beginning on this vital new residential rehabilitation facility in the next year.

### Drought

**Mr O'SULLIVAN** (Northern Victoria) (12:57) — I would like to congratulate the Prime Minister, Malcolm Turnbull, for undertaking a drought tour with Michael McCormack, the Deputy Prime Minister, agriculture minister David Littleproud and Senator Bridget McKenzie throughout New South Wales and Queensland to see firsthand some of the impacts of the drought that is occurring up in those states. They have been going to places like Dubbo, Narromine, Blackall, Charleville and Boulia. It is great to see that the Prime Minister and the federal government are going out to look at those regional and rural areas that are experiencing drought. But I remind them that parts of Victoria are also experiencing some dry periods.

With the end of the irrigation season up in the areas around Shepparton it means the paddocks have been dried off in terms of irrigation and they are relying on autumn and winter rain. That has been low to this point, as it has been for the horticulturalists and the crop farmers who rely on that autumn and winter rain to grow a crop that they can sell to feed their families. So I remind the federal government that Victoria is also experiencing dry conditions. We are not in a drought yet like New South Wales and some areas of Queensland are, but dry conditions can have a devastating impact on communities and also families who are experiencing it.

### P. B. Ronald Park, Pakenham

**Mr MULINO** (Eastern Victoria) (12:59) — It was a privilege to be in Pakenham recently to open the P. B. Ronald Park playground. This is one of five playgrounds that received funding from the Growing Suburbs Fund, a major initiative that we undertook with Cardinia shire — \$700 000 was contributed to this project from the state government.

Can I also acknowledge the work of the Cardinia Men's Shed in putting in place a significant number of installations around the playground. It is a really magnificent installation for a growing community with many young people.

### **Hastings streetscape renewal**

**Mr MULINO** — Another significant project in my electorate funded by the Growing Suburbs Fund is the Hastings streetscape renewal project, which received over \$1.9 million from the fund. It is receiving approximately \$3.9 million from both state and local governments. This is a really significant project for Hastings that will see an upgrade of High Street, excluding the section between Victoria Street and King Street but otherwise doing the whole area between Queen Street and Marine Parade. It will revitalise five pedestrian laneways and see a public toilet redeveloped.

### **Sikh temple, Officer**

**Mr MULINO** — I also acknowledge the work of the Sikh community in Officer. I was at the opening of a new Sikh temple on the weekend with Ms Springle from this house. It was a really uplifting event. The Sikh community there has worked very broadly with others in the community to get through the Victorian Civil and Administrative Tribunal process, and I congratulate them on achieving a major milestone on the weekend. It is a very selfless and community-oriented religion and a very tolerant religion, and I am very confident they are going to make a very significant contribution to Officer and beyond.

### **Buckley Street, Essendon, level crossing**

**Mr DAVIS** (Southern Metropolitan) (13:01) — I want to draw the house's attention to the poor outcome being achieved by the Andrews Labor government at the Buckley Street level crossing. This is an important level crossing to get right, and Mr Finn, my colleague, and others have been advocating for a better outcome, including the Liberal candidate, Gino Potenza, a number of councillors and indeed many in the Rose Street community and those associated with many of the schools that are in that vicinity that will be cut off by the government's proposed model. The model is a road-under-rail model, not the rail-under-road model that the council favoured and has favoured for many years.

This is being imposed by Danny Pearson and his cohorts in the government. The decision is not accepted by the community. They want to see a more comprehensive model, with Park Street and Puckle Street also potentially included, but particularly noting the fact that the bike paths that Puckle Street forms a significant part of will be cut off and there will not be bike access or pedestrian access to the schools or between many of the bike paths in the area. This is a poor outcome being imposed on the community. This is Danny's ditch that nobody wanted, a model that nobody chose. The government should quickly rethink this, listen to the community and put in place a better model.

### **100 Story Building**

**Mr MELHEM** (Western Metropolitan) (13:02) — Last week I had the pleasure of meeting Lachlann Carter, the CEO and co-founder of 100 Story Building, and Sandeep Varma, who is a board member, to tour their facility in Footscray and receive an update on their current feasibility study on Story hubs. The 100 Story Building organisation has come a long way since it first opened its doors in September 2013. I was able to see firsthand the important work it does to ensure that children and young people are given the opportunity to foster their creative voice and to have their ideas shared and respected. It brings together young writers and members of Melbourne's creative community and encourages them to share their skills and understandings through creative storytelling, excursions, publishing programs and after-school activities. It works with schools, councils, festivals and services to co-create programs that support positive outcomes for children and young people through direct programming, teacher development and strategic consultations.

I would like to specifically congratulate Lachlann Carter for his tireless work and dedication towards making a positive change to the lives of many children and young people. I also would like to take this opportunity to thank all the staff, students and the local community for their support that has allowed 100 Story Building to be where it is today. I want to congratulate it for the great work it does for children and young people from culturally and linguistically diverse and marginalised backgrounds living in Victoria and Melbourne's west. I look forward to working with the 100 Story Building team to support their strategic objectives and to achieve positive results for young people in the west.

### Energy prices

**Mr FINN** (Western Metropolitan) (13:04) — Winter has hit us a little earlier than we like this year with freezing, often subzero, temperatures across the state. Most of us are in a position to fire up the central heating to keep warm, but that is quite often a struggle for families facing ever-increasing electricity and gas prices. The people I feel most sorry for are those who cannot escape the cold at all — those on limited incomes unable to meet crushing energy prices. As we know, the Andrews government has gone out of its way to force up power prices as part of its ratbag extreme green agenda. As a result this foul, putrid government has punished those most vulnerable in our community. This wretched government has punished the aged, the disabled, the poor and the disadvantaged. Indeed as a result of this vile government's policies many more Victorians find themselves in the disadvantaged category.

Winter in Victoria can be a trying experience for those of us not fond of the cold, but the fact that this appalling government is going out of its way to make it worse for so many Victorians is despicable. If the Andrews government really cared about the people of the state, it would put its ideology to one side and consider those who need the heating they currently cannot afford. It is time the Andrews government put Victorians ahead of its tired, failed, ideological bunk. Thank God we will soon have the Matthew Guy government.

### Ayios Therapon Welfare Association

**Mr ELASMAR** (Northern Metropolitan) (13:06) — On 27 May I was delighted to join in with the annual Greek community festival in Thornbury. It was the 39th anniversary of this well-attended annual event and also the Ayios Therapon Welfare Association's 40th anniversary. In particular I acknowledge the association's well-known honorary secretary, Mr Andy Mylonas, who has undertaken this role for many years. Andy welcomed us all in his usual friendly way and made sure we were looked after and taken care of on the day. I thank and congratulate the organisers for the provision of colourful folk dancing and delicious food.

### Our Lady of Lebanon Maronite Church

**Mr ELASMAR** — On Saturday, 2 June, I attended the annual fundraising event organised by the Victorian Maronite community under the auspices of Bishop Antoine-Charbel Tarabay, Eparch of the Maronite community of St Maroun. This annual fundraiser is very successful in raising money for the everyday welfare of parishioners and for the

maintenance of the church facility directly beneath the Our Lady of Lebanon Maronite Church. The purpose of this particular fundraiser was to raise money to build a new youth facility, which is indeed a very worthy cause. The evening was a great success, and I am very pleased to have been there on the night to support my church's latest philanthropic venture.

## STATE TAXATION ACTS AMENDMENT BILL 2018

### *Second reading*

### Debate resumed from 24 May; motion of Mr JENNINGS (Special Minister of State).

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (13:08) — I am pleased to rise this afternoon to make some remarks on the State Taxation Acts Amendment Bill 2018. Each year when the budget is brought down we see consequential amendments made to the state taxation framework to give effect to those revenue measures which are announced in the budget. Of course while the budget sets out in the budget papers and reflects in the appropriation bills the allocation of funds on the expenditure side and of course records the expectations on the revenue side of the account, the budget bill and the budget papers do not actually give effect to the policy changes that we talk about in the budget. Those policy changes are in fact delivered by changes to other legislation, which is why we have before the house today the State Taxation Acts Amendment Bill, which actually gives effect in this instance to the revenue measures that were canvassed in the budget along with some technical amendments around the taxation framework. It is usual to have at least one state taxation act amendment bill each year — one after the budget — and quite often to have one following the budget update, which the house receives in December. Taxation-related changes can often be announced then, with a consequent need for a further taxation amendment bill.

The purpose of the bill the house is dealing with this afternoon, which does arise from last month's budget, is to firstly amend the Duties Act 2000, which is the primary legislative reference for our stamp duty framework, in relation to the aggregation of interest of all foreign persons for the purposes of foreign purchaser additional duty, and of course that foreign purchaser additional duty — that loading — was a new tax which was announced by the Andrews government in its last two budgets. The bill also amends the Duties Act in relation to foreign purchasers who jointly purchase a principal place of residence with an Australian spouse or domestic partner. It deals with partners' interests in

partnership property, property vested in apparent purchasers, exemptions for transfer of property between spouses or domestic partners, exemptions for equity release programs, principal place of residence exemptions and concessions for first home buyers who are members of the Australian Defence Force (ADF) and the exemption from duty payable in respect of first-time purchases of farmland by farmers under 35 years of age.

A number of those changes picked up in this bill relate to taxes which were introduced by the Andrews government, specifically those related to the purchase of property by foreign purchasers and the removal of the stamp duty exemption in relation to the transfer of certain properties between spouses. Both were new revenue measures introduced by this government.

The bill also amends the Payroll Tax Act 2007 to reduce the rate of payroll tax payable by regional Victorian businesses, which was the only significant revenue measure in this year's budget. I say 'significant' in a sense relative to the others, because in terms of the relief it provides for regional businesses it is actually very small. I will come to that context shortly.

The bill also amends the Unclaimed Money Act 2008 in relation to executors and administrators, obviously in relation to deceased estates. So a large part of the bill is technical in nature and the actual revenue relief very modest.

To go into a bit more detail with respect to those specific measures, in relation to the Payroll Tax Act 2007 the bill implements the announcement in the budget of a reduction in the rate of payroll tax for certain types of regional businesses, which are those that are located in a regional area and have a minimum of 85 per cent of their employees located in regional areas. It cuts the rate of payroll tax for those businesses from 3.65 per cent to 2.425 per cent of payroll, with effect from 1 July. In the briefing the opposition received from the Department of Treasury and Finance (DTF) we were unable to ascertain the extent of the impact of that measure on regional businesses. At that point in time I was advised that DTF were not in a position to provide detail on how many businesses would benefit and the extent of the benefit that would flow to those regional businesses. Accordingly, that is something we will seek to explore with the minister in a brief committee consideration on the bill later today.

In relation to the Duties Act 2000, which is the primary piece of legislation that puts in place the full framework for the range of duties in the Victorian tax framework,

the bill makes amendments with respect to duties as they apply to members of the Australian Defence Force. In 2017–18 — the current financial year, but the measure was introduced last year — the requirement for a serving ADF member to meet the requirement to reside in their principal place of residence to qualify for a first home owner grant was eliminated. That was a welcome measure. That was done in recognition that many members of the ADF are deployed obviously overseas but are also often based away from their homes, away from their principal place of residence — based interstate, based overseas — on a regular basis and therefore their ability to meet the occupancy criteria is far more limited than that for most citizens. Appropriately, the act was changed to vary the residency requirements for members of the ADF in respect of the ability to qualify for the first home owner grant.

This bill also seeks to make a parallel change with respect to easing the requirements for serving members of the ADF to qualify for the first home buyers stamp duty exemption. That is something that this side of the house welcomes. We believe that is an appropriate parallel measure for the reasons that the occupancy criteria for the first home owners grant were eliminated for ADF personnel last year. It is entirely appropriate that the same step be taken with respect to the first home buyers stamp duty exemption, because obviously members of the ADF should not be disadvantaged simply by virtue of the way in which they are posted in their employment and the fact that that can often take them away from their home state, their home base, on short notice for extended periods of time, which does not allow them to establish a base, a principal place of residence base in a legal sense, which is available to other members of the Victorian community.

We note, though, that the bill fails to address that same issue with respect to the vacant residential property tax — another tax introduced by this government in the last two years — which seeks to penalise property owners who have residential property which sits vacant in certain areas of metropolitan Melbourne. That was brought forward by this government ostensibly as a cost-of-living measure to increase the occupancy of housing stock. Of course it was really nothing more than a tax grab. We have seen it impact residents in regional Victoria who may have city residences — small flats et cetera — which they do not occupy on a regular basis. They have been hit with that additional land tax, which is some 1 per cent additional on top of the base level land tax. These are people who may be primary producers living in Horsham or Shepparton or another regional city and who have a flat in Melbourne for when they need to come to Melbourne for doctors

appointments or to see other specialists — accountants or whatever — and by virtue of the fact that they do not occupy their Melbourne flat on a regular basis they are subject to that additional 1 per cent impost of land tax.

Equally that provision applies to members of the Australian Defence Force who are not resident in properties in metropolitan Melbourne. We believe that in the same way as the exemption has been put in place in respect of the first home owner grant residency requirement and is now being put in place with the first home buyers stamp duty exemption, a case can be made for similar consideration with respect to the vacant residential property tax.

In relation to the Duties Act, the bill also makes changes with respect to the young farmers duty concession, which was an initiative of the previous coalition government. The bill seeks to increase the stamp duty exemption for young farmers, being those under the age of 35, for agricultural land worth up to \$600 000 — it was previously set at \$300 000 — and on a concessional rate for land valued between \$601 000 and \$750 000.

This brings the young farmers duty concession into line with the valuation range for the first home buyers stamp duty concession. A policy consideration of the previous government was that there should be a concessional pathway — in terms of duty at least — for young people seeking to enter the agricultural industry. That was a deliberate policy consideration of the previous government designed to encourage participation by young Victorians in the agricultural industry, to encourage their investment in the agricultural industry and accordingly to encourage their continued participation in regional and rural Victoria.

One of the big challenges we have as a state is population growth, and the fact that more than 90 per cent of the growth in Victoria's population occurs in metropolitan Melbourne. There is a very strong policy imperative to encourage more of that population growth into regional Victoria. Indeed alongside the need to encourage more of that growth to settle outside of metropolitan Melbourne is a need to encourage people who reside in regional and rural Victoria to continue to make a home and undertake productive enterprise in those regional and rural centres. For that reason, the former coalition government deemed it appropriate to introduce the young farmers duty concession to encourage young people to continue to live in regional communities, to continue to invest in the agricultural industry and to grow agricultural enterprises. It remains a policy challenge for Victoria to anchor our regional and rural populations, to encourage the continued

maintenance of our regional and rural population and of course to encourage the future growth through the high influx of population into this state into those rural and regional areas.

The bill also makes a number of administrative measures, which is quite typical of a state taxation amendment bill. Quite often the administrative changes arise from matters which have been brought to the commissioner of state revenue for his determination. The preparation of taxation legislation is quite a complex area of policy, but invariably there are individual circumstances which are not contemplated in the preparation of that legislation. As those matters come before the commissioner of state revenue for determination or are subject to litigation in the courts, it is often necessary to make administrative changes to our tax statutes to clarify their application — to clarify their general application and to clarify their application in unusual circumstances. We see in this bill a number of administrative changes and technical amendments with respect to a number of provisions across the tax statutes. Some of them arise from court decisions such as the Court of Appeal decision in *Commissioner of State Revenue v. Danvest Pty Ltd*, which cast out the treatment of duty liability by the State Revenue Office (SRO) to partnerships dealing with property in certain circumstances. This bill seeks to reaffirm what was the accepted position of the commissioner of state revenue prior to the Court of Appeal decision.

The bill also makes a number of other changes with respect to the apportionment of certain duty exceptions. It deals with transactions between spouses and deals with the interests in respect of foreign purchaser additional duty — the loading. It deals with circumstances where there are multiple parties to a purchase transaction, both foreign and domestic. I will not go into the details of those administrative changes.

The coalition does not oppose this piece of legislation. The vast majority of it really is administrative and there are some revenue changes, but we do note that this does represent a missed opportunity by the government with respect to its approach to taxation. Members will of course recall the now Premier, then the Leader of the Opposition, in the lead-up to the 2014 election — I think the day before the 2014 election — giving an undertaking on live television that a government he led would not increase taxes and would not introduce new taxes in Victoria. Victorians now know almost four years down the track that that statement by the now Premier was untrue — completely untruthful. We have seen since Mr Andrews made that statement that there have been some 12 taxes which have been either newly introduced or increased by this government. I will run

through that list. We have seen the royalties on brown coal in the Latrobe Valley triple under this government. Of course one of the big consequences of that has been the withdrawal or the shutdown of the Hazelwood power station with very significant impacts for our retail electricity market and as a consequence very significant impacts for Victorian consumers' cost of living. Victorians do not thank this government for the impact its policies — both the brown coal royalty but also its broader energy policies — have had on the cost of electricity supply for households across the state.

In the list of new taxes we have seen under this government, the vacant residential property tax, which I spoke about before, was a new tax from this government. It ostensibly set about reducing vacancy rates in residential property. It was supposedly about making more housing stock available and therefore reducing the cost of housing. In reality it was simply a revenue grab, and it has been seen as a revenue grab by Victorians. It has had no impact at all on the cost of housing in Victoria or the availability of housing stock in Victoria. The way in which that measure was framed and the complexity with which it was necessarily legislated cast in great doubt the capacity of the SRO to actually collect taxation under that provision in any case.

The other measure we have seen increased under this government has been of course the shift to annual property valuations to increase land tax. This was the subject of quite some debate in this place last year. A range of amendments were brought forward in the house, including some supported by a former member for Northern Metropolitan Region, Mr Barber, when he was here. The government saw an opportunity to capitalise on the uplift in property values. The Victorian property market had been experiencing strong growth in value, and shifting from two-yearly property valuations to annual property valuations for the basis of land tax assessments meant that the government was able to benefit from that uplift as it occurred on an annual basis rather than having to wait two years for the benefit of any increase. In a rising property market that of course benefits state revenue. In a falling property market, which arguably we are starting to see the signs of, we see downside risk for the state. I note, as I did in the budget debate last week, that the budget papers are quite light on their risk assessment in terms of revenue risks to the budget. It will be interesting to see where those land tax revenue numbers actually track if we do see a property market downturn, which many of the commentators are starting to suggest is now occurring.

One of the other areas of increased taxation has been the increase in stamp duty on new vehicles. We know

that one of the big costs for households in Victoria is the cost of running a car. We know that Victorian households are affected by the high cost of petrol, they are affected by the high cost of registration and the Transport Accident Commission charge and they are affected by the cost of the purchase of a motor vehicle. Increasing the stamp duty on new vehicle purchases does nothing to ease that cost of living burden on Victorian households.

We have seen an increase in the fire services property levy (FSPL). Of course this is one of the big issues which goes back to the way in which this government and this Premier have sought to pay off their mates at the United Firefighters Union (UFU) — the unholy deal we have seen between Peter Marshall and Daniel Andrews, which is now, in its latest iteration, making its way through the Fair Work Commission. We have seen this government effectively trying to destroy the Country Fire Authority (CFA) on the way through to delivering to Peter Marshall what he wanted in an industrial environment. We have seen a minister executed. We have seen the chief executive of the CFA executed along with the board and the chief fire officer. Likewise, many of the senior office-holders at the Metropolitan Fire Brigade were pushed out of their roles in order to appoint people who would sign up to the enterprise bargaining agreement (EBA) deal that Peter Marshall and Daniel Andrews wanted.

We have seen legislation come before this house and subsequently be defeated when the government sought to completely restructure the CFA for one reason only, and that was to facilitate the EBA that Peter Marshall wanted for the CFA and could not have because of the volunteer structure of the CFA and the interplay with the Fair Work Act 2009. As a consequence, this government came forward with a complete restructure — an artifice to get around the provisions of the Fair Work Act — and now we are seeing the EBA, at least as it relates to the Metropolitan Fire Brigade, before the Fair Work Commission for ratification.

We have the Victorian government's own equal opportunity commission having applied for and received leave to join that matter before the Fair Work Commission because even the Victorian government's own appointed equal opportunity commissioner has highlighted the completely unacceptable work practices which are proposed in that EBA — the way it discriminates against part-time workers and the way it discriminates against disabled workers. Yet this government and this Premier are happy to allow those conditions to go forward and in fact to push those conditions forward because they deliver what Peter Marshall wants for his UFU members.

Of course those extraordinary provisions in the EBA come at a cost. We see that in the forward estimates with respect to the fire services property levy. As members will know, the fire services property levy was a taxation reform undertaken by the previous government which removed the levy on general insurance policies whereby only people who were insured actually paid for the fire services and implemented a levy which applies to property, so that all property owners who are the beneficiaries of our fire services in fact make a contribution to that levy. That reform was undertaken under the previous government, and what we see under this government — notwithstanding a nominal freeze in the fire services levy this year in order for the government to be able to say that the cost of this unholy deal with Peter Marshall is not impacting households; we see a freeze in the fire service levy this year and in fact a drop in revenue, given the over-collection last year — is a massive increase in the level of fire services property levy collection in the out years, when the government expects it will have to pay for the deal which has been done with Peter Marshall.

We have seen the removal of off-the-plan stamp duty concession for investors, and the taxation estimates in the budget papers certainly reflect that taxation expenditure — declining to virtually nothing. We have also seen the removal of the exemption on stamp duty on the transfer of non-primary-place-of-residence property between spouses. This is effectively the introduction of a new stamp duty, and that has impacted many families where, potentially, one member of a couple is seeking to protect their assets in a business context by transferring assets to the other spouse. That is now subject to stamp duty. Of course it acts as an impost and an impediment to those people and families organising their affairs, for quite legitimate purposes, in order to protect their assets in a business and commercial context. They will now be impeded in doing that by the new stamp duty effectively introduced by this government.

We will see starting next month the new taxi fare tax — an Uber tax — which was introduced as part of the botched restructure of the taxi industry in this state, which is having major ramifications across metropolitan Melbourne and Victoria more generally. We have seen a new point-of-consumption betting tax introduced by this government. We have seen a new stamp duty surcharge levy introduced on foreign purchases of property in Victoria, which has been subsequently increased. We have seen the additional land tax surcharge introduced and subsequently increased by this government.

So despite having a Premier who said he would not increase taxes — a Premier who said there would be no new taxes — we have seen a plethora of increased taxes and new taxes under this government, and we are now in a situation where Victorian state taxes as a proportion of gross state product (GSP) are the highest in the nation. That was not the case when the Andrews government came into office. Under the coalition government state tax as a proportion of gross state product was around the middle of the pack. We were not the lowest, but we certainly were not the highest. Victoria sat in the middle of the band, but under this government we now have the highest taxes on a GSP basis of any state in Australia. And those state taxes are extensive. State tax in Victoria contributes a bit over a third — just under 35 per cent — of the state's total budget. This budget year, tax revenue is forecast to be a little over \$24 billion.

It is worth putting that in context. The last year of the coalition government was the 2014–15 financial year. If we go to the end of that 2014–15 financial year, to 30 June, a year which was half under the coalition government and half under the current Labor government, state revenue that year was \$18.3 billion. With the forecast for the new 2018–19 financial year of \$24 billion, we see a 31 per cent increase in tax receipts in just four years.

I have asked: which Victorian household has had a 31 per cent increase in their income over the last four years? We are in an environment where wages growth is at virtually historical lows. As Victorian households know, annual income and annual wage growth is very, very low. It is lucky to be 1 or 1.5 per cent. We see that investment income — household investment income — is very low. For old-age pensioners who are relying on bank deposits, returns on bank deposits are historically low. They are lucky to cover 1 per cent. Victorian households have had to cut their cloth accordingly. In an environment where their incomes are not growing or are growing very slowly and their expenditure is increasing quite rapidly — with things such as car registration, utility bills and the like — Victorian households are struggling, yet the Victorian government in just four years is collecting an extra 30 per cent of tax revenue. That is an increase of almost \$6.2 billion extra in just four years.

It is worth reflecting on where the state is getting its tax revenue from. Which are the big-ticket items that contribute to the state coffers? For Victoria, the three largest are payroll tax, land tax and stamp duty. To run through the statement of finances set out in the budget papers, I will just look at the largest items first. Payroll tax for the 2018–19 budget year is expected to

contribute a little under \$6.2 billion to state revenue. It is worth reflecting on the fact that the only significant — and I use ‘significant’ in a relative sense — form of tax relief we see in this year’s budget, reflected in the bill coming before the house this afternoon, is the reduction in the payroll tax rate to 2.425 per cent for certain regional businesses. Treasury has assessed the cost of that revenue initiative in this budget year at \$39 million, increasing to \$45 million over the forward estimates period. It is worth putting that in context. For the budget year we are about to complete, the 2017–18 financial year, Treasury has estimated payroll tax collections of \$5.951 billion. After this ‘massive’ tax break that the Treasurer is offering to regional businesses — \$39 million in this year — payroll tax revenue will still increase and will go up to \$6.193 billion.

Despite the tax relief that we are supposed to be grateful for and that regional businesses are supposed to be grateful for, payroll tax collections are still increasing by around a quarter of a billion dollars in the budget year after allowing for the tax cut. So I think the Treasurer and the government are deluded if they think businesses in Victoria are going to be grateful when they hand back \$39 million while collecting an extra quarter of a billion dollars in payroll tax. Of course that growth in payroll tax continues over the forward estimates. By 2021–22 we see that payroll tax collections will increase to about \$7.25 billion. So in just the next three years there will be an extra billion dollars collected in payroll tax on a steady state basis.

In terms of our other major taxation lines, as I said before, stamp duty on land transfers, which is shown in the budget papers as land transfer duty, is the other very significant revenue item. For this budget year, that will pass \$7 billion for the first time in recent years — a little under \$7.1 billion. According to Treasury estimates, that will increase to \$7.7 billion by 2021. What is interesting with those forecasts, that very strong growth of more than 10 per cent in three years, is how that will reconcile if the property market softens, as some commentators expect, because we know the big driver of land transfer duty is both the price the properties sell for and the volume of properties that are sold. If we see an environment where property prices soften and where we see as a consequence the number of properties that go on the market fall, very quickly the growth in those estimates could come off and we could see the surpluses that the government is forecasting evaporate very quickly.

As I indicated last sitting week in my budget contribution, we have not seen this government bank any of the windfall revenue. We have seen virtually

every dollar of windfall revenue that is accumulated through economic growth and other factors be expensed in the public sector and on the cost of government more generally and no additional capacity built in at the margin.

Other areas where we see significant growth in taxation from this government is of course land tax — the third big source of taxation revenue for the government. In 2018–19 land tax will contribute just under \$3.1 billion to general revenue, increasing to a little under \$3.9 billion by 2021–22. Again, that is a line item where the government is benefiting from, firstly, its decision to shift to annual valuations of property. So when the market is growing the increase in valuations flows through on an annual basis for the assessment of land tax. Of course, because land tax is assessed on a steeply progressive scale, increases in property prices result in a substantial increase in revenue. But of course the downside risk is there as well. If the values come off even slightly, because of the progressive scale that can have a big impact on revenue collections. It is interesting to see that notwithstanding the concerns in the market that are being expressed by commentators now, Treasury blissfully expects strong growth in land tax revenue over the forward estimates period.

I indicated before that one of the areas we have seen tax increases in is in the fire services property levy, and the statement of finances reflects that. In 2017–18 FSPL revenue was budgeted at \$682 million, dropping this year because of the overcollection last year with the faux cap that was announced as part of the legislation to destroy the CFA. Accordingly this year revenue is forecast at \$642 million, but as the government expects the deal with Peter Marshall to come into effect, the cost of providing our fire services increases to \$738 million over the forward estimates. Of course that fire services property levy line item is not the full cost of providing fire services; there is additional supplementation from consolidated revenue in different amounts for the CFA and the Metropolitan Fire Brigade on top of that FSPL line item.

The other area of significant revenue — of course electronic gaming machines is one, but that is not one of huge, direct household interest — is vehicle registration fees, which I touched on before. We have seen under this government registration fees increase. We have seen duty on vehicle transfers increase. In the case of registration fees Victorians are now paying almost \$1.7 billion a year to register their motor vehicles. When you reflect on that cost for Victorian households, many of whom have two or more vehicles, and you add the registration fee to the Transport Accident Commission charge, that cost is a very

substantial burden on Victorian households. We are not seeing, under this budget, any relief either this year or in the forward estimates. Likewise on the purchase of vehicles we are seeing very strong growth in the stamp duty, which is charged for motor vehicle purchases, increasing from \$960 million in the 2017–18 financial year to almost \$1.1 billion by 2021–22.

The picture that is set out in the budget papers on tax revenue is one that suggests very strong growth. We have before the house a bill which implements the government's taxation changes announced in the budget. We can see from the budget papers that those impacts are very small. There has been an opportunity for this government to undertake significant tax reform. The time to do that of course is when tax revenues are expected to be high. This government has chosen not to take that opportunity. It has given minimal relief for a small number of regional businesses with a tax cut which will deliver \$39 million against a collection of almost \$6.2 billion, so we are seeing a minimal tax reduction. We are seeing no meaningful tax reform. What we are seeing is a missed opportunity.

This is a government which has failed to capitalise on its very strong revenues, both taxation and others, such as GST revenue which has tracked far above that which was forecast in the budget only two or three years ago. We have failed to see reform in taxation. We have failed to see the opportunity in infrastructure investment which flows from that additional revenue. What we have seen with this budget is a government which has been lazy, simply allowing the cost of government to increase as revenue has increased. The Treasurer has shown limited, if any, discipline on spending. He has simply allowed revenue to flow through and hit expenditure on the bottom line.

As I indicated in the budget debate last week, time and time again we have heard the government say, 'We'll have an increase in expenditure this year but next year we'll be good.' Of course this year that increase in expenditure is almost 10 per cent — in one financial year — which is just outrageous at a time when household budgets are barely increasing at the rate of inflation.

The government has had great opportunities over its term in office, with unexpectedly strong taxation revenue and unexpectedly strong grants revenue from the commonwealth — particularly GST — but it has failed to take the opportunity for reform and has failed to take the opportunity to strengthen the state's balance sheet. The budget is a missed opportunity and this taxation amendment bill is a missed opportunity, and come November this year Victorians will not be

thanking this government for those missed opportunities.

**Mr MULINO** (Eastern Victoria) (13:51) — I rise in support of the bill before us, the State Taxation Acts Amendment Bill 2018. I disagree with the previous speaker in that I believe there will be a significant number of Victorians who will be very thankful for a number of measures in this bill, and I will run through those measures throughout the course of this contribution.

This is a bill which contains a number of measures to assist Victorians and Victorian businesses. But it is also a bill that comes at the end of a four-year term in which our economy has grown not only faster than had been predicted at the beginning of the term but significantly faster than was the case in the previous term. Indeed, some of the slights and barbs from those opposite during the previous contribution might reflect the fact that some of those opposite were unaccustomed to aggregate tax revenues rising, because in fact they were managing an economy that was so sluggish and in the doldrums that many of the taxation items that Mr Rich-Phillips alluded to perhaps were not growing as fast as they are at the moment.

One should make the observation that many of the tax categories that Mr Rich-Phillips alluded to are rising in absolute terms because of the fact that we have an economy that is growing very, very rapidly. It is not just growing rapidly in aggregate but rapidly in gross state product per capita terms, which is an absolutely critical measure of the economic performance of any government. I do not want to dwell too much on these broader macro discussions in relation to this bill. I do want to make the point, however, that Victoria's taxation and royalty revenue per capita remains below WA, the ACT and New South Wales in 2017–18 and across the forward estimates. We need to take sensible holistic measures when we talk about taxation and its relationship to the economy, and Victoria remains in a very competitive position. When we look at tax, again from a holistic perspective, it is worth noting that this government has invested over \$740 million in tax cuts for Victorian businesses compared to \$246 million under the previous government.

I am going to spend most of my time today talking about some reforms contained in this bill; firstly, the regional payroll tax cuts. I am then going to talk about the young farmer duty exemption threshold being increased and also the changes to the exemption for first home buyer duty for Australian Defence Force (ADF) personnel. I am going to clarify how that interacts with the vacant residential land tax provisions.

Then I will make a very brief mention of some other more technical amendments that remove anomalies and unintended consequences.

Firstly, it is very important that we consider the regional payroll tax reduction. In previous budgets the government had already cut the payroll tax rate paid by regional Victorian businesses. As part of the 2017 state budget the rate of regional payroll tax was cut by 25 per cent to a rate of 3.65 per cent. As part of this budget we are cutting it further, so it is going from 3.65 per cent to 2.425 per cent. This will ensure that the lowest payroll tax rate of anywhere in Australia is paid by businesses operating in regional Victoria. This is yet another mechanism by which our government is supporting businesses and employment in regional Victoria.

Again, going to the holistic measures, if you look at the number of jobs created in regional Victoria in the first three and a half years of this term relative to the full four years under the previous government, we are far outstripping jobs growth in regional Victoria in this term compared to the previous term. It is precisely measures like this that are contributing to the environment in which that jobs growth is occurring. This rate will continue to apply to regional Victorian businesses where at least 85 per cent of payroll goes to regional employees. We are very happy to talk about regional employment all day long. Regional employment is growing very strongly under this government, and it is precisely measures like this which are creating that growth.

This government is also a strong supporter of the Victorian agricultural sector, so again this is yet another measure which is going to boost employment and boost incomes in regional Victoria. This bill will deliver important benefits to regional Victoria by supporting farming communities, increasing the threshold for the young farmer duty exemption from \$300 000 to \$600 000. Importantly, this change aligns the young farmer duty exemption threshold with the threshold for the first home buyer duty exemption. This is going to increase the maximum value of the duty exemption from \$13 000 to over \$31 000. A duty concession will apply for purchases valued between \$600 000 and \$750 000, and again that brings those thresholds in line with the thresholds for the first home buyer benefits in relation to duties. So these are two very important measures which will significantly benefit people in regional Victoria — employees in regional Victoria, businesses in regional Victoria and young farmers in regional Victoria.

I want to talk about another measure which the previous speaker referred to, and this is the fact that the

government is going to introduce an exemption from the first home buyer duty concession exemption residency requirement for Australian Defence Force personnel. Currently an applicant for the first home buyer duty concession exemption must reside in their property for a continuous period of 12 months, and that commences within 12 months of being entitled to possession of the purchased property. Whilst an applicant can apply for a variation to the residency requirement, due to the nature of the employment of ADF personnel there are instances where they are unable to do so within the required time frame or may not be able to fulfil the varied residency requirements due to work assignments that are often beyond their control. This is an anomaly or an unintended consequence that it is important to deal with.

The changes that we have included in this bill will align the first home buyer duty concession exemption policy with the policy for first home owner grants for ADF personnel. I am going to talk a little bit about the way in which this reform interacts with the vacant residential land tax provisions, which is something that has been raised by the opposition and others, and I just want to clarify that so that there is no uncertainty for any ADF personnel.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Corrections system

**Mr O'DONOHUE** (Eastern Victoria) (14:00) — My question is to the Minister for Corrections. Recent data reveals yet another increase in drugs, weapons and other contraband seized in Victoria's prisons, from 386 items in February 2018 to 417 items in March 2018. Specifically the data reveals there were 40 edged weapons found in Victoria's prisons in March 2018. Minister, how many of these edged weapons were manufactured from within the prison system?

**Ms TIERNEY** (Minister for Corrections) (14:01) — I thank the member for his question. This is a question that is asked from time to time, and it was definitely asked when Mr O'Donohue was the minister. The Victorian prison system has one of the toughest and most extensive drug testing and contraband detection regimes in Australia. Prisoners around the world attempt to introduce contraband into prisons on a regular basis, and it is just unfortunately a fact of the nature of prison systems around the world.

In Victoria under Labor we report each and every month on how we are tracking in detecting and

preventing drugs and contraband from entering our system. This public reporting just did not occur — it was hidden — under the previous government, but despite that we know we are conducting more drug tests and searches than in previous years. We are finding more contraband and drugs before they get into the prison system, and we have enacted tougher legislation in respect to this area — for example, we have implemented Australia's first drone ban.

In terms of recent data, it shows that increased intelligence and more targeted searches that are being done on visitors have meant that more contraband has been stopped at the door. Within the prisons, despite an increase in searches there was a reduction over the reporting period in needles and syringes and there was also an increase in being able to detect buprenorphine. I do have difficulty in saying that word. It is difficult. It is also very hard to detect in the prison system. For those who do not know, this is a particular drug that can be dissolved quite readily. It often comes in strips and it is very difficult to detect, but we have been able to do that to a significant extent.

In terms of what the narrative from the other side is, it is to try to create this picture that there is —

**Mr O'Donohue** — On a point of order, President, I asked a very specific question. The minister has been speaking for nearly 3 minutes about a range of issues that are not really on point in relation to the question, and I would ask you to bring her back to the question about the number of edged weapons manufactured within the prison system.

**The PRESIDENT** — The preamble did actually give the minister some leeway in terms of the remarks she might make, and I think that certainly the answer has been apposite in that sense. However, I do concur that the question actually sought a response on weapons that might have been manufactured or created within the prison system, and I would just remind the minister that that was the actual question that was put.

**Ms TIERNEY** — Thank you, President, but can I say before I respond further that I am not going to take lectures from those opposite about the good work our corrections officers do in detecting and preventing contraband in our prisons and especially not from someone who while under his watch as minister there were shivs, there were mobile phones, there were SIM cards, there was KFC, there was McDonald's, there was Subway, there were allen keys, there were tweezers and the list can go on and on in terms of what was detected in the Victorian —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Minister, I think you will agree with me that you are debating, and I am not sure that McDonald's or a Subway sandwich would constitute a weapon. Bad as they are, they are not weapons.

**Ms TIERNEY** — Thank you, President, but I did mention shivs as well. Unfortunately a shiv is a product that is manufactured in prisons. It is not unique to a prison. It is not unique to Victorian prisons. It is not unique to prisons anywhere in the world unfortunately. It is unacceptable that they are made and are circulated around the prison system, and this government is absolutely condoning that practice.

**Mr O'Donohue** — Minister, do you wish to make a personal explanation or correct the record? You said 'condoning that practice'. Is that what you meant to say?

**The PRESIDENT** — Order! It does not require going to that level, but, Minister, you did use the word 'condoning', and I think you meant condemning.

**Ms TIERNEY** — Condemning is correct.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) (14:07) — Thank you, Minister, for clarifying that you were wrong in your answer and correcting the record. Minister, noting that crime in the prison system under the Andrews government is up 130 per cent and going again to the specific data for March in relation to contraband, which reveals an increase in the number of edged weapons to 40 for the month, what measures are you taking with respect to edged weapons to prevent another stabbing on your watch?

**Ms TIERNEY** (Minister for Corrections) (14:07) — I thank the member for his question. As Mr O'Donohue well knows, there are a number of measures that are put in place in each prison that go to the process of searches and to targeting searches. They also rely very heavily on a whole range of intelligence measures that are introduced and are used by prison officers to gain information with respect to a whole range of things. It is not just in terms of knives that might be manufactured elsewhere; it is also in relation to drugs and various other forms of contraband. It is not appropriate for me as minister to go through in any detail in terms of what operational measures are undertaken in the prison system to mitigate against the distribution of weapons or any other such matters that are commonly known as contraband.

**Registered training organisations**

**Ms WOOLDRIDGE** (Eastern Metropolitan) (14:09) — My question is to the Minister for Training and Skills. Minister, can you confirm that in 2018, unlike other years, non-TAFE providers who already hold a Victorian government funding contract are not able to apply for more funded places beyond their initial allocation even when the delivery of those courses is identified as high need, in line with your so-called free TAFE course list?

**Ms TIERNEY** (Minister for Training and Skills) (14:09) — I find this question very interesting. The fact of the matter is that this government is absolutely committed to making sure that the whole gamut of training-provided delivery is delivered in this state. That is why we have a course-funded list that is actually tied to jobs. To ensure that this can continue to occur we have also allocated close to \$304 million to ensure that there are training places in the private sector, in the TAFE sector and in the Learn Local sector. The fact of the matter is that this government goes through a process that is undertaken by the department in determining the allocation of funded courses to private providers and others. This is a process that is well known by all that know this sector. Indeed what this government has done to ensure greater stability in the sector, and in particular for private providers, is to provide two-year contracts. Previously it was one year. We have moved to two years so that people can advertise and organise their staff and their training delivery. We believe that this is an appropriate measure based on what we have heard from the private training provider sector in relation to their involvement, not just now but into the future, with respect to the delivery of training in this state.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) (14:11) — I thank the minister for her response, which failed to go to the core of the question in relation to more funding places, despite an identification of need in those areas. I ask as a supplementary: Minister, are you aware of any training providers laying off staff because they have been denied more funding places, and if so, who?

**Ms TIERNEY** (Minister for Training and Skills) (14:12) — When I mentioned the extra \$304 million I neglected to mention that that also means there will be more than an additional 30 000 training places in this state, and that is a sure sign that those that are providing training, that have gone through the departmental process, are in a good position to expand their

businesses. In terms of companies that have indicated that they might be laying people off, I have not received notification of that, so I would invite Ms Wooldridge to provide me with that opportunity for me to actually access that information.

**Ms Wooldridge** interjected.

**Ms TIERNEY** — So you are prepared to provide me with that information, Ms Wooldridge, or aren't you? Yes or no?

*Honourable members interjecting.*

**Ms TIERNEY** — I look forward to receiving the information that you have.

**Corrections Victoria**

**Mr O'DONOHUE** (Eastern Victoria) (14:13) — My question is to the Minister for Corrections. Minister, what advice have you received regarding the incident that occurred last Friday in the County Court cells operated by Corrections Victoria, which saw a prisoner damage the officer station, a prisoner hospitalised and staff put at risk?

**Ms TIERNEY** (Minister for Corrections) (14:13) — The fact of the matter is that this is subject to an internal investigation, and I am not in a position to speak on this at this particular point in time.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) (14:13) — Minister, noting the previous WorkCover investigation into the operation of the County Court cells, what have you done to assure yourself that for the safety and security of Corrections Victoria and Court Services Victoria staff this does not continue to be the dangerous high-risk workplace environment which we have seen it to be since you became minister?

**Ms TIERNEY** (Minister for Corrections) (14:14) — The member actually does ask a question that is very important, and that is in relation to the health and safety of people in the workplace. This is a matter that is taken very, very seriously, particularly in terms of corrections for obvious reasons. This is a highly operational matter, and this of course goes to the procedures and guidelines that are in place by Corrections Victoria and other related agencies. These are reviewed on a continual basis, and indeed certainly they are reviewed on a regular basis. When incidents occur that also provides a further opportunity for reviews to be undertaken.

### TAFE funding

**Mr MORRIS** (Western Victoria) (14:15) — My question is to the Minister for Training and Skills. Minister, when you were asked whether you consulted with ACEVic as the peak body of adult and community education providers about your decision to make TAFE free, you stated, ‘We make no apology that this budget is an injection primarily into government priority areas’. Can you explain why not-for-profit adult and community education providers who have been cut out of this funding are not a priority for your government?

**Ms TIERNEY** (Minister for Training and Skills) (14:15) — I think that the actual question is misleading in terms of what was said. But again in terms of this government’s view about vocational education and training in this state, we make no apology that TAFE is at the heart of the system and that TAFE is the engine for skills and training in this state. In relation to others that are in the system — Learn Locals and private providers — each and every one of them has a very important and serious role to play. Yes, there was \$172 million allocated for free TAFE for priority government areas. There were 18 courses for preapprenticeships listed for TAFE. There was the \$304 million that I notified the chamber of today and on a previous occasion for an additional 30 000 places in this state. Indeed Learn Locals and the special relationships that they have with their local TAFEs will provide very important pathways for the most vulnerable in our communities.

The fact of the matter is that we certainly do not make any apology for reducing a significant financial barrier that has prevented so many people in our community from being able to undertake a TAFE course. We are very proud of that, and I will tell you again and again that this policy setting has gone down incredibly well in the community wherever I have been. Whether it has been in eastern Victoria, western Victoria, northern Victoria or metropolitan Melbourne, they absolutely love what we have initiated in this budget, and we are absolutely delighted to be able to provide new opportunities, particularly for the young, particularly for those that have been retrenched and particularly for those that would not ordinarily have been able to afford to enrol in a TAFE course and get a job.

#### *Supplementary question*

**Mr MORRIS** (Western Victoria) (14:18) — Thank you, Minister, for your response. Minister, your budget was handed down more than a month ago, Have you since met with anyone from ACEVic to discuss the

sector’s concerns about how free TAFE courses will decimate them?

**Ms TIERNEY** (Minister for Training and Skills) (14:18) — As I indicated in the last sitting, where there have been some concerns raised there have been meetings with the department and members of my office, and I have also spoken with people. But again, as I said last time, once people realise that there is \$304 million there and an additional 30 000 training places in this state that they can access, then many of their fears will be absolutely allayed.

There unfortunately have been people in the community that have gone out there and told porky pies. Because of free TAFE, the 30 free priority courses — that are government priority courses that will lead to jobs — and the preapprenticeship courses, people have been led to believe by those who hate TAFE that somehow that is going to have a significant impact on their businesses and their ability to deliver training. That is absolutely false. There is \$304 million for those that are in the business of delivering training.

### Murray Basin rail project

**Mr RAMSAY** (Western Victoria) (14:20) — My question is to the Minister for Regional Development. The construction of the Murray Basin rail project has been an absolute disaster under the Andrews Labor government. Minister, can you confirm that the Maryborough to Ararat standardisation track has been so badly constructed that the contractors have been sacked and the line has to be constructed all over again?

**Ms PULFORD** (Minister for Regional Development) (14:21) — I thank Mr Ramsay for his question — indeed the first question for donkey’s ages from a member of the Liberal Party for the regional development portfolio. The only problem is that it is actually not a project for which I have portfolio responsibility, but let me try and answer it as best as I can anyway.

**Ms Wooldridge** — On a point of order, President, every time we ask a question on this issue the minister seeks to absolve herself from responsibility for the issue. However, there is a media release, even from February this year, ‘Murray Basin rail project reopens on Mildura line’, put out by the minister herself with quotes from the minister. She clearly has some responsibility from the government’s perspective on exactly this issue, and so we welcome her responses on it, but it is not the opportunity to pass it off to somebody else. She clearly has some ownership and responsibility from the government perspective.

**The PRESIDENT** — The minister was about to actually provide some information to the house.

**An honourable member** interjected.

**The PRESIDENT** — I actually heard her say words to the effect that notwithstanding she did not have jurisdiction for the project she was prepared to provide some information to the house. That is what I heard her say. The minister to continue.

**Ms PULFORD** — As best I can. The agency delivering the project does not report to me; it reports to the Minister for Public Transport, Jacinta Allan.

**Mr Ramsay** — Do you know what's going on?

**Ms PULFORD** — I know a bit about what is going on with this project because it is very, very important to my agriculture stakeholders. It is a very significant project going on in regional Victoria. By the very nature of the portfolio the regional development minister does come across lots of issues that other ministers have carriage of that are important to the communities of regional Victoria. That is an everyday occurrence in my responsibilities. Large parts of this project are being undertaken in my electorate as well, so for lots of reasons I have a great interest in this project and in its success.

So with the caveat to the house that I am not the responsible minister for this project, to the best of my knowledge there are consultations underway at the moment. The assertion that contractors have been sacked or laid off I believe is not accurate. The consultations are being undertaken at the moment so that the project can continue. The reason the consultations are being undertaken at the moment is so that the project delivery team can hear from agricultural communities about how to complete the project with minimal impact on harvest.

*Supplementary question*

**Mr RAMSAY** (Western Victoria) (14:24) — Minister, can you also confirm — well, you have not confirmed the question I asked; in fact your answer was not correct — that there has been at least a \$100 million blowout already on this part of the line and that the \$440 million project is in danger of excessive overrun in costs and delays in construction?

**Ms PULFORD** (Minister for Regional Development) (14:24) — It would be a lot easier if ministers were asked questions about their portfolios. Now, I am trying to be helpful —

*Honourable members interjecting.*

**Ms PULFORD** — I put out a press release about the things that Ms Mikakos is doing in kindergartens in rural communities; it does not make me the responsible minister for it. It is not my fault that you guys cannot work this out after all the years you have both been here.

**Mr Ramsay** — Have the courage to stand up.

**Ms PULFORD** — I am standing up. I will seek a written response from the minister who is responsible for carriage of this project.

**Murray Basin rail project**

**Mr O'SULLIVAN** (Northern Victoria) (14:25) — My question is to the Minister for Regional Development. Minister, in February you put out a press release stating:

The next stage of the Murray Basin rail project will upgrade the Sea Lake and Manangatang lines.

Stakeholders in the hay, grain and mineral sands industries have invested millions of dollars in anticipation of stage 3 upgrades scheduled to be completed by August. Were you aware in February, when you put out your press release, that the project was likely to be delayed?

**Ms PULFORD** (Minister for Regional Development) (14:25) — I thank Mr O'Sullivan for his question, which is essentially a question for the minister who is responsible for this project, Jacinta Allan, who was unavailable to be in Mildura due to some other commitments on the day of the opening of the stage that Mr O'Sullivan referred to. I was scheduled to be in Mildura the following day, and so Minister Allan asked if perhaps I could attend the opening of that stage given I was scheduled to be in the region the following day. So I changed my plans and I went a day early. Mr O'Sullivan was there, as were a number of other members of Parliament.

I would welcome any member of the house asking me a question about my own portfolio responsibilities at any point they fancy. In terms of the details that Mr O'Sullivan is asking about regarding the Murray Basin rail project, which every member of the coalition, if they were honest, would know is being delivered by V/Line for the Minister for Public Transport, I will seek a written response in accordance with our standing orders.

**Ms Wooldridge** — On a point of order, President, the question was actually to the minister about whether she was aware when she put out her press release that the project was likely to be delayed. It was not a question about whether the Minister for Public Transport was aware; it was actually about whether the Minister for Regional Development was aware at the time of that opening. It is not a question that can be referred to someone else; it is a question directly to the minister.

**Ms PULFORD** — On the point of order, President, just to clarify: so you are asking my opinion about a matter that is in another minister's area of responsibility?

*Honourable members interjecting.*

**The PRESIDENT** — Are we done? The minister has completed her answer at this point, so I will think about whether or not I will seek a written response on the basis on which Ms Wooldridge has raised her point of order.

*Supplementary question*

**Mr O'SULLIVAN** (Northern Victoria) (14:28) — Minister, has the Minister for Public Transport or anyone else informed you that cracks have been discovered on the Mildura line that are hampering the delivery of freight to the port?

**Ms PULFORD** (Minister for Regional Development) (14:28) — Given that the coalition persists in asking their detailed questions about the delivery of a project for which I am not responsible, I will refer this to the relevant minister. I would add again that there are a lot of assertions being made about delays to this project. The most recent advice I have had on this project is that the project is being delivered well and that there are some further consultations that are being undertaken at the moment. This is so that stakeholders and in fact the people who will use this much-upgraded freight rail service have the opportunity to provide advice to the project delivery team around how to minimise impact. I also add that this is a project being delivered by the Labor government. The Nationals and the Liberals either sell the freight rail network or do absolutely nothing to it.

**Mr O'Sullivan** — We funded it.

**Ms PULFORD** — You did not, and you know that is not true. The business case was not even completed.

**The PRESIDENT** — Time has expired.

## National disability insurance scheme

**Dr CARLING-JENKINS** (Western Metropolitan) (14:30) — My question is for the minister representing the Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister Dalidakis. Minister, I recently met with a family whose adult child has a severe physical disability with associated health issues requiring 24/7 care. After experiencing problems working with services, this frustrated family was persuaded to pay a so-called advocate for advice. The advice received was to not apply for the national disability insurance scheme (NDIS) as it would not help their daughter. Besides this being untrue, this family were pressured to consider paying full price with a nursing service, which happened to be owned by the advocate. This has led me to wonder how many other families with children with disabilities are being misinformed and ripped off by similar scammers.

Minister, this is a new, emerging type of scam targeting vulnerable people in our community. What specific measures will the government put in place to ensure that such scammers are identified and stopped and that those who have been ripped off by them receive the support they need?

**Mr DALIDAKIS** (Minister for Trade and Investment) (14:31) — I thank Dr Carling-Jenkins for her question. It is a very serious issue, especially given that it is preying on some of the most vulnerable in our community. I will pass that on to the minister in the other place and seek a response and also ask the minister to confer with her colleague, Minister Foley, who has primary oversight of NDIS as well, to see what can be done through the portfolios.

*Supplementary question*

**Dr CARLING-JENKINS** (Western Metropolitan) (14:31) — Thank you, Minister. I appreciate your response and your expression of sympathy around this issue. My supplementary question is: will the minister for consumer affairs work with the minister for disability, but also with disability services and the NDIS, to raise awareness of this particular scam, which is actively operating in Victoria, including raising awareness by writing this type of scam up on the consumer affairs website?

**Mr DALIDAKIS** (Minister for Trade and Investment) (14:32) — I almost pre-empted the supplementary without knowledge. Certainly I can give confidence to Dr Carling-Jenkins that the ministers do work very cooperatively with each other, and I believe I am already in a position to answer your supplementary

question by assuring you that the ministers do continue to converse about overlapping issues between their portfolios.

### Medical technology sector

**Ms PATTEN** (Northern Metropolitan) (14:32) — My question is to the Minister for Innovation and the Digital Economy and relates to medical technologies, including biotech and pharmaceuticals. I note that you made a statement that Victoria is one of the world's leading locations for the development of these technologies and that it effectively has a head start in this field on the rest of the world. However, Victoria is losing high-growth opportunities to other states, such as Queensland and South Australia, which have aggressive relocation and expansion incentive programs which have been very successful in attracting investment from local and international companies. This is a separate issue to the work that LaunchVic is doing in their health tech arena, and I ask how the minister is addressing this.

**Mr DALIDAKIS** (Minister for Innovation and the Digital Economy) (14:33) — I thank Ms Patten for her question. As we talk, debate and take these questions at this Parliament I can tell you we have a trade mission in Boston at the moment looking at the very issues that you raise. The government continues to support our sector and support our industry by ensuring companies have the opportunity to go and showcase what they are doing to the world but also to see what is happening in other places around the world and to bring that support, that technology and that development back into Melbourne.

Former Premier Brumby is over in Boston leading that delegation on behalf of the Victorian government. Of course that is only one of many trade missions that we look to encourage — not just, by the way, trade missions offshore but also bringing people into Melbourne and Victoria. Indeed on a previous trade mission that I undertook I found myself in Houston at the Texas Medical Center, the largest trial site of any university medical centre in the world, with over 20 000 trials per year at phases 1, 2 and 3. We are looking to work with the Texas Medical Center. Indeed they already have a pre-existing relationship with the Victorian Comprehensive Cancer Centre, and we look to expand on those opportunities wherever possible. Yesterday I had a meeting with Johnson & Johnson, as it happens, to look at the issue of medical technology, medical devices and what more we can do. Of course J & J last year opened up a partnering office with Monash University.

I want to conclude my remarks to you today, Ms Patten, by letting you know that in fact Monash University has just been rated as the most innovative university in Australia and across the Asia-Pacific region as well. We do everything we can to support the medical device, medical technology, pharma and bio sectors in Victoria. We have a great story to tell and we have a wonderful story to sell. As the minister responsible I will continue to work very hard to ensure that those companies that work here have the ability to sell that story overseas but more importantly that we can continue to build upon our sector, as it is really — without a doubt — a glowing showcase around Australia of what we can do with innovation and technology and in the field of medical development as well.

### *Supplementary question*

**Ms PATTEN** (Northern Metropolitan) (14:35) — Thank you, Minister. I will look forward to the feedback from the industry in response to those trade missions. Sadly you missed it, but I was at the women in biotech lunch last week. In speaking to the network there they indicated that they have got recent research that suggests a lack of critical mass of early stage seed funding in Victoria to undertake the product development activities, and this has resulted in a relatively subscale — in their own words — start-up sector. I know that LaunchVic is helping the health tech businesses to identify or locate investors — and I think that is a great thing — but what is the government doing to actually attract investors in Victoria in the first place?

**Mr DALIDAKIS** (Minister for Innovation and the Digital Economy) (14:36) — I thank Ms Patten for her supplementary question. The issue of investment is one that we continue to work with in the ecosystem. It is not simply an issue for the start-up or the tech sectors, as you have described in your question focused around that med tech area as well. We do a number of things. The first one of course is we try and support the research and development (R and D) tax concessions, which provide an opportunity for that investment. We have worked very closely with the federal government to ensure that the R and D tax concessions remain in place. They have made some changes to them. I would have preferred that they did not, but the changes that they have made I do not think will be catastrophic to the industry at large.

I can say that over the time that I have been the innovation minister I have had to deal with five different federal ministers. Obviously Senator Sinodinos was the only one of those ministers

who unfortunately did not get the chance to complete the portfolio because of ill health, and I wish him well as he recovers. The reason I make that point is that it is very difficult with continuity in relation to investments to work with the commonwealth in that space given the ministers do change, but we will continue to seek investment in the sector to ensure that our companies have the finance to grow.

### Public housing renewal program

**Dr RATNAM** (Northern Metropolitan) (14:38) — My question is to the minister representing the Minister for Housing, Disability and Ageing. I refer to the Kensington public housing renewal project that the government has largely modelled its current public housing renewal program on. The evaluation report of the project was suppressed by the current and previous governments; however, it was recently made public as a result of the public housing inquiry that handed down its findings today.

This project, a precursor for the current model, was similarly modelled around a mix of public and private dwellings on the site. The evaluation report found that the land of the site was sold at one-twentieth of the market value, essentially providing a subsidy to private developers to make huge profits of anywhere between 35 and 50 per cent. My question is: are those figures correct, and if not, what are the correct figures?

**Ms MIKAKOS** (Minister for Families and Children) (14:38) — I thank the member for her question. Obviously this is a matter that sits with Minister Foley. I will be seeking a written response to the member around the specifics of the question that the member has asked. Because she has posed it in the context of a range of projects and the report of the parliamentary inquiry that has just been tabled in the house today, what I would say is that, as I understand it, there have been 172 submissions to that particular inquiry and not one of those submissions has supported a delay in the renewal of our public housing projects.

These are essential projects. We have seen a range of recommendations in this particular report. Obviously that is a matter that the government and the relevant minister will consider and report back on in due course. The thrust of the report finds that the government's direction is broadly correct and makes recommendations on how to improve future processes. Most importantly, the report does back the need for us to renew these run-down estates without delay. But what we have seen from the Greens party and the Liberal Party is a continual process of delay through this house in particular — a continual process of

obstruction from the Greens-Liberal alliance — that has actually disadvantaged the most vulnerable people in our state.

So we are calling on the Greens party to admit that, having set up this inquiry, they have failed in their attempt to discredit our government's plans to rebuild poor quality housing estates with better quality modern social housing. What we have seen in this report is a sad admission of failure. It only acts to condemn another generation of vulnerable Victorians to substandard housing and to poverty. There is no plan from the Greens party to build a single-use social housing unit. We are getting on with the task. We have put in significant investment — \$1 billion in this term of government and additional funding for housing and homelessness support, building to \$2.1 billion in financial backing — to deliver thousands of new social housing units.

What we are seeing from the Turnbull government is a failure to finalise the national housing and homelessness agreement, which expires at the end of this month. We have seen a rise of homelessness across our nation and absolutely no interest from either the Greens party or the Liberal Party to tackle these issues. These are hard issues. We need to address the fact that we have got people waiting on housing lists. We have a plan not only to renew these ageing public housing estates but also to create a net gain in terms of social housing. That is a key part of these projects. We are going to give more people an opportunity to have quality housing and to update public housing estates that have not been renewed for decades. Those opposite and the Greens party need to get with the program and allow Labor to get on with these important projects and give people access to quality, safe, modern housing.

### *Supplementary question*

**Dr RATNAM** (Northern Metropolitan) (14:42) — In the context of this concerning track record of governments undervaluing and essentially gifting public land to private developers, will the land valuations for the current public housing renewal program sites be made public before or after the deal is done with developers?

**Ms MIKAKOS** (Minister for Families and Children) (14:43) — What we have had is a 10-month-long inquiry. The Greens party have not got what they wanted out of this inquiry process and now they are coming in here with grassy-knoll conspiracy theories referring to the 'underbelly'. We know the friends of the underbelly are those sitting opposite — the friends of the mob are those sitting opposite — but

we are getting on with renewing public housing and social housing in this state. The only people who are putting a barrier in the pathway of vulnerable people getting access to modern social housing are the Greens party and the Liberal Party. You need to stop the obstruction, allow us to put those planning scheme amendments in and get on with providing thousands more Victorians with access to modern social housing in this state.

## QUESTIONS ON NOTICE

### Answers

**Mr JENNINGS** (Special Minister of State) (14:44) — There are eight responses to questions on notice: 12 335, 12 479, 12 520, 12 624, 12 638, 12 663, 12 667, 12 673.

## QUESTIONS WITHOUT NOTICE

### Written responses

**The PRESIDENT** (14:44) — In respect of today's questions, for Mr O'Donohue's first question to Ms Tierney I seek written responses to the substantive and supplementary questions in one day; Ms Wooldridge's question to Ms Tierney, the substantive and supplementary questions, one day; Mr O'Donohue's second question to Ms Tierney, substantive and supplementary questions, one day; Mr Morris's question to Ms Tierney, only the supplementary question, one day; Mr Ramsay's question to Ms Pulford, the substantive and supplementary questions, two days; and for Mr O'Sullivan's question to Ms Pulford, the substantive and supplementary questions, I am actually going to allow that two days as well.

I want to make the point that I note that the minister did provide an answer to the house in regard to both of those questions that I have just touched upon. Those questions were put to the minister on the basis of a press release. I have had the courtesy of receiving that press release, and I am of the view that the minister showed in the comments that she made in that press release no understanding of or responsibility for the project itself in terms of its completion. The minister's comments in this press release — and it is a generic press release put out by the government — contained only a comment on the benefits of that line to constituents in the north-west, including I dare say people who did go through her electorate.

In many ways this press release is no different to many press releases put out by all political parties that

incorporate a local component where a member of Parliament who does not have responsibility for a project actually just adds a comment on the benefit that they see for their community. It is in that context that I actually see that the minister's remarks were put in this press release. Therefore I do not actually believe that she does have a responsibility, but the responsibility does reside with the Minister for Public Transport.

Where the minister has got herself into a little bit of strife in this is in actually trying to be helpful to the house, in that she did try to provide some information to the house. This can create a situation where a minister is then expected by the house to provide further information at other times. On the basis of what has been put to her today and her responses, and particularly my reading of this press release, I think that it is appropriate that two days apply to both of those sets of questions so that the opposition might actually obtain information from the Minister for Public Transport.

I do note that the second question put to the minister by Mr O'Sullivan asked about what advice she might have received. It sought to understand her knowledge of the project. It might be that the minister will reflect on that and advise the house whether she did have any advice in her position as Minister for Regional Development or indeed as the local member, but I do not expect her to necessarily have had significant advice in that it is not her portfolio area.

I seek written responses to Dr Carling-Jenkins's question to Mr Dalidakis, the substantive and supplementary questions, in two days, and to Dr Ratnam's question to Ms Mikakos, the substantive and supplementary questions, in two days.

## CONSTITUENCY QUESTIONS

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) (14:48) — My question is to the Minister for Health, and it concerns her failure to respond to previous questions regarding two important issues in my electorate. On 29 November 2017 I asked the minister to support a funding submission and fund the redevelopment by Goulburn Valley Health (GV Health) of their community health precinct in Corio Street, Shepparton. This important redevelopment will enable GV Health to house all care services in one hub, and the minister has failed to respond to my request of six months ago.

On 6 March 2018 I asked the minister to fund the employment of additional security guards at Goulburn

Valley Health after concerns about the safety of both patients and employees were raised by an employee. Yet again I have received no response. Rather than ignoring these legitimate concerns raised by my constituents, will the minister ensure the funding of the planned community health precinct redevelopment and also improve the safety of Goulburn Valley Health staff, patients and visitors by employing additional security guards at the hospital?

### **South Eastern Metropolitan Region**

**Ms SPRINGLE** (South Eastern Metropolitan) (14:49) — My question is for the Minister for Roads and Road Safety. Some \$375 million has been allocated over the forward estimates for the completion of the Mordialloc Freeway. Concerned residents have been unable to access traffic modelling or the business case and are feeling very much in the dark about some of the key economic and environmental assumptions underpinning the government's plans. Members of the local community have been informed that one-third of the freeway corridor is privately owned and will need to be purchased. Minister, is the figure of one-third correct, and how much money from the \$375 million budget will be for compulsory acquisitions associated with the road route?

### **Eastern Victoria Region**

**Mr MULINO** (Eastern Victoria) (14:50) — My constituency question is to the Minister for Roads and Road Safety. In the last budget there were significant investments in outer-suburban roads. Some of the most significant investments were in the growing south-east suburbs, and one of the most significant projects in that area was an upgrade to the Healesville-Koo Wee Rup Road in Pakenham. This upgrade will include a duplication of the road from two to four lanes between Princes Freeway and Manks Road. This road sees traffic of over 21 000 vehicles per day and is a major source of congestion for large parts of my electorate. My question relates to the impact of this project on the freight industry, because in addition to all of those vehicles there are something in the order of 4000 trucks on that road per day. My question to the minister is: can he outline the benefits to the freight industry of this upgrade to my electorate and to the broader community?

### **Northern Metropolitan Region**

**Mr ONDARCHIE** (Northern Metropolitan) (14:51) — My constituency question today is to the Minister for Housing, Disability and Ageing in the other place. The government committed \$152 million

to family violence housing in response to the findings of the Royal Commission into Family Violence. In my electorate of Northern Metropolitan Region Haven; Home, Safe, Preston, reported there had been a 19 per cent increase in the number of people accessing homelessness services since 2017. Minister, would you advise me so I can let my residents know what the target purchase for dwellings and the target production for dwellings for victims of domestic violence were and whether these targets were met?

### **Northern Metropolitan Region**

**Ms PATTEN** (Northern Metropolitan) (14:51) — My constituency question is to the Minister for Education. One of my constituents is the father of six-year-old and nine-year-old daughters and is concerned about school cyber safety. His daughters' primary school requires students to create online profiles on an Australian fundraising website that include their name, their school and their photo to participate in the school fundraiser. These profiles can be freely searched by anyone, which is a great safety concern to him. He asks whether the minister is similarly concerned and what he will do to address it.

### **Western Metropolitan Region**

**Mr MELHEM** (Western Metropolitan) (14:52) — My constituency question is to the Minister for Roads and Road Safety, the Honourable Luke Donnellan. I allude to the \$300 million upgrade to the M80 freeway, which began construction in the first half of 2017. This forms one of the early parts of the \$2.25 billion revitalisation of the M80. This upgrade is set to widen the M80 freeway from two to four lanes from Sunshine Avenue to the E. J. Whitten Bridge and from three to five lanes over the E. J. Whitten Bridge to the Calder Freeway. It is just one of the many infrastructure projects currently occurring in the west as part of the Andrews Labor government's strategy for meeting our growing population's needs. Can the minister please advise me of when this project is expected to be completed so my constituents in Western Metropolitan Region can start using the new lanes to reduce their travel times to and from work?

### **Western Victoria Region**

**Mr MORRIS** (Western Victoria) (14:53) — My constituency question is directed to the Minister for Police. Not only has Labor cut 18 frontline police officers from Ballarat, it has now been revealed that Ballarat has the highest number of drug offences occurring in schools anywhere in Victoria. Off the back of this shocking revelation, will the government follow

the Liberal-National coalition's lead by reintroducing the police in schools program?

### Eastern Metropolitan Region

**Ms DUNN** (Eastern Metropolitan) (14:54) — My constituency question is for the Minister for Roads and Road Safety on behalf of a constituent in Greensborough. It pertains to the safety of pedestrian crossings on Grimshaw Street, Greensborough, particularly those used by the school children of St Mary's Parish Primary School and Greensborough Primary School. My constituent has observed cars blocking these crossings on a daily basis. Crossing supervisors must help children walk between the cars that block the crossing every morning. Grimshaw Street is heavily congested, and it is only going to get worse when the north-east link turns it into a feeder road and brings even more traffic into the area. The level of traffic is already leading motorists to ignore the school zone speed limits and to go far too fast on a road that has two primary schools on it which are a mere 700 metres apart. My question is: what action will the minister take to address these safety concerns and keep the students of St Mary's Parish Primary School and Greensborough Primary School safe?

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) (14:55) — My question is to the Minister for Roads and Road Safety, and it is in respect of the tenders currently put out for the construction of the Drysdale bypass. My understanding is that there is still some discussion around what the preferred option is for the bypass, particularly in relation to the three intersections. It is very clear that the community of Drysdale are very concerned about the traffic light intersections — three of them, as have been proposed by VicRoads — and are looking for the roundabout option. Nevertheless, as I understand it the minister is committed to construction this year. We planned last year; we are constructing this year. No sod has been turned yet. The question I ask of the minister is: has the tender process been finalised, and will construction start this year, as the government promised and committed to?

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) (14:56) — My constituency question today is for the minister responsible for WorkCover, and it relates to an incident that occurred yesterday on the sky rail corridor in Carnegie. There was a cessation of train movements for some time, and I ask that the minister investigate this. My question, in short, is: will the minister explain to the

community what occurred yesterday and whether this is yet another serious incident in the run of incidents on the sky rail corridor?

**The PRESIDENT** — We will be returning to government business. I might just make the comment, Ms Dunn, that we have actually checked and though it is a wonderful school, that school is not in your or my electorate. It is very close to the boundary of the electorate, and on that basis I will allow the question to stand.

## STATE TAXATION ACTS AMENDMENT BILL 2018

### *Second reading*

#### **Debate resumed.**

**Mr MULINO** (Eastern Victoria) (14:57) — In my earlier contribution to this debate I talked about the significant benefits for regional Victoria from the cut in payroll tax and also from increasing the threshold for the young farmer duty exemption. I also outlined the key components of the clarification of the residency requirements for the ADF personnel first home buyer duty concession exemption, and I was just going to clarify for the benefit of the chamber — and also for the benefit of the Australian Defence Force personnel — how that interacts with the vacant residential land tax provisions.

Essentially I want to clarify the question, 'Do ADF personnel, who get the first home buyer benefit principal place of residence (PPR) duty exemption because they are exempt from the residency requirement, have to pay vacant residential land tax if they are on deployment and are absent from the home for more than six months?'. If the ADF member occupies their home before deployment, they are still likely to qualify for a principal place of residence exemption from land tax. During their deployment this principal place of residence exemption is likely to continue under the PPR temporary absence provisions. Under these circumstances they will not be subject to the vacant residential land tax.

There are also a number of other exemptions that can apply. For example, if the home is occupied by a permitted occupant — that is, anyone who resides there with the owner's permission, such as their family — as the permitted occupant's PPR while the ADF member is away, then the property will not be subject to vacant residential land tax. In another example, if the home is rented out to long-term or short-term tenants — which is likely if the ADF member is on long-term

deployment — then again the home will not be subject to the vacant residential land tax. If the home is neither occupied nor rented out but the ADF member visits their home during breaks from deployment, then the property may still qualify for an exemption from vacant residential land tax — for example, as a holiday home.

Finally, whether the vacant residential land tax applies to a property in a given year depends upon a number of factors, including the timing of events. If a property changes ownership, which is clearly the case where an ADF member is buying a property which is intended to be their principal place of residence, there is an exemption from the vacant residential land tax for the following year. In these circumstances, depending on when the change of ownership occurs, a person could have up to 23 months to return to the property before it may become subject to the vacant residential land tax. That is just to clarify the operation of that question. Of course there is going to be an opportunity for us to have a more detailed discussion of that particular interaction in committee, but I thought it was important to put that on the record in my contribution.

I will not go into detail on all of the remaining provisions of this bill, but I will just highlight a couple of them. The bill introduces an exemption from the foreign purchaser additional duty for foreign purchasers who jointly purchase a principal place of residence with their spouse or domestic partner who is not considered a foreign natural person. One of the objectives of the foreign purchaser additional duty provisions was to ensure a fair and equitable contribution is made to state revenue by foreign buyers who may not otherwise pay tax in Victoria. This exemption recognises that in some circumstances temporary residents who are foreign purchasers and who jointly purchase a home with their Australian spouse or domestic partner have been living and working in Victoria for a number of years, meaning that they have been making a contribution to the Victorian economy and are sharing in the tax burden. This is consistent with the rationale for the provisions that were outlined in earlier tax bills.

The bill also extends the duty exemption relating to certain equity release products. Can I just say that this is an important set of products in a market where we have an ageing population. I believe it is important that we have as large a suite of products available to older Australians as possible and that we have as much competition as possible in the provision of each of those products. The exemption currently only applies to equity release products that are offered by financial institutions. This duty exemption is being expanded to encompass a larger range of permitted providers, which will include bodies regulated by the Australian

Prudential Regulation Authority. We are sticking to the intent of the original provision, which is that there be prudential oversight of the institutions providing the equity release products. I believe this is a sensible expansion of that provision and will ensure a better environment in which these products will be provided.

There are also a number of anomalies and inconsistencies and unintended outcomes removed — for example, to the Duties Act 2000. The bill that we have before us will also make technical amendments to the apparent purchaser duty exemption to ensure that it operates as intended. This bill will also ensure that the interests of all foreign persons and their associates are to be taken into account when determining whether a foreign person has a controlling interest in a corporation or a substantial interest in a trust. The Duties Act also provides for a concession from duty for the transfer of property in certain circumstances, and this bill provides clarification of that. It also provides clarification of the way in which the Unclaimed Money Act 2008 interacts with a number of transactions, particularly in relation to deceased estates.

This is a substantial bill and it is an important component of this budget. It benefits businesses in regional Victoria. It benefits young farmers in regional Victoria. It will clarify the operation of the first home buyer duty concession exemption for ADF personnel and will remove a number of other anomalies from a range of bills. I support this bill and commend it to the house.

**Dr RATNAM** (Northern Metropolitan) (15:04) — I rise to speak to the State Taxation Acts Amendment Bill 2018 and briefly state that the Greens will not oppose the bill. We have outlined the reasons for this in our substantive reply to the budget, and I will leave my contribution at that.

**Mr ONDARCHIE** (Northern Metropolitan) (15:04) — I rise to speak on the State Taxation Acts Amendment Bill 2018. It is interesting that we have a finance bill before us now when the Appropriation (2017–2018) Bill 2017 and the budget papers of 2017–18 are still on the notice paper.

I thank Mr Rich-Phillips for his contribution on behalf of the Liberal-National coalition. I note that the purposes of the bill are to amend the Duties Act 2000, the Payroll Tax Act 2000 and the Unclaimed Money Act 2008, to implement budget measures and to implement administrative arrangements.

There are a few provisions of the bill around changes to taxes, foreign purchasers duty provisions, partnerships

and other changes, but more broadly this bill provides an opportunity to again remind Victorians that Labor has introduced 12 new or increased taxes since coming to office when they said they would not, and the tax hike has jumped by \$6.2 billion — that is 35 per cent — breaking Daniel Andrews very clear promise that there would be no new taxes and no increased taxes. Under Labor Victoria has now become the highest taxing state in Australia if you take the measure of state tax to gross state product compared to the changes that were made during the coalition's term.

Let me just touch on those 12 new taxes. They have tripled the brown coal royalties. There is a new vacant residential property tax. There are new annual property valuations to increase land tax. They have increased stamp duty on new cars. They have increased the fire services property levy. They have removed off-the-plan stamp duty concessions for investors. There is a new stamp duty on property transfers between spouses, excluding of course the principal place of residence. They have introduced Uber and taxi fare taxes. There is a new point-of-consumption betting tax and a new city access tax for the West Gate tunnel. Stamp duty surcharges have been increased for foreign purchasers, and there is a new land tax surcharge, which has subsequently been increased, for foreign owners.

There are some interesting facts when it comes to tax in this state. Under Daniel Andrews payroll tax is up nearly 20 per cent, making it harder for employers to give their workers the pay rise they so desperately need. Under Daniel Andrews land tax is up 77 per cent. He is making it even worse with a move to annual revaluations, meaning land tax will go up every year instead of every second year. Under Daniel Andrews stamp duty on property transfers is up 60 per cent, making the dream of owning your own home even harder. Under Daniel Andrews motor vehicle registration is up 20 per cent, and he has made things worse by increasing stamp duty on new cars by 36 per cent.

Look at the payroll tax take. Since 2014, when this government came to office, there has been an increase of 20 per cent. The land tax since this government came to office has had a 77 per cent increase. The stamp duty on property transfers since this government came to office has had a 60 per cent increase. The duty on vehicle registrations and transfers has gone up 36 per cent and vehicle registration fees have gone up 20 per cent. When you take that total tax revenue and average it from 2014–15 to date, including this current budget, there is an increase in taxes of 35 per cent on average. Daniel Andrews has increased Victorian state taxes by

\$7.9 billion, making it, as I said, the highest taxing state in Australia.

Let me take us back to the night before the 2014 state election, when Daniel Andrews, then Leader of the Opposition, was interviewed live on Channel 7 by Peter Mitchell. Peter Mitchell said, and I quote:

Daniel Andrews, all the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

Daniel Andrews, standing on the steps of Parliament House, looked down the barrel of the Channel 7 camera to all those watching at home and said this:

I make that promise, Peter, to every single Victorian.

What was the promise he made? He was asked if he would promise not to increase taxes or introduce any new taxes, and he said, 'I make that promise to every single Victorian'. To every single Victorian he said that he would not increase taxes or introduce any new taxes. Since then Daniel Andrews and his complicit Treasurer have announced 12 new or increased taxes.

I know Mr Finn often talks about the new city access tax for the West Gate tunnel. I know that the Latrobe Valley is hurting and that electricity costs have gone up across Victoria because of a tripling of the brown coal royalties. That caused, as we know, one of the businesses in the Latrobe Valley, Engie, to wrap up its production of electricity at Hazelwood. In government they say, 'It wasn't us. It was Engie that made the decision'. But the reality is that they made production of energy at Hazelwood uncompetitive. They could not compete in the market. They gave it away. It has taken 20 per cent of the base load out of the state electricity system and prices have gone up accordingly — and they say, 'It's not our fault'.

**Mr O'Sullivan** — They had a policy to close it, didn't they?

**Mr ONDARCHIE** — They did have a policy to close it, Mr O'Sullivan, you are right. They introduced Uber and taxi fare hikes, and we have seen the fallout of that even in recent days. They increased stamp duty on new cars, and for off-the-plan purchases there is new stamp duty. The scenario for several Victorians and overseas buyers is a new so-called vacant home tax. New annual property valuations will increase the land tax take. Property transfers between spouses, as I indicated, excluding the principal place of residence, will attract a new stamp duty. There is a new point-of-consumption gambling tax. They have subsequently tripled the new land tax surcharge for absentee owners, increased the new stamp duty

surcharge for foreign purchasers and increased the fire services property levy.

I also make the point that this list does not include the changes to the growth areas infrastructure contribution levy, the \$140 million increase in property transfer fees and a host of other fees that have been gouged by this Labor tax take. The cost of living is much, much more expensive under Daniel Andrews than it certainly was under the previous government, and they do not make any apologies for it. They do not make any apologies also for the fact that they have blown out every single capital project they have touched. The West Gate tunnel they said was going to cost \$500 million; it is now \$6.7 billion, a blowout of \$6.2 billion. How could you be out by \$6.2 billion? Give them a calculator, give them an abacus, give them an Excel spreadsheet. How could they be out by \$6.2 billion in their costings?

They said the Melbourne Metro Tunnel would cost \$9 billion; it is now \$11.07 billion, a \$2.07 billion cost blowout. They said the level crossing removal project would cost \$5 billion; the Auditor-General said after their analysis that it is now \$8.3 billion. That is a \$3.3 billion blowout on the project. Then there is the north-east link, and it is interesting to note that they have talked about it but there is not one single dollar in the budget to build the thing. They said it would cost \$5 billion; it is now out to \$16.5 billion — an \$11.5 billion increase. How can you get this so wrong? I will tell you how they can get it so wrong: it is because they do not care; it is not their money. They do not care, because it is somebody else's money. It does not matter to them.

For the east-west link, the most important piece of infrastructure as determined by even Labor's own advisers, they said it would not cost a cent to cancel that contract — not one single cent. They are right. It did not cost one single cent; it cost \$1.3 billion to cancel the east-west link contract. Those coming from west to east or east to west for their daily business or trying to get home to their families or trying to get to work on time are rightly angry that this government has spent \$1.3 billion that makes them late for work or gets them home late every day. If they are trying to travel between the east and the west of Melbourne or the west and the east, it is holding them up, it is reducing productivity and somebody pays for that. But not this government. They do not think it matters because it is not their money.

The Victorian Heart Hospital they said would cost \$150 million. It has cost \$543 million, which means it has blown out by \$393 million. How can you get these numbers so wrong? The Seaford-Frankston line

stabling project that they said would cost \$187.4 million now costs \$236.7 million, another blow out by \$49.3 million.

Then there is the Hoddle Street upgrade. Those who travel on Hoddle Street regularly will know that the \$60 million they promised has now blown out to \$108.6 million, a blowout of \$48.6 million — and it has not made a lot of difference to Hoddle Street. Those commuters who use Hoddle Street regularly, and I use it every single day, would say that despite all that money, that \$48.6 million blowout on that project has not made a lot of difference.

The Casey Hospital, which they promised would cost \$106.3 million, cost \$139.8 million, a blowout of \$33.5 million in Melbourne's south-east. For the Ballarat line upgrade, which they talk about often, they promised \$516.7 million to build that; the real cost is \$549.5 million, a blowout of \$32.8 million. The Yan Yean Road project: I know the Yan Yean Road project because they have just started it. It must be an election year. They have put a lot of signs up, they are starting to do something, they are starting to dig the edges of the road and they are taking people's land. When this was first mooted in 2012, the member for Yan Yean talked to all the local landowners and said, 'Careful: the government are going to take your land'. Now when you drive down Yan Yean Road there are all of these orange flags taking over a third of people's properties, and where is the member for Yan Yean on this? Cue the sound of crickets — she is very, very silent. They promised \$95 million to do that, and it has now cost \$126 million, which is a blowout of \$31 million.

The Frankston station upgrade, which is often talked about, was \$50 million and is actually costing \$61.8 million, which is a blowout of \$11.8 million on this project. The V/Line fleet maintenance which they said would cost \$12.5 million is now going to cost \$23 million, which is a blowout of \$10.5 million on this project. The Huntingdale station car park: they promised \$4.8 million to do that, and the actual cost is \$11.5 million, which is a blowout of \$6.7 million on that project.

If you look at the costs of these projects and the waste and the cost blowouts, it is more than \$25 billion. That is \$25 billion that this government has blown out on projects they have started. What could \$25 billion have bought you? Twenty-five Royal Children's Hospitals, 125 000 ambulances, 926 secondary colleges, 2083 primary schools, four east-west links, 125 women's and children's hospitals, 1563 police stations, 42 suburban rail line extensions, 250 new cardiac cath labs, 1714 trams, 1389 X'trapolis metro

trains and 1136 special development schools. They have blown out \$25 billion. Add to that the fact that they have created a new logo for Victoria. It is highly technical in its response: an upside-down triangle with the word 'Vic' in the middle. They spent \$20 million to do that — \$20 million for an upside-down triangle with the word 'Vic' in the middle. I reckon if you took it to a year 7 class at any secondary school, Mr O'Sullivan, you could get some of the students there to do it for \$20 not \$20 million.

**Mr O'Sullivan** — But they would be using it everywhere.

**Mr ONDARCHIE** — They have tried to use it everywhere. They tried to use it on centre court at the Melbourne Tennis Centre and for \$20 million it did not even fit, but they do not care because it is not their money. Cost after cost after cost blowouts on these projects —

**Mr Dalidakis** interjected.

**Mr ONDARCHIE** — Are you preloaded?

**The ACTING PRESIDENT (Mr Elasmr)** — Minister, I am on my feet. Mr Ondarchie to continue without interjection.

**Mr ONDARCHIE** — Thank you very much, Acting President. Here we go: the apologist for the state government over there saying, 'It's not our fault. We've blown out \$25 billion in costs and put up 12 new taxes'.

**Mr Dalidakis** interjected.

**Mr ONDARCHIE** — Here he is. The preloaded minister has come in after lunch, and all he can do is be an apologist and interject because he knows —

**Mr Dalidakis** interjected.

**The ACTING PRESIDENT (Mr Elasmr)** — Minister! Mr Ondarchie to continue.

**Mr ONDARCHIE** — There have been 12 new taxes since they came to government — 12 new taxes when they said they would not put any up — plus \$25 billion in cost blowouts. The acting Kim Carr comes here today and wants to be an apologist. Look at the Lexus lefty over there. He is an apologist for the government, which has spent all of this taxpayers money and blown out all this money that could have built schools, police stations and railway line extensions and bought ambulances — all the services that Victorians desperately need — and they do not care. They do not care because they spent \$20 million on a

new logo when Victorians are crying out for services. They do not care because it is not their money. I condemn the financial management of this government. They do not have any. With Lurch, Uncle Fester and Wednesday running the government, of course it is going to be shocking.

**Mr Morris** — On a point of order, Acting President, upon reflection, after hearing Mr Dalidakis use an unparliamentary term, I think the minister should withdraw that term that he knows is unparliamentary in describing Mr Ondarchie.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! There were previously some comments about the Premier from both members on this side, and I think that is what has encouraged the minister to do the same. I ask both sides to respect the Parliament.

**Mr MORRIS** (Western Victoria) (15:20) — I rise to make my contribution to the State Taxation Acts Amendment Bill 2018. In doing so I note that this bill amends the Duties Act 2000, the Payroll Tax Act 2007 and the Unclaimed Money Act 2008, and it implements budget measures and administrative amendments as well.

I do note, as other members have stated, that in 2017–18 the requirements for a serving Australian Defence Force (ADF) member to meet the requirements to reside in their principal place of residence to qualify for the first home owners grant was eliminated, and this bill eliminates the same requirement in relation to serving ADF members to qualify for the first home buyers stamp duty exemption. This applies whether or not the ADF member has purchased the property on his or her own or with a partner or a spouse. It is important to note, however, that a serving ADF member whose property within Victoria is in Melbourne and is unoccupied as a consequence of being posted interstate or overseas will still be subject to Labor's vacant residential property tax, which of course is a new tax that has been implemented by this government despite the very clear assurance that the Premier gave to every single Victorian on the night before the November election of 2014.

This is just one in a litany of promises broken by the Andrews government in their three and a half years or so in office. One of the most destructive of these of course has been the tripling of royalties on brown coal. I know that one of the most significant factors that is impacting on businesses across Victoria and particularly in western Victoria is the increased cost of electricity. This government has been entirely negligent

in overseeing the closure of Hazelwood, which they went to the election saying that they wanted to see happen, but when it did actually happen they said, 'No, no, it's got nothing to do with us — nothing to do with us at all. It's all Engie's fault, and it's got nothing to do with us, nothing to do with the tripling of the brown coal tax'. Of course when we saw this happening we inevitably saw a massive spike in the cost of electricity, and when this happened members of the government looked at each other in shock, not understanding that when you take a significant amount of the energy within the market out of it you are going to see a rise in the cost.

Then just before the budget was released this year we saw another con on the people of Victoria by the government saying that if you go to a website and punch in all of your personal details there will be \$50 in it for you. This is despite the fact that this government is costing the average household hundreds of dollars extra each year as a result of its negligence when it comes to the energy market. They expect Victorians to trust them to give them all of their personal information — their bank account details — being punched into this website, and who knows where that information is going to go? Is it going to be going to help ALP candidates in the lead-up to the election? I would ask Victorians to ask them that question about where it is going to go.

**Mr Dalidakis** — Your colleague Damien Mantach is in jail, not us. Or there is Tim McCurdy or Russell Northe — who do you want to talk about? Do you want to talk about Tim McCurdy or do you want to talk about Damien Mantach?

**Mr MORRIS** — Mr Dalidakis asks, 'What about Mr Mantach?'. Well, Mr Mantach is in jail for stealing money. What happens to those opposite when they steal money? They sit there and say, 'It's got nothing to do with us. It was all in good faith'. We had the Labor members and ministers stealing nearly \$400 000 of taxpayers money and spending over \$1 million trying to cover it up, and what did they say? 'Nothing to do with us'. They handed it over, which brings me to the point that the Labor candidate for Buninyong, Ms Settle, was one of those red shirts that was part of the massive rort that saw that candidate receive over \$21 000 of taxpayers money.

**Mr Dalidakis** interjected.

**Mr MORRIS** — This is just one of many, many failings. The fact that this government has failed to take ownership, to understand that when you steal taxpayers' money — Mr Dalidakis must have had a

very big lunch over there, mustn't he? — it is not okay just to pay some of it back and offer a half apology in saying that you wish it had not happened. I would suggest that when the Premier said that he wishes this had not happened, what he actually meant is 'I wish I hadn't got caught'. That is what he really meant, because he knows that as a result of using these funds the Labor Party received a significant advantage. Who was it that paid for that significant advantage?

**Mr Dalidakis** interjected.

**Mr MORRIS** — Who received that significant advantage? It was the Labor Party. If Mr Dalidakis wants us to follow the lead and say that what happened to Mr Mantach should happen to the Labor Party, then we would see a number of his colleagues on the inside of a jail cell. If that is the standard you want them to be held to, then that is where you are saying they should be. What we have seen is —

*Honourable members interjecting.*

**Mr Ramsay** — On a point of order, Acting President, Mr Dalidakis has strayed well past the soft interjection stage. He has actually named members in the other place and referred to other members as facing charges, which is incorrect. He has made a number of allegations against a person who is actually not in this chamber or in the Assembly, and he has continued to interject. I want to be quick because I do not want to interfere in Mr Morris's time, but Mr Dalidakis has gone beyond the pale and I ask you, Acting President, to bring him back.

**The ACTING PRESIDENT (Mr Elasmr)** — I have ruled before about the interjections in the house, and I agree with Mr Ramsay about the interjections from this side and from the minister, but Mr Morris is also encouraging the minister to continue because he is not addressing the Chair but is addressing the minister directly. So both sides, back to the main issue, and I would like to hear Mr Morris by himself.

**Mr MORRIS** — Thank you, Acting President, for your guidance. I acknowledge that I was not addressing the Chair for a moment there. I was distracted by some interjections that had been made, but to go back to the bill itself, being the State Taxation Acts Amendment Bill, the bill also has a number of administrative measures contained within it that the provisions clarify. One is the foreign purchaser additional duty provisions, which clarify that where foreign owners together own more than 50 per cent of the interest in land it will attract the FPAD — the foreign purchaser additional duty — even if the owners are legally unrelated parties.

Another change is where a non-Australian temporary resident jointly purchases a property with an Australian resident who is their spouse or domestic partner and the foreign purchaser lives in the property as a principal place of residence (PPR) for 12 contiguous months, then the FPAD will not apply and the State Revenue Office (SRO) has discretion to waive the residence requirements where there is a good reason for doing so. The bill also amends the charging provisions applying to the conversion of a private unit trust to a public unit trust. Further in relation to those partnerships the bill overturns the effect of a Court of Appeal decision, being *Commissioner of State Revenue v. Danvest Pty Ltd* [2017], which had cast doubt on the SRO's treatment of the duty liabilities of partnerships dealing with property in certain circumstances.

Some of the other changes that the bill makes are more technical amendments to allow the appointment of certain duty exemptions to extend who can provide equity release programs to entities regulated by the Australian Prudential Regulation Authority, and to clarify that where a spouse or domestic partner goes onto a title with their spouse or domestic partner on a PPR their sharing of a mortgage will not treat stamp duty obligations as a sale.

Some of the further concerns that have been raised with regard to what we are seeing in the state of Victoria presently include that Victoria has now become the highest taxing state in Australia when it is measured by state tax versus gross state product, and this is a significant deviation. This is a significant change from what was occurring under the Baillieu and Napthine premierships of the previous term. The reason for us becoming the highest taxing state in the country is in no small part due to the new taxes that have been implemented by Labor. Of course we have spoken about the tripling of the brown coal royalties. There is the new vacant residential property tax, which I previously touched on. We have the new annual property valuations to increase land tax, as I heard Mr Ondarchie go into some detail on. There is the increased stamp duty on new cars.

There is the increase in the fire services property levy. If the government get their way, that increase in the fire services property levy is going to fund the discriminatory Metropolitan Fire Brigade enterprise bargaining agreement (EBA) that we now know is being challenged at the Fair Work Commission in quite extraordinary circumstances, where it has been widely acknowledged that this government is trying to institutionalise discrimination. That is what this government is trying to do through that EBA. They have been called out on this, and of course they are not

happy, because their friends in the United Firefighters Union and indeed Mr Marshall, who has been directing this government for a period of time now, is not pleased about this because that is what Peter Marshall wanted. He wants the EBA to go through in the form that it is in now, which is widely acknowledged to discriminate against women and does not allow for the flexible work hours that any other modern workplace would expect to be able to implement. So I can understand why those opposite are so upset, because they are concerned about the recording that Mr Marshall has being released. That extraordinary interview that Mr Marshall did with Rafael Epstein is one that I am sure haunts those members opposite when they think about the implications of that recording that was alluded to in that interview being released.

Further on the new taxes being implemented by this government, of course there has been the introduction of the Uber and taxi fare taxes. There is a new point-of-consumption betting tax. I can distinctly remember when the Treasurer came out to announce this new tax, and I thought, 'This Treasurer has more front than Myer to be able to come out and openly announce a new tax in direct opposition to the commitment that his boss, the Premier, gave just the night before the election'. I thought, 'This is a government that has just given up. It's a government that you can't trust. They say one thing one day and the next day they backflip and completely change what they are saying'. As we well know, Daniel Andrews did not support heroin injecting rooms — until he did. He did not want to see ice being injected in these places and committed that it would not be — until he said, 'Well, no, actually now it will be'. That is indicative of the trust that every Victorian can place in the Premier. He will say one thing one day to try and get elected, to try and buy a vote, and he will do the complete opposite the next day.

**Mr RAMSAY** (Western Victoria) (15:35) — I would like to make a small contribution to this bill.

**Mr Mulino** — Hopefully it is about the bill.

**Mr RAMSAY** — Yes, I will. I will do that, Mr Mulino. It is more of a technical bill than a bill that requires any significant contribution, given its substance. I will give a quick overview of the bill, but it actually does allow us to talk about some of the new taxes the Andrews government has implemented over the course of its government, given it is the State Taxation Acts Amendment Bill 2018. But the purpose of the bill is to amend the Duties Act 2000, the Payroll Tax Act 2000 and the Unclaimed Money Act 2008. It has a number of budget measures here in relation to the

Payroll Tax Act, and I am not going to go into the detail of those. They have been covered off in the second-reading speech and by other contributions. On the administrative measures, those who actually read my speech in *Hansard* might be interested in the provisions in relation to the foreign purchaser additional duty (FPAD). It clarifies that where foreign owners together own more than 50 per cent of the interest in land it will attract the FPAD, even if the owners are legally unrelated parties. Another change is that where a non-Australian temporary resident jointly purchases a property with an Australian resident who is their spouse or domestic partner and the foreign purchaser lives in the property as a PPR, or principal place of residence, for 12 continuous months, the FPAD will not apply.

The opposition is not opposed to the bill, but it is worth noting some of the areas of concern in respect to what, as I said, is more of a technical bill, and they are the 12 new taxes that the government has introduced. As we know, they tripled the brown coal royalties, and obviously that had a significant impact on the profitability and viability of Hazelwood. Sadly, as we now know, due to the closure of that coal-fired generator we have lost nearly 22 per cent of energy production in the state. There is a new vacant residential property tax that the government has introduced.

There are the new annual property valuations to increase land tax, and not only land tax but also local government rates. Many farmers in my region are now concerned about the significant increases over and above the cap that the government introduced in relation to rate capping. That has been brought about by the imposition of annual valuations. Some are looking at a 30 per cent increase this year in local government rates due to the annual valuations. Many times in this chamber I have brought to the attention of the government the impact this will have particularly on the farming community, which invariably bears the brunt. It is a section of the community that pays significantly more in contributions to local government funding than any other sector.

There is an increase in stamp duty on new cars. There is an increase in the fire services property levy. I am advised that because of the imposed cap on the fire services levy for this year, next year and the year after property owners could be looking at least at a 40 per cent increase in the fire services levy. That is notwithstanding the increasing costs of the enterprise bargaining agreements (EBAs) that are currently either before the Fair Work Commission or being negotiated with the government and both the Metropolitan Fire Brigade and the Country Fire Authority. So we are yet

to know what the costs will be in respect to those EBAs or in fact what the government's commitments are in relation to staffing of career-based staff in the two fire agencies. It is an unknown, but we expect that there will be an increase of at least 40 per cent.

There is also the removal of the planned stamp duty concessions for investors. There is new stamp duty on property transfers between spouses. There is the introduced Uber and taxi fare taxes and the new point-of-consumption betting tax. We have talked a little in this chamber about the new city access tax for the West Gate tunnel. That is not to mention the increase in tolls with the negotiated agreement with Transurban that users of the West Gate tunnel, moving into CityLink and EastLink, will have to bear. There are new stamp duty surcharges for foreign purchasers, and I have just talked a little bit about that, and a new land tax surcharge for foreign owners as well.

My colleagues have mentioned some of the increase in taxes which will affect them in their local electorates and regions. The sale of the port of Melbourne lease of around \$9 billion, as well as Victoria's share of the sale of Snowy Hydro of about \$2.4 billion, are one-offs. You are not going to get those sorts of sales of public assets again in those amounts. The surplus the budget indicates of \$2.1 billion, when you have sold off most of our significant public assets, is minuscule. It is actually no bigger than what the Baillieu government foreshadowed in its first budget going back four and a half years. So you have got these significant increases in the sale of public assets and significant increases in taxes, with 12 new taxes. You are reaping in the money through stamp duty, you have increased the payroll tax by over 20 per cent —

**Mr Dalidakis** interjected.

**Mr RAMSAY** — To be fair, Mr Dalidakis, regional Victoria did get a very small reduction in payroll tax, but at the same time you have increased payroll tax overall by 20 per cent. You have increased land tax by 77 per cent. Then we have got the bigger project overruns. We had a distributor at \$500 million; we have now got a tunnel at \$6.7 billion, which I understand we will be paying for in tolls and access fees. The Metro project has blown out by \$2 billion already, and they have virtually only started the drainage works. The level crossing project has blown out by \$3.3 billion. In relation to the proposed north-east link, the original figures have blown out by \$11.5 billion. If you add up those amounts, at \$20 billion of over-cost projects, you cannot absorb that with a surplus of \$2.1 billion. The state is going to be in considerable trouble if the Andrews government does not make a significant

correction to its budgets in the future. We have seen registration go up by 36 per cent, and I mentioned the fire services levy.

Of a few local projects around my region the Drysdale bypass is an interesting one. I made mention of it in my constituency question. This is a project that was committed to by the Andrews government — we committed to it also leading up to the last election — at \$109 million. This project has stalled for the full term of the Andrews government to a point now where the bypass will not actually bypass the town. The town has grown out, up and around the bypass. In fact there are a number of schools that will actually impinge on the bypass. We have had delays in relation to both the planning and the construction. This year, 2017–18, was supposed to see the construction of the Drysdale bypass, but I understand that VicRoads is still yet to finalise the preferred option. I know there have been concerns among the community in Drysdale, and I must congratulate our candidate for Bellarine in the Assembly, Brian McKiterick, for his work down along the Bellarine in relation to —

**Mr Dalidakis** — Who?

**Mr RAMSAY** — You say ‘Who?’. But you will not be saying that in a couple of weeks, Mr Dalidakis, when you come down to Bellarine. I have not seen you down there, but when you do actually accidentally fall into that electorate at some point in the next six or seven months you will see a very fine candidate in Brian McKiterick. He has been talking to the local community about this bypass, and it is very clear that the community is not supportive of adding three new traffic-control intersections to this bypass, which will stop the flow of traffic, heavy traffic particularly, as it is supposed to move around the town and away from High Street, the main street, in Drysdale.

**Mr Dalidakis** interjected.

**Mr RAMSAY** — So there is more work to be done on this project, but the point I am trying to make, Mr Dalidakis, what I would like to —

**Mr Dalidakis** interjected.

**Mr RAMSAY** — I know you are beautifully dressed this afternoon, Mr Dalidakis. You are sitting in the sartorial splendour of your three-piece suit, your tie, your lovely white shirt and your waistcoat, just looking relaxed like the lord of the chamber. It is very —

**Mr Dalidakis** — Regal.

**Mr RAMSAY** — It is very regal. I do not know if the President has had a word to you about the dress code, but I must say that whoever gave you that has given you some very good advice because you do look quite splendid this afternoon. That may well be stimulating your interjections.

**The ACTING PRESIDENT (Mr Elasmr)** — Back to the bill!

**Mr RAMSAY** — I will get back to it. Talking about the Drysdale bypass, I might mention that from \$109 million back in 2014–15 we are now looking at a project that has blown out to \$115 million and not a shovel in the ground. The Andrews government has spent \$6 million doing nothing, but we know that it is quite good at that. The east–west link cost \$1.3 billion without providing anything in the way of infrastructure, and it is going the same way with the Drysdale bypass.

There are a number of projects that in fact it has not committed to, and unfortunately we have not seen them in the budget, like the Barwon Heads Road duplication. I must commend Andrew Katos, the member for South Barwon in the Assembly, for his advocacy in pushing for —

**Mr Dalidakis** — Who?

**Mr RAMSAY** — You might say ‘Who?’, Mr Dalidakis, but he is very well regarded in the seat of South Barwon, unlike your candidate, Darren Cheeseman, who I note gets carted around in Jenny Mikakos’s ministerial car. Whenever Ms Mikakos is in town —

**Mr Dalidakis** interjected.

**Mr RAMSAY** — It is a bit like Steve Herbert and the dogs. He put the dogs in the ministerial car; Jenny Mikakos is putting Darren Cheeseman in the car and driving around to all of these openings so he can try out the car and look like he is the minister. We know that he will never rise to those dizzy heights, like he did not when he was the federal member for Corangamite. No amount of travelling in a ministerial car will get him the seat of South Barwon, because I can tell you that the community of South Barwon is very turned off by the fact that Minister Mikakos would misuse her ministerial car and a driver to cart around candidates to functions that they have no responsibility to be at. So watch that space, Mr Dalidakis.

**Mr Dalidakis** — On a point of order, Acting President, there has been some very gentle and goodhearted banter across the table, but Mr Ramsay has made a claim that the minister has misused her vehicle,

and I ask him to withdraw it or substantiate it by motion. It is a very serious accusation.

**The ACTING PRESIDENT (Mr Elasmr)** — Thank you, Minister. It is not a point of order. The member to continue.

**Mr RAMSAY** — As I was saying, Andrew Katos is a very good member for South Barwon and has been strongly advocating for the duplication of Barwon Heads Road —

**Mr Gepp** interjected.

**Mr RAMSAY** — Mr Gepp, if you come down, you will know that it is the government that has created this satellite city at Armstrong Creek of 60 000 residents and has not provided a road for them to move from Armstrong Creek to the Bellarine or to the Geelong CBD. What we have got is a goat track that is overused and certainly undermaintained. We desperately need a duplication of Barwon Heads Road, and I congratulate our member for advocating for that.

Overall, as I said, this amendment bill is a technical one, but it does give us an opportunity to make a contribution about the increase in taxes that the Andrews government has introduced. This is a government, I might add, that said it would introduce no new taxes. We know now that it has introduced at least 12 new taxes, and as has been said before, we know it is the highest taxing government in Australia. The only way, with a \$2.1 billion surplus, you are going to get out of having nearly \$30 billion worth of cost overruns on major projects is to actually increase revenue, because you are certainly not decreasing expenditure — you are increasing expenditure in the service delivery of many public entities.

As I said, the bill does contain marginal benefits, and I have indicated that regional payroll tax is one. Young farmers and Australian Defence Force members —

**Mr Dalidakis** — You have 25 seconds to make it sound like you mean it.

**Mr RAMSAY** — Well, I do mean it, Mr Dalidakis, and thank you. In my last 10 seconds I will put our position very firmly: we do not oppose the bill.

**Mr O'SULLIVAN** (Northern Victoria) (15:50) — I rise this afternoon to speak on the State Taxation Acts Amendment Bill 2018. In making my contribution I do not intend to speak about all of the new taxes that have been introduced by this government when they promised Victorians that they would not do that but to particularly focus on just one of them. I might make

some general statements about some other things and the impact that that new tax has had on particularly some of those businesses that are based in and people who live in regional Victoria.

We heard earlier from previous speakers about the list of new taxes — some 12 or 13. There is some conjecture on this side of the chamber as to whether it is 12 or whether it is more than 12. It is a bit hard to keep up with them — there are so many new taxes and new charges that are being applied to people who live in Victoria. The reason that we on this side of the chamber make so much of the new taxes and charges is that Premier Daniel Andrews, when he was the opposition leader, made a promise to every Victorian that he would not introduce new taxes and new charges when he became the Premier of Victoria. That is the reason that on this side of the chamber we like to remind those on the other side of the chamber that they promised one thing and they lied to the Victorian people in terms of that commitment that they would not introduce any new taxes or charges in their term of government.

That was not just any old somebody on behalf of the Labor Party; that was the then Leader of the Opposition, Daniel Andrews, who is now the Premier of this state and the leader of the Labor Party. That is a significant misconception that he was able to take to the people of Victoria in terms of his commitment to introduce no new taxes or charges for people who live in this state. As we have heard on a number of occasions from Mr Rich-Phillips, the additional revenue the government has received from those 12 new taxes and charges is equal to about \$6.2 billion. That is a lot of money, and that is money from taxes that the Premier promised the people of Victoria he would not introduce. As we know, while revenue sounds great, revenue has to be paid by someone, and we know very clearly that revenue in this case — with these 12 new taxes and charges — is actually being paid for by everyday mums and dads who are out there struggling to raise a family with the increased costs that they are having to experience as a result of this government, particularly around the cost of living.

That takes me to the one particular increase in taxes that I wanted to make mention of. Mr Ondarchie made reference to it, but I want to go into it in a little bit more detail. That new tax is the new coal tax that is applied to the brown coal industry, particularly down in the Latrobe Valley. We know that the government tripled the tax that was in existence. The rest of the industry was fairly comfortable with the existing tax, but as a result of the Daniel Andrews Labor government there was an increase in the tax which took that tax to \$252 million — a quarter of a billion dollars in

additional tax that was put on the coal industry in the Latrobe Valley.

As we all know, in 2010 when the Labor Party went to the state election they had an election commitment to close down Hazelwood. We always knew that they had no intention of keeping Hazelwood open and that they would close it at the first opportunity they had, because it was part of their election commitments back in 2010.

**Mr Dalidakis** — No, it wasn't.

**Mr O'SULLIVAN** — At the 2014 election they did not have that commitment, but certainly they did back in 2010. What they did was do it by stealth by putting up the coal tax to \$252 million. As a result of that, the French company Engie decided that they wanted to invest their money somewhere where they could have some assistance from the government in terms of the way they are able to invest their money with certainty. Certainly they did not like the idea of the lack of certainty that they would have under this Labor government as a result of the increased tax which they had to bear the brunt of.

What they decided to do was to withdraw their investment and take it somewhere else where they would have much more certainty in terms of their investment. So Engie decided they would close down the coalmine at Hazelwood because they did not think it was viable to operate it with such an increase in the tax applied. That is history now. It is in the books, and we are all very aware of that.

*Honourable members interjecting.*

**Mr O'SULLIVAN** — The people on the other side of the chamber try and defend that the best way they can, but the people who have to pay the higher electricity bills as a result of that decision are not fooled by this whatsoever. They understand very clearly how this has happened and they understand very clearly why this has happened, because they have to pay the bills every quarter or every month — whenever they pay their electricity bills. They are seeing it day in, day out in terms of the higher prices that they are having to pay. Sometimes it is double or triple. It is hurting those families. They do not want to go out to the mailbox to get the bills because they are scared to see what the number will be when they open up that letter.

**Mr Dalidakis** — Which families? Name them.

**Mr O'SULLIVAN** — Mr Dalidakis, I do not think you should make fun of families who are struggling to pay their electricity costs.

**Mr Dalidakis** — No, I am making fun of your contribution.

**Mr O'SULLIVAN** — They are struggling to pay their electricity costs, and you are trying to play games by saying 'Name them' as if you do not believe that is the case.

**Mr Dalidakis** — That is your contribution.

**Mr O'SULLIVAN** — Don't you believe that's the case? Of course it's the case.

**Mr Dalidakis** — No. It is your contribution. You back it up.

**Mr O'SULLIVAN** — Shame on you, Mr Dalidakis, if you make fun of people who are having difficulties —

**The ACTING PRESIDENT (Mr Elasmár)** — Order! I remind members again and I remind Mr O'Sullivan to address the Chair. And please, Minister, no further interjections.

**Mr O'SULLIVAN** — Thank you, Acting President. In terms of the additional electricity prices that are paid by families, some of the increases that they have had can be pretty nasty and they have to struggle to find that money. For them to pay those bills which they have to pay means they are not spending money on other parts of their families on which they would much prefer to be spending that money. In many cases they have to go without many of the essentials in their lives to pay for these increased electricity bills. That is an absolute disgrace.

The Australian Energy Market Commission said that it expects retail prices in Victoria to increase by 15.9 per cent compared to the 2016–17 year, and those prices just keep going up. The wholesale price of electricity in Victoria rose by 85 per cent following the closure of Hazelwood. There is nothing that this government can say that will give comfort to all those families and businesses out there that are experiencing much higher electricity costs.

What Victoria is having to do for the first time on particular days over the middle of summer is become a net importer of electricity. Once upon a time we were very self-sufficient and we were able to cover our own needs in terms of our energy requirements, but on particularly hot days in summer now we have to import power from New South Wales. Guess where New South Wales get their power from? They get it from coalmines. The coal-fired power plants that they have are what supply Victoria's energy deficiencies on those

days where we cannot supply our own. It is a bit of a travesty that a once very proud state like Victoria is no longer in control of its own destiny when it comes to electricity security and has to rely on markets and other states for that security when it is required. That is a shame in my view.

In terms of some of the individual businesses that are impacted by these high electricity prices, I want to make reference to a couple that are in my electorate. Let us look at the SUPA IGAs. There is one located in Bendigo and there is one located in Shepparton. The general manager said of their electricity prices — in terms of their bottom line — that they were going to be \$215 000 worse off than the same time the previous year as a result of the closure of Hazelwood in terms of power prices going up. In terms of what that really represented in percentage terms, that was a 31 per cent increase from the 2016–17 financial year in terms of their energy prices.

If you want to take that to a water sense, Lower Murray Water — up around the Mildura area — have had to increase their water charges by 2.5 per cent to cover the increases in their electricity costs. The families, the businesses and the irrigators out there have got higher electricity prices, but they have also got higher water costs to pay for the higher electricity prices for the water authority. It is just crazy — absolutely crazy — that that is what we are confronted with.

I quickly want to go to another industry which is very important in my electorate — the dairy industry. This is an area that you would not think would have that much of an electricity requirement, but that is not actually correct. Not only are dairy processors high users of energy in terms of running their dryers to produce powdered milk but also the cost to dairy farmers themselves of using electricity to pump irrigation water around to run their dairies is quite considerable as well.

I have got some stats here that I want to put on record in terms of what they are facing. The dairy processors were hit, as a result of Hazelwood closing, with an extra \$170 million per annum for their electricity. Of course that gets passed on to the poor old dairy farmer at the rate of about 1 cent a litre. That does not sound like a lot, but these dairy processors process millions of litres of milk. Actually it is in the billions of litres of milk, so when you are talking about billions of litres 1 cent a litre is huge. For dairy farmers, their prices have gone up as a result of their electricity bills going up by about \$18 000 or \$19 000 on average as a result of these electricity hikes that we have had as a result of Hazelwood closing, so it is really hurting businesses out there.

I have got a whole range of other examples. St Vincent de Paul up in the north are really struggling to run their shops that they are trying to help low-income people with. They are struggling with the higher electricity prices that they have got to fund out of their bottom line before they can help the people that they really want to help.

I want to go to another one of the businesses up in my electorate — Radevski Coolstores up in Shepparton East. They had to renew their electricity contracts in September 2017, so they did a bit of shopping around to see what sort of a deal they could get for their electricity contracts going forward. They are a high user of electricity. Their bill was about \$288 000 a year, which is a big number for a business to find — they have got to write out a cheque for \$288 000 every year for their electricity — but when they went to renew their contract in September 2017 they got a couple of quotes from some retailers who would provide service in their area. The lowest quote they got was for \$473 000 per year, and the highest quote was for \$483 000 per year. That represents an increase in electricity costs of either 64 per cent or 68 per cent in one year. In one year their electricity prices went up by 64 to 68 per cent. That is a huge amount of money, and they have got to find that money from somewhere. It comes off the bottom line or it comes off their ability to invest in their business into the future, which would then employ more people and also help other businesses that rely on the service that they provide up there in my electorate.

What is very obvious is that these new taxes that this government has brought into Victoria — taxes they promised they would not introduce — and in particular the new coal tax of \$252 million and the result of the closing of Hazelwood have put up power prices right around the state. It is hurting families, it is hurting businesses and it is putting a dampener on investment and job creation for this state as a result of that actually occurring.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr RICH-PHILLIPS** — I would like to ask the minister about the impact of the payroll tax reduction for regional businesses, which is the key component of this bill. In the service delivery budget paper on

page 114 there is a line item for the reduced payroll tax rate to 2.425 per cent for regional businesses which costs that revenue initiative at \$39 million in 2018–19, \$40 million the following year, then \$43 million and \$45 million in 2020–22. I would like to unpack the assumptions behind those revenue estimates. I would ask the minister if he can outline the assumptions that underpin this year's estimate of \$30 million increasing to \$45 million.

**Mr JENNINGS** — I thank Mr Rich-Phillips for his question and for going straight to the heart of the matter that he had indicated to the chamber and to me that he wanted to have addressed in the committee stage — I thank him for that. I have been advised that, in relation to the way in which this reduction — and the longer we go in committee, the more I might actually cover the policy virtues and the support for regional businesses that is associated with this payroll tax reduction. But at the moment what I will limit my answer to specifically is the question that he asks, which is that we estimate that there may be up to 4000 businesses across regional Victoria that may be eligible for this reduction.

Mr Rich-Phillips in his second-reading contribution did indicate that it applies to businesses where 85 per cent of their workforce is in regional Victoria. He may not have actually given the government credit, but he did acknowledge that it comes in a series of reductions to payroll, which included the threshold limits being changed for small businesses in previous budgets. Indeed the combination of those two factors means that the current revenue loss or the return to businesses from that reduction depends upon businesses knowing about the availability of this payroll tax relief and the change of the threshold. It relies on those businesses in terms of their compliance obligations with the State Revenue Office (SRO) being able, either through instalments or through their annual returns, to determine whether they have reached the threshold and in fact what the reductions may be in terms of what they may be entitled to.

The outgoing experience of the effect of last year's commitment in the budget in relation to the threshold is that we have seen, up until this point in time in the financial year, a take-up of about 2200 businesses that have been seen to use the threshold alteration. In terms of the final number of businesses, we will not know how many may choose to reach the threshold, may then be eligible for this scheme and then actually make use of it in the following financial year. We think there are 4000 businesses up until this time in this financial year — 2200 have made use of it, but there may be some final lodgement of businesses in terms of whether they reach the threshold. That number may increase

between now and the end of this financial year, so that total number may be known early in the new financial year. The revenue forgone that has been estimated by Treasury is an estimation of what the difference may be between 2200 — the number that might come in by the end of this financial year — and the 4000 businesses that we believe to be eligible.

**Mr RICH-PHILLIPS** — Thank you, Minister. I will just clarify — you mentioned 2200 businesses that have accessed the threshold — the reduction in the threshold. This bill is obviously about the change in the rate rather than the shift in the threshold. In referring to 2200, are you effectively saying 2200 businesses have come out of the payroll tax net as a consequence of the increased threshold and are no longer visible to the SRO or no longer making returns to the SRO for payroll tax because they have dropped out of the network? Is that what you are implying?

**Mr JENNINGS** — No, I am not saying that. What I am actually saying is that we believe there are 4000 businesses that are eligible to comply with this provision in this bill. What I am saying at the moment is that there are 2200 businesses that in fact have reached the threshold and have already identified themselves in terms of their taxation arrangements to actually comply, but we believe there are more and that that number will grow depending upon the outgoing of this financial year.

**Mr RICH-PHILLIPS** — Minister, when you say 'threshold' you are referring to the 85 per cent regional employment threshold?

**Mr JENNINGS** — No, I was talking about both thresholds. I did not think I was actually complicating this issue, but this provision applies to businesses that have a profile of 85 per cent of their staff in regional Victoria. We believe that there are 4000 of those. Ultimately 4000 businesses may have relief because of this initiative. Some of those businesses may not be known to the SRO at the moment or to the government because they have not self-identified for eligibility to this scheme on the basis of the threshold issue from last year.

**Mr RICH-PHILLIPS** — Thank you, Minister. That answers my second question, I think, which is that with the reduction, the differential, that was created last year between the regular rate and the regional rate, there are currently 2200 businesses accessing a current regional rate that will obviously go onto the new regional rate, and there are a further 1800 that the SRO believes could access the regional rate.

**Mr JENNINGS** — Beautifully said.

**Mr RICH-PHILLIPS** — We are moving. Minister, what role, what activity, has the SRO undertaken to indicate to regional businesses — and presumably the SRO believes there are 1800 regional businesses based on the geography of those businesses — that they may in fact be entitled to the lower concessional rate?

**Mr JENNINGS** — They have placed ads to that effect, and I will get the details of the profile of that advertising. For instance — and I am not relying on this; I am just drawing it to your attention — currently on the Department of Treasury and Finance (DTF) website there is a YouTube clip that informs regional businesses that this offer is available to them. Probably that is not doing the heavy lifting in relation to the advertising, but it is playing a role. I will take some advice about how widespread the advertising regime has been.

Without resiling from the significance of the DTF YouTube video, there is perhaps more prominent advertising that ran on regional television and in print at the time of the budget last year and for a number of months at the beginning of the financial year. There is ongoing engagement by the SRO with their subscriber base and with industry forums during the course of the year, and the information has also been shared broadly with the accounting sector, which provides support to businesses throughout regional Victoria. So it is a combination of media placement and print placement and then ongoing stakeholder engagement and industry support engagement that the SRO have undertaken.

**Mr RICH-PHILLIPS** — Thank you, Minister. I note that on the SRO YouTube channel the regional payroll tax video has had 189 views, so it is certainly trending.

**Mr Jennings** — It's kicked us over 2000.

**Mr RICH-PHILLIPS** — Just to be clear on the revenue estimate in the budget, there are the 2200 businesses that are currently taking advantage of the current regional rate, so the estimated \$39 million for the budget year assumes obviously that those 2200 go onto the new lower rate. It also assumes that the 1800 that are currently not on the regional rate take up the regional rate so that the full population goes onto the regional rate.

**Mr JENNINGS** — I think it is highly likely that in fact there has not been an in-built assumption that all 4000 may go on this. In fact there probably would be a conservative estimation of the take-up. It is clearly intended and expected for it to increase, but that has

been a cautious approach to what might be the revenue forgone that is listed here.

**Mr RICH-PHILLIPS** — Thank you, Minister. In the Treasurer's second-reading speech for the budget, when he announced this particular initiative he talked about the impact it will have on jobs in regional Victoria and on creating jobs in regional Victoria. Can you tell the committee what the government's expectation of the employment increase will be from this payroll tax measure?

**Mr JENNINGS** — I am going to have a conversation about that.

Whilst I am not in a position to be able to provide directly the answer that Mr Rich-Phillips is after — in that there has not been a specific number that I have been provided with — the reforms that the government has been associated with plus the provision of support to the private sector and also our program and infrastructure agenda across regional Victoria have led to sustained growth in employment and a reduction in unemployment in the 12 months leading up to the budget statement. Unemployment was reduced to 5.4 per cent across regional Victoria, and indeed there had been a 3.1 per cent increase in employment growth during that year. We would expect what has been a very positive trajectory under the term of this government to continue and to be assisted by the introduction of initiatives such as this.

**Mr RICH-PHILLIPS** — Thank you, Minister. To put the question more sharply, what I am asking really is whether the revenue estimate includes an expected uptick in employment which offsets obviously some of the revenue reduction where that has been built into the estimates.

**Mr JENNINGS** — Yes, in fact this question has actually augmented my answer from two questions ago because, as you would appreciate, there is a conservatism that relates to the number of businesses but there is also an optimism in relation to the fact that there would be businesses that would grow and would exceed the threshold that would currently not exceed the threshold. So in a financial sense there would be swings and roundabouts in relation to what your estimates would be of the number of businesses that would reach the payroll threshold, but once they reach the payroll threshold there will be a reduced payroll rate that applies to their business and to all other businesses. So there are some good news stories in terms of growing businesses. That means that some businesses may be eligible for a payroll payment that they may not have been eligible for previously. But ultimately the

balance — the sweet spot — in terms of the operations of a business across regional Victoria will be a perfect marriage between the threshold that applies, the payroll tax rate and the economic growth that is actually being driven within the regions. At the moment there is a reasonable sweet spot. You might argue that it is not an optimal sweet spot, but it is a sweet spot. In fact there has been significant jobs growth in Victoria regions in the last 12 months.

**Mr RICH-PHILLIPS** — Thank you, Minister. That actually takes me to my next question, which is really the last one I had on the bill. It relates to the growth in payroll tax over the forward estimates period. The budget papers show that total payroll collections will grow from \$5.95 billion in 2017–18 to \$7.2 billion in 2021–22. That is roughly 21 per cent growth over the forward estimates period. By contrast, the revenue forgone through this initiative over the same period only grows by 15 per cent. I am just wondering if you can contrast why overall expected payroll tax revenue increases by 21 per cent over the four years but the revenue forgone only increases by 15 per cent. Does that imply slower growth in employment in regional Victoria — payroll growth in regional Victoria — or are there other factors that lead to the growth in the tax expenditure being 25 per cent less than the growth in the overall tax revenue?

**Mr JENNINGS** — I like the circumstances where I actually walk over and eyeball the people advising me in the box and I say, ‘Good question. Look for the good answer’, and then a good answer comes back. I love that. In this case I was satisfied. Let us see if you are. Basically the difference between the growth across all of Victorian businesses and those in regional Victoria falls down to critical mass — the size of the businesses. The proliferation of large businesses which actually have a constant obligation in relation to payroll tax in terms of their threshold is not in question. There is a higher proportion — a propensity — of large businesses in metropolitan Melbourne compared to regional Victoria. On that basis — in terms of the threshold, the variation and the size of businesses in regional Victoria — we would not expect them to grow at the same rate.

**Mr RICH-PHILLIPS** — Thank you, Minister. I think there is quite a bit of plausibility to that answer. However, taking the example of more businesses in metropolitan Melbourne already being over the tax-free threshold and therefore paying payroll tax and more businesses in regional Victoria being smaller and therefore under the threshold and not currently paying any payroll tax, wouldn’t you expect with that consistent growth across both regional and metropolitan

employment markets that you would have a disproportionate growth in payroll tax receipts in regional Victoria where a larger proportion of businesses that are not in the payroll tax net will grow so that they are in the payroll tax net? Wouldn’t you have more conversions from ‘out’ to ‘in’ in regional Victoria than you would have in metropolitan Melbourne for the reasons you outlined? That metropolitan businesses are already —

**Mr JENNINGS** — Again, that is not a bad question. My immediate answer to you is that ultimately the employment growth rate in metropolitan Melbourne is higher than in regional Victoria.

**Clause agreed to; clauses 2 to 27 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## LIQUOR AND GAMBLING LEGISLATION AMENDMENT BILL 2018

*Second reading*

**Debate resumed from 10 May; motion of Mr DALIDAKIS (Minister for Trade and Investment).**

**Mr ONDARCHIE** (Northern Metropolitan) (16:32) — I rise to speak on the Liquor and Gambling Legislation Amendment Bill 2018. Can I indicate at the start of this contribution that the Liberal-Nationals coalition will not be opposing the bill, but we will ask some questions through our second-reading speeches and we may well ask some further questions in the committee stage of this bill.

The Liquor and Gambling Legislation Amendment Bill is an omnibus bill that makes a number of amendments to the Liquor Control Reform Act 1998 and the Gambling Regulation Act 2003. This is stage 1 of a complete review of liquor and gaming arrangements in this state, with more complex and difficult reforms to be addressed in a further bill, if we see it during this term.

The bill contains a number of provisions, including banning advertising of alcohol within 150 metres of a school, with some exemptions and a two-year transition

period; making it an offence to deliver alcohol to a minor, and that addresses concerns about emerging online and app-based delivery services, where you can order food and alcohol via an app; removing current exemptions that allow minors to consume alcohol on licensed premises if dining with their parents — and this clause and amendment has been supported by the Australian Hotels Association; and requiring the supply of alcohol to minors on private premises to be undertaken in a responsible manner. You would think that that is what happens right now in people's homes with supplying alcohol to a minor. But I draw on an example —

**Mr Finn** interjected.

**Mr ONDARCHIE** — I note Mr Finn's interjection. When my children were in their teens, one of them was going to a 16-year-old's birthday party. My wife rang the parents of the 16-year-old just to find out who was home, what the conditions were and what was going on, and she ascertained that the parents in fact would be home during the time of the party and how many were expected and what the situation was. My wife then asked, 'So what's the story on alcohol?', and the response from the parent on the other end of the phone was, 'Oh no, we're not supplying alcohol. The kids have to bring their own'. To wit, I do not think my child actually attended that particular party.

The bill goes on to make a number of provisions to remove the requirement for licensees to maintain a register of staff who have undergone responsible service of alcohol (RSA) training. Certificates must still be produced, but the register will no longer be required. It also allows patrons to take away up to one bottle per person of unfinished liquor from a licensed restaurant or cafe where it is ordered as part of a meal and can be resealed.

Spirit producers will have access to wine and beer producer licences that allow cellar door and promotional event sales. This is currently restricted to brandy producers at the moment. It will remove administrative delays in the granting of liquor licence transfers, removing duplication between the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and local councils in liquor licence applications and allowing the VCGLR to approve an application but not operationalise it before a planning permit is issued.

The bill removes current provisions that require demerit points and risk fees to be transferred with a licence, provided that the new licensee has no relationship with the former licensee. It also makes amendments to the

process of granting a keno licence and enables the keno licensee to recover top-up payments to the prize pool. The bill gives the minister powers to direct wagering service providers, including online wagering, to comply with harm minimisation and consumer protection requirements. That is ahead of the expected agreement on the national consumer protection framework. The bill makes minor changes to requirements for wagering loyalty scheme providers with respect to annual player activity statements. There is no statement required if no wagering activity is undertaken.

It is interesting that this bill talks about the fact that it will ban the advertising of alcohol within 150 metres of a school. You cannot advertise the latest beer, cider or whatever the alcohol is within 150 metres of a school. That is something that the coalition supports. But there is a particular hypocrisy about this. The government wants to ban alcohol advertising near schools but it allows a heroin and ice injecting room to operate right next to a school in my electorate in North Richmond. They are saying, 'We don't want alcohol advertising near a school; it might influence children in school', yet the same government is allowing a heroin and ice injecting room to open next door to a school in North Richmond. I know there are some members in this place who have actually been down to have a look at North Richmond. I am not making a statement about the validity of a heroin and ice injecting room and its medical requirements right now, but I am making a statement about the hypocrisy of banning alcohol advertising near a school yet allowing a safe injecting room to open right next door to a school. I will talk a bit later about this in coming days. There are some concerns shared by both residents and parents of children who attend the school — and indeed others associated with the school — about the close proximity of this heroin and ice injecting room to a children's education facility.

There are other aspects of the bill that are positive, such as allowing patrons to take home an unopened and unfinished bottle of wine from a restaurant, and red-tape reductions in licensing, and we will support that.

We sought consultation from a wide group of people and interested parties, including the Australian Hotels Association, Tabcorp, the Alliance for Gambling Reform, Turning Point, the Alcohol and Drug Foundation, DrinkWise, the Distilled Spirits Industry Council of Australia, the Outdoor Media Association — those who do billboards and public transport stops et cetera — the Victorian Association of Microbreweries, the Brewers Association of Australia and Tipple, many of whom think that the bill is largely

uncontroversial and are supportive of what it is trying to achieve.

I think there should be some amendments to try to strengthen the alcohol reduction measures, maybe to include advertising to be at a greater distance from schools. But there are some concerns that have certainly been raised by the Outdoor Media Association about inconsistencies between its own code of practice and the bill. Both contain the 150-metre rule — this is the banning of alcohol advertising.

The Outdoor Media Association have done some mapping in Melbourne — in fact it could be wider, it could be throughout Victoria as well. I will be challenged on that if I have got that wrong. They have gone about a process of mapping the schools in our state and have discovered there are something like 887 shops or shopping centres that are located within 150 metres of a school. They seek, as we do, some clarity as to how this law will be policed and implemented. For example, if there is a corner shop that sells a range of things, including alcohol, within 150 metres of the school, is a sign on the front window of that corner shop which advertises the most popular beer of the time or the most popular cider or alcoholic drink of the time in contravention of that right now? I assume the ban would probably be applicable in this particular case, but that building is right on the border of the 150 metres, so we need to make sure that we do not penalise small business in this process and that there is some clarity around that. I will ask a bit more about that in the committee stage of the bill.

I also find it interesting that through this legislation it is an offence to knowingly deliver alcohol to a minor. I am surprised it takes this law to make it illegal to knowingly supply alcohol to a minor. I thought that was a bit of no-brainer. Let kids be kids and let kids grow up in a reasonable time. Part of the challenge we have in today's society with technology and the range of busy activities available for kids is that we try to make kids grow up too fast. For goodness sake, can we let kids be kids and let them enjoy their rite of passage into sampling alcohol when they reach the appropriate age?

Another provision that has been introduced is associated with the home delivery of alcohol, and it is a response to our current service economy. We have companies such as Uber Eats and Tipple, and probably a lot of others, who are now providing an alcohol delivery service. I see there are some local providers, even in my own region, that talk about the home delivery of food, and they say, 'If you like, we'll drop off a sixpack of beer as well'. So the provision in this is to make sure that someone who is 14 years of age

currently playing PlayStation at home cannot get a pizza and a sixpack delivered, and I kind of understand the rationale in that as well. The onus, as the law currently stands, is on the business supplying the alcohol to ensure it is not supplied to anyone under 18. This change will make sure the delivery driver or in fact the rider — the person who is delivering the alcohol — must ensure that the person they are delivering it to is of an appropriate age and has proof of identity.

One of the questions that I want to talk about, and I will ask the government in the committee stage, is the amount of work that has been undertaken by the government or its departments to educate and inform publicans, but more interestingly to ensure the publicans have the resources to inform their staff about the changes that are being made. Those who have undertaken the responsible service of alcohol courses will be across the current legislation, and I want to make sure that they will be included in any future training to ensure that they are brought up to speed with this new rule being applied as well. It is a tricky thing for business, because one of the things that people would assume is that people who have got an RSA certificate just go on and do what they have to do, but now there are some changes there will need to be some further training and adjustments and there will need to be some further information supplied to people with RSA certificates. One of the things I will be asking the government in the committee stage is how they intend to go through that process of informing people who hold RSAs and indeed if there is any funding that will come for those small businesses to assist with the training provision for those people who work in their premises or if there will be any costs for people who need to undertake further training.

The other change that seems absolutely logical is the requirement for the supplying of alcohol to minors on private premises to be undertaken in a responsible manner. I think in the current dialogue you would say that was a no-brainer. Of course if you are going to do that it should be supplied in a responsible manner. Now, there are parents — and I am not going to make a judgement about them — that think that in their private premises the young ones can have a glass of wine with their dinner. I know there are people who say in the privacy of their own home if they are having a bowl of pasta or a steak they might say to the kids, 'Do you want a glass of wine?'

**Mr Finn** — It is part of the culture for many of them.

**Mr ONDARCHIE** — As Mr Finn rightly interjects, in this very multicultural society that we have in

Victoria it is part of their culture. We expect — and this legislation goes to this — that a lot of common sense needs to be applied in allowing children to consume alcohol. I say common sense because it can be a rare thing sometimes. I draw an example of news that made it to this city in the last few days where a learner driver was pulled over by police with an adult supportive driver in the passenger seat. I think, if the figures are correct, that after the learner driver was pulled over they blew a blood alcohol reading of 0.17 per cent and the associated ‘responsible driver’ — I say that in quotations — blew 0.19 per cent. Now, I talk about common sense being applied, but crikey! I do agree, and I am hopeful those opposite agree with me, that you cannot legislate for stupidity. That is irresponsible to its maximum, taking a learner driver out who is clearly drunk. They should have a zero per cent blood alcohol reading, as should the instructing driver; a 0.17 per cent and then a 0.19 per cent reading — you have got to be kidding me. We are hopeful that the law will deal with that appropriately when the time comes for those people to front our judicial system.

This bill talks about serving of alcohol to minors in a responsible manner, and that really should be obvious to everybody, but clearly it is not in some cases. We should not be encouraging children to drink to stupidity, to drink to excess, and I would encourage those who provide alcohol to minors in their private premises to use it as a learning experience.

**Ms Lovell** interjected.

**Mr ONDARCHIE** — As Ms Lovell interjects, use it as a training experience to make them understand the importance and the responsibility that comes with consuming alcohol.

There is a further clause in this bill that is associated with the removal of alcohol from a licensed premises. This is a clause that I think most people would find favourable. Often, as it currently stands, if you go to a restaurant or go out for dinner you buy a bottle of wine which is sometimes priced over the odds I would say, and if the bottle is not finished you leave a few bucks on the table because it stays there. If you buy a bottle of wine under the new legislation, there is a clause that says if the bottle is able to be capped and sealed you will be able to take it home. This specifically applies to bottles where you can put the cap back on securely, so you can take away the wine that is not completed. That would be advantageous to some people; there would be others that would not leave until the bottle was empty. We are hopeful —

**Mr Finn** interjected.

**Mr ONDARCHIE** — Well, I will not pick up your interjection, because I am not going to particularly point out anybody in the chamber, Mr Finn, but nonetheless there would be people that would make sure the wine was completely consumed before they left. I have spoken to people about that, and some people are a bit amazed by this part of the legislation because there are not many people that would leave before the bottle was empty, but there are some that do, and this will give them capacity — provided they can seal it — to take it home.

**Mr Finn** — Wasters are dreadful.

**Mr ONDARCHIE** — Indeed. There is another clause with respect to clubs and to licensed premises that provides for the licensees to maintain a register of staff for the responsible service of alcohol certificate or training. Currently the licensees have to maintain a register by form of either a register or a roll, or even some sort of Microsoft Word table or spreadsheet, or something that says that Wendy, Bernie, and Craig have an RSA and are able to operate within those premises, the date that they got it, when it is due to expire et cetera. That is currently available. The challenge for that is always keeping the register up to date. Staff, particularly casual staff, come and go from these licensed premises, so keeping it accurate has always been onerous for many businesses, and at times some of them have been handed infringements if an up-to-date register has not been seen. That is not the case under this proposed legislation. It makes it common sense so it can be managed better for small business. We in the Liberal-Nationals coalition are always strong on reducing the impact of red tape on small business, making sure they can operate efficiently, effectively and profitably. So we support that clause in the bill.

There are a number of other questions that I will be asking in the committee stage of this bill. Some of them have been provided by the organisation that represents outdoor media advertising, but I do want to touch on some correspondence I have had from Todd Harper, the chief executive officer of Cancer Council Victoria, who also works within the Alcohol Policy Coalition, which is a coalition of the Alcohol and Drug Foundation, the Australasian College for Emergency Medicine, Cancer Council Victoria, as I have indicated, the Royal Australasian College of Surgeons, the Salvation Army and St Vincent’s Health Australia. They have formed a bit of a view about the Liquor and Gambling Legislation Amendment Bill 2018 that is before us today. I just want to quote Todd Harper, and many people here would know him from his work in the

sector over a long period of time and certainly from the work he has done with Cancer Council Victoria.

The Alcohol Policy Coalition, which wrote to me on 1 June, indicated they were supportive of this amendment bill that is before us today because they feel it provides crucial protections to Victorian children from harms caused by alcohol. They in fact welcomed the amendment to prohibit alcohol advertising within 150 metres of schools. They talked about the body of work that has been done that establishes that alcohol advertising makes children more likely to start drinking at a younger age and at risky levels. They also feel, and I agree with them, that children should not be bombarded with alcohol advertising encouraging them to drink, as they travel to and from school.

**Mr Finn** interjected.

**Mr ONDARCHIE** — I am not talking about them actually drinking as they travel to and from school. I am actually talking about them being subjected to alcohol advertising as they travel to and from school. I have to say that there have been some clever ads on TV that use examples by way of indicating what we are teaching our children. I firmly believe that kids are products of their environment, and there has been some advertising on TV where a parent or carer is consuming lots of alcohol in front of children and then wonders why they have taken up play-acting drinking alcohol as well. So more than ever we are looking for a commonsense approach by parents and carers here to make sure that we do the right thing by these kids. As I said earlier in my contribution, do not let them grow up too fast. Let them earn that rite of passage.

The Alcohol Policy Coalition also supports the reforms to prevent alcohol delivery to minors, to ensure that alcohol consumption by minors in private residences is responsible and to prevent service of alcohol to minors in licensed premises. That came from Todd Harper from the Alcohol Policy Coalition, which indeed is the coalition that also includes the Centre for Alcohol Policy Research in the school of psychology and public health at La Trobe University; the Foundation for Alcohol Research and Education; the Jewish Community Council of Victoria; the Public Health Association of Australia's Victorian division; Turning Point; Uniting Church in Australia, Synod of Victoria and Tasmania; the Victorian Alcohol and Drug Association; and the violence prevention group in the school of psychology at Deakin University. All of those Alcohol Policy Coalition partners do have a strong history of tackling major health issues in the community, and we welcome their feedback to this

house today in regard to the Liquor and Gambling Legislation Amendment Bill 2018.

As I indicated at the outset, the Liberal-Nationals coalition is looking to make Victoria safer. When elected in November 2018 a Matthew Guy coalition will make Victoria safer. We will put in place sentencing and laws to make this a safer place to be, to make this the happy place that Victoria once was, and this legislation that is supported by us goes to that. So we do support the legislation. We do have some questions to ask on behalf of the Outdoor Media Association. We have some questions on which we want to get some certainty, some of which I have touched on in my contribution today, but the Liberal-Nationals coalition will be supporting the legislation.

**Mr GEPP** (Northern Victoria) (16:54) — It gives me great pleasure to rise and speak on the Liquor and Gambling Legislation Amendment Bill 2018. This bill will make amendments to the Liquor Control Reform Act 1998 to strengthen harm minimisation measures and to reduce red tape for licensees but also to the Gambling Regulation Act 2003 to improve the regulatory framework for gambling in Victoria.

I will give a little bit of background. In early 2015 just after coming to office the Andrews government decided that there needed to be a review of the Liquor Control Reform Act 1998, that it was necessary to ensure that Victoria's cafes, restaurants and night-life be supported and that the harm from alcohol abuse be minimised. We have all seen too often on news stories that alcohol can play a detrimental part in our society, so it has certainly been part of our agenda for a long time now to put measures in place that will minimise harm from alcohol abuse.

Of course in March 2016 the Royal Commission into Family Violence also recommended that the review's terms of reference consider family violence and alcohol-related harms and that the review involve consultation with people who have expertise in the interrelationship between family violence and alcohol use. On 4 November 2016 a consultation paper was released publicly to seek feedback on the act, including on the issue of family violence and alcohol use. Some 65 submissions were received in response to that consultation paper, and in addition the Victorian government met with major liquor policy stakeholders, including peak industry bodies, community and health sector organisations and research bodies, and the government also met with, as I said, a wide range of family violence stakeholders, including researchers and

treatment and prevention agencies. Several of these groups provided written submissions.

The review made some major findings, and I will touch on those very quickly. They include a number of issues with the act, including unnecessary red tape in the liquor licensing process, a need for further restrictions on the supply of liquor to minors and on liquor advertising that may affect minors, a finding that the compliance and enforcement provisions of the act do not adequately address harm, that there is a need for reform in the interaction between the planning and liquor licensing processes and a need to consider a gendered approach when considering family violence.

The issues associated with the act following the review are being addressed in two phases. The first phase is items that can be addressed over the short term that are being dealt with under this bill. Phase 2 requires a longer term consideration before policy options will be developed and appropriate amendments put forward to the act. Some of the things to be explored in phase 2 include liquor licence categories, interaction between planning and liquor licensing processes, the liquor licence application process, the compliance and enforcement regime, and liquor licence density and trading hours, to name some of them.

In terms of the amendments being put forward to the Liquor Control Reform Act by the government today — and I am pleased to hear that the coalition will be supporting the bill — the first thing is the prohibition of alcohol advertising within 150 metres of a school to limit exposure of minors to potentially harmful messages about alcohol. This is common sense. We all know, certainly from the research that has been provided, that when kids are exposed to alcohol advertising there is an increase in the risk of alcohol-related harm. This measure was recommended to the government by the Liquor Control Advisory Council, which is comprised of representatives from industry, health bodies, academia and harm prevention advocacy groups as part of its detailed review of alcohol advertising, and the community has also expressed significant support for this particular restriction. This reform brings alcohol advertising into line with the advertising measures this government has implemented in relation to static betting advertising near schools.

Secondly, the amendments to the act would create a new offence regarding the delivery of alcohol to a minor. We do have new systems that operate around the place. Mr Ondarchie in his contribution talked about Uber Eats as a very common service that is provided throughout the community today, and of course it is not

uncommon when those sorts of services are engaged to see that sometimes alcohol is also part of that transaction. What this does is ensure that those people who are not only providing the alcohol but also delivering it, those delivery agents, will also be required to engage in the responsible provision of alcohol — that is, they will have to show that they have taken reasonable steps to ensure that the person they are providing alcohol to is above the age of 18. Under the current arrangements a delivery agent can deliver alcohol to a minor. The licensee is liable, but not necessarily the agent, and this will address that aspect of the act.

The amendments will also remove outdated exceptions to the prohibition on the supply of alcohol to minors on licensed premises. It will come as a surprise to many people that currently minors can be supplied with alcohol on licensed premises in a number of different circumstances. I will not run through all of them, but the fact that a child can go into a licensed premise today and be provided with alcohol and therefore create confusion for the people who are actually charged under the law with serving alcohol in a responsible way has got to be addressed. This amendment will do that. It will remove the exemption. There will be no circumstances where a minor can legally be supplied with alcohol on licensed premises. Any person who does so now will be committing an offence under the act and will be dealt with appropriately.

The amendments will also require the supply of alcohol to a minor in a private residence to be made in a responsible manner. We would all hope that where children are given alcohol in a private residence there is adult supervision and that the adults are taking charge, they are monitoring the minor and any provision of alcohol is done in a very supervised and structured way. Unfortunately, again, we see too many times on the evening news that that is not always the case. The amendments to the act will be seeking to address that flaw in the current set of circumstances.

Mr Ondarchie talked about the enabling of patrons of premises holding a restaurant or cafe licence to take away one unfinished bottle of liquor where it can be resealed. Not everybody will consume the entire bottle that they have with their meal, and we do not want people to get into the habit of sculling because they do not want to leave a quarter of a bottle or half a bottle. It makes a lot more common sense for them to be able to cap that bottle, take it home and perhaps indulge on a different day so that they are not consuming far more alcohol and then jumping in a vehicle and putting themselves and others at risk.

The bill amends considerations that apply to the granting, variation or relocation of a liquor licence to reduce duplication with council planning permit approval processes. We want the council to be responsible for the planning permit approval process, and the Victorian Commission for Gambling and Liquor Regulation of course is better placed to focus on its primary consideration of alcohol-related harm.

The amendments will also change the wine and beer producers licence category to a producers licence, allowing spirit producers to obtain the licence and conduct cellar door sales. This is particularly important because in other states spirit producers are licensed under the same licences as wine and beer producers and can provide that cellar door sale, but not here in Victoria. What this amendment will do is ensure that Victorian producers of whisky and other spirit-based beverages who are not eligible for this licence can do so in the future.

The amendments also provide that demerit points and compliance-risk history fees incurred against a liquor licence will not be transferred. The current system is that when you buy the licence you also buy the demerit points. It is all transferable as part of the licence. Of course that is not necessarily fair on the purchaser of the licence. They may very well have a very clean bill of health over the journey, but of course under the law as it is currently written they would purchase the wrongdoings, if you like, or the transgressions of others and therefore they would have to pay a premium on their licence each and every year. This provision removes that and says that if you are a cleanskin — if I can use that terminology — and you are purchasing a licence from somebody, you should be able to purchase that licence but not also incur the difficulties associated with that person's previous transgressions.

There are number of other things that the amendments will go to. Mr Ondarchie has covered most of those, although I do just quickly want to touch on the removal of the requirement that a licensee maintain a register of staff who have completed their responsible service of alcohol training. This is not about anyone removing their obligations to ensure that people have the appropriate qualification and training to be able to serve alcohol. This says that we understand there is an impost, there is red tape associated with maintaining a register, but it is still the responsibility of the licensee to be aware of the training that their staff have done and to ensure that they keep a copy of that training when it is undertaken by the staff member. Through consultation with the industry, we believe this will be a better regime for them and make life simpler, while still maintaining

the vigilance that is so necessary in terms of the responsible service of alcohol.

In terms of the amendments to the Gambling Regulation Act 2003, I will whizz through those very quickly in the last couple of minutes I have. It will create a power for the minister to direct wagering service providers to comply with consumer protection and harm minimisation requirements; remove the requirement for a registration of interest process for the keno licence; and remove the requirement to have a Victorian physical place of business in order to participate in the keno licensing process. It will also provide the minister with the ability to extend the duration of the keno licence by up to two years.

It will enable the keno licensee to recoup amounts paid into the prize fund in order to reimburse itself for top-up payments, and it will reduce, importantly, the regulatory burden for venue operators and the casino operator by removing the requirement for the annual provision of loyalty scheme player activity statements where the participant has not recorded any gaming machine play during the relevant period. That is something that makes good common sense. Clearly if somebody has not participated in gaming over the period covered by the statement, why would you then produce a statement? That makes no sense. So from a small business and a large business perspective, I think this is eminently sensible.

It is a comprehensive omnibus bill. It is one that is built on common sense. I congratulate the minister in the other place, Minister Kairouz, for bringing this forward — and her staff, who have done a wonderful job in consultation with the industry. I commend the bill to the house.

**Dr RATNAM** (Northern Metropolitan) — (17:09) — I rise to speak on the Liquor and Gambling Legislation Amendment Bill 2018. The Greens will be supporting this bill. We are pleased to see this government committing to stronger harm minimisation provisions in our alcohol and gambling laws. Harm minimisation is long-established Greens policy, and we welcome the government taking concrete steps to reduce the harm caused by problem drinking and gambling in our state. I note that while we are supporting the bill we also hold some concerns about parts of this reform package. A few months ago this house considered similar legislation for the gambling portfolio area. As I said during the debate on that bill, while we supported the intent of the bill we did not believe it went far enough to address harm and improve our regulatory system.

This bill makes several amendments to the Liquor Control Reform Act 1998 and the Gambling Regulation Act 2003. The amendments broadly fall into one of two categories: either streamlining existing licensing processes or strengthening the harm minimisation provisions in the two acts. To look at the harm minimisation element first, the bill creates a new offence of displaying static alcohol advertising within 150 metres of a school. It is interesting that these reforms come a few months after we considered the Gambling Legislation Amendment Bill 2017. That bill had a very similar provision, banning static betting advertising within 150 metres of a school. However, it also banned static betting ads on public transport infrastructure and on roads.

In the review of the Liquor Control Reform Act that prompted these reforms, a number of submissions recommended a ban on alcohol advertising both within 150 metres of a school and on public transport. In fact this was recommended by submissions from major public health groups including VicHealth and the Alcohol Policy Coalition. We know that the uptake and consumption of harmful products is directly influenced by advertising, particularly within the adolescent market. We also know that adolescents are exposed to almost the same level of alcohol advertising as 18 to 24-year-olds. And, as the gambling regulation amendments showed, we know that this government is capable of imposing a broader ban on harmful product advertising when it wants to.

So the question needs to be asked: why has the government pulled up short with this amendment? Why has it not listened to the expert advice given in the course of the review of the Liquor Control Reform Act? As with the gambling legislation this house debated a few months ago, the harm minimisation provisions in this bill come attached with a number of exemptions. The alcohol advertising ban does not apply to advertising on mobile billboards, for example, or on licensed premises that are within 150 metres of a school. Research into the advertising of harmful products such as tobacco indicates that a partial advertising ban, such as only in one or two places or on one type of media, is ineffective in reducing uptake and consumption. If this government were truly committed to reducing the influence of harmful products on young people, it would be serious about introducing strong, comprehensive bans on advertising instead of window-dressing and creating exemptions for the industry.

The bill also amends the Gambling Regulation Act 2003 to give the minister the power to require wagering service providers to comply with harm minimisation

and consumer protection requirements. This is designed to cover the national consumer protection framework for online wagering that the Council of Australian Governments is currently developing. Once finalised, the minister will be able to use this new power to compel bookmakers to comply with the provisions of this framework. We have no objections to this clause. We want to see strong, effective harm minimisation provisions in our gambling legislation, and we are happy to support bills that strengthen the current system. But again, it is an interesting time to be discussing these amendments, when the Treasurer has just announced a point of consumption tax which is half the rate of existing taxes in other states.

This tax will see bookmakers pay an 8 per cent tax on wagering revenue from bets placed by punters in Victoria. You cannot effectively reduce online gambling-related harm by introducing harm minimisation provisions on one day and turning the state into a haven for online bookmakers the next. I was disappointed, but not surprised, to see the government announce the 8 per cent tax rate, which is much lower than the 15 per cent tax currently operating in South Australia and Western Australia. This is because the gambling lobby has a firm hold on this government, and this government is willing to respond to its demands over the needs of the community. We are likely to be bombarded by even more advertising from online betting companies as they take advantage of the low tax rates in Victoria and target our residents for their business, making the ban on some online betting advertisements useless.

The other part of this bill is a set of amendments that aim to cut red tape in our liquor and gambling licensing schemes. These are small amendments that tweak the current system to remove some duplication and to make some of the provisions clearer. We have no objections to these amendments as long as they are implemented effectively and councils are included in the planning and licensing systems where appropriate. However, it is frustrating that this government continues to tinker around the edges of our liquor and gambling regulation system instead of committing to a full review of the current system. This is the second time in three months that this house has considered amendments to the Gambling Regulation Act. The government seems to be willing to propose multiple small changes to our liquor and gambling legislation but refuses to support a substantial inquiry into the industry regulator. We continue to stand by our motion that we moved last year for a full inquiry into the Victorian Commission for Gambling and Liquor Regulation (VCGLR), which was voted down by both sides of this house unfortunately.

When I spoke on the Gambling Legislation Amendment Bill in March of this year I expressed tentative optimism about the VCGLR's inquiry into the allegations of button blanking at Crown. In April the commission handed down its penalty for Crown — a fine of \$300 000. At the time the Minister for Consumer Affairs, Gaming and Liquor Regulation described this as a significant penalty, saying it was the largest fine the commission had ever issued. But research shows that Crown makes around \$320 000 from a single pokie machine. Given the size of Crown's profits, this fine is minuscule and very unlikely to act as a deterrent for an operator like Crown.

In fact we know it does not deter Crown from tampering with its pokies, as last month we saw yet more evidence of Crown stretching the limits of the law and playing by its own rules. Crown continues to tamper with its pokie machines, this time by providing punters with plastic picks that can be jammed into a machine so it plays continuously without needing to hit a button. This has the effect of both increasing player losses and massively adding to Crown's profits. Installing autoplay facilities on gaming machines is banned by the Casino Control Act 1991. However, there are once again exemptions to this ban, this time in special designated areas within Crown Casino. Crown may argue that it is technically acting within the law, but we ask: why is this exemption necessary? Why does one law apply to every other pokies operator in the state and another to Crown? Why is this government continuing to introduce bills such as these that supposedly reform the regulatory system but actually do nothing to prevent the loopholes and exemptions that allow the industries to get away with bad behaviour continuously?

So while we will be supporting this bill we have serious concerns about the current state of liquor and gambling regulation in this state. Something has to change if we are going to protect Victorians from harm going into the future.

**Mr MORRIS** (Western Victoria) (17:16) — I rise to make my contribution to the Liquor and Gambling Legislation Amendment Bill 2018. I note that this is an omnibus bill that makes a number of amendments to the Liquor Control Reform Act 1998 and the Gambling Regulation Act 2003. I note that this is stage one of a review of the liquor and gaming arrangements in Victoria. I understand that the government will attempt to introduce more complex reforms in a future bill — maybe — but that is not going to be in this term, so given that we will have a Matthew Guy-led government come 25 November, I doubt this government is going to be proceeding with any of that.

This bill has a large number of provisions, one of which bans advertising of alcohol within 150 metres of a school, with some exemptions and a two-year transition period. I think that particular provision of this bill might strike some in this place as ironic insofar as you will not be able to advertise alcohol within 150 metres of a school but it would appear that this government is more than happy to condone or support the injecting of heroin and ice within a couple of hundred metres of a school in this fine city of Melbourne. We note this is a significant backflip from the government's previous position, which was that they do not support a heroin injecting room, to this position of supporting one. But one can only surmise that that was a result of the by-election that the government was involved in at the time.

The bill makes it an offence to knowingly deliver alcohol to a minor, which addresses some of the issues that have come to light as a result of web-based and app-based delivery services. That is something that I note has become much more popular within the community with the rise of Uber Eats, Foodora and other services that facilitate the home delivery of not only food but also beverages to accompany that food, and indeed services that deliver just alcohol itself. It is important that we do address any of those loopholes that facilitate people who are not of age coming into possession of alcohol. It is important not just to ensure the preservation of those laws but also for the health and wellbeing of those young people.

The bill removes the current exemptions that allow minors to consume alcohol on a licensed premises if dining with parents, and I note that that is supported by the Australian Hotels Association. If I reflect upon my time, I can certainly remember having a beer with my grandfather while we had a counter lunch or the like at a hotel. I note that this will now be outlawed for people under the age of 18. The bill requires the supply of alcohol to minors on private premises to be undertaken in a responsible manner. Obviously we always want to see that people under the age of 18 remain safe and do not place themselves in harm's way, so one would hope that minors would be conducting themselves in a responsible manner, as indeed would those who are supervising those minors.

The bill goes on to allow patrons to take away up to one bottle per person of unfinished liquor from a licensed restaurant or cafe where it was ordered as part of a meal and can be resealed. That is probably a welcome change to the law. A couple might be out for dinner, order a bottle of wine and not manage to consume the entirety of the bottle. The facilitation of the bringing home of that bottle is something that I think many in

the community would welcome. It is a step forward in terms of the way that people choose to dine to not encourage people to have that extra glass. In particular, if one of the aforementioned couple might be driving home, you would not want to see them having that one glass too many that might put them over that .05 limit.

The bill provides for the removal of the requirement for licensees to maintain a register of staff who are trained in the responsible service of alcohol. Certificates must still be produced, but the register itself will not be required with this change to the act. The bill also allows spirit producers access to the wine and beer licence that allows cellar door and promotional event sales, which under the current act is presently restricted to brandy producers.

The bill removes administrative delays in the granting of a liquor licence transfer by removing duplication between the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and local councils in liquor licence applications and allows VCGLR to approve an application but not operationalise it before the planning permit is issued. This is certainly something about which I have had discussions with proprietors in my electorate. A wonderful new cafe, Hydrant Food Hall, has opened of recent times in a little lane in Ballarat. I had discussions with the owner of that cafe about the ease or lack thereof of acquiring a liquor licence, and the replication that is involved in the process with the liquor licensing body and the council just elongated that process and was not a particularly good way of ensuring that a liquor licence could be obtained in a timely manner. I certainly see that this could be a positive for businesses in those situations. It is somewhat of a limiting factor if a person would like to get a liquor licence for the operation of their business and it is just a duplication of that process, so that could certainly have a positive impact.

This bill also removes the current provisions that see demerit points and risk fees transferred with a liquor licence if the new licensee has no relationship with the former licensee. I suppose that could be seen as the son not having to pay for the sins of the father, except that they would be related, so that does not necessarily ring true in that scenario. What we are seeing there is that a new proprietor of a licensed establishment will not have to incur the demerit points of a previous operator.

The bill also makes amendments to the process for granting of a keno licence and enables the keno licensee to recover top-up payments to the prize pool. Further, the bill provides the minister with powers to direct wagering service providers, including online wagering providers, to comply with harm minimisation and

consumer protection requirements. Of course this comes ahead of an expected agreement on a national consumer protection framework.

The bill further goes on to make minor changes to requirements for wagering loyalty scheme providers with respect to annual player activity statements. No statement will be required if no wagering activity has been undertaken, which seems a sensible amendment to the act.

Some areas of concern certainly have been raised with regard to this legislation. I think of the sheer hypocrisy of this government in not only condoning but actively facilitating a heroin and ice injecting room next door to a school in Richmond whilst not allowing the advertising of alcohol. This highlights where the priorities of this government lie. I think many in the community would be struck with the sheer hypocrisy of the dichotomy that we find ourselves in under the Andrews government.

I note that there has been a significant amount of consultation undertaken with regard to this bill. There has been a range of support from differing organisations. There has been some concern raised about the 150-metre rule and the practicalities of how it would or would not apply in a given range of scenarios, but I do note that some of these measures are supported, despite the fact that particular organisations have also raised some concerns.

We on this side of the house do have a not-oppose position. I look forward to hearing the contributions of other members.

**Ms BATH** (Eastern Victoria) (17:28) — I rise to make a brief contribution this afternoon on the Liquor and Gambling Legislation Amendment Bill 2018. This bill amends two main acts, making a number of changes to the Liquor Control Reform Act 1998 and some minor changes to the Gambling Regulation Act 2003. Consistent with the coalition, The Nationals will be holding a not-oppose position on this bill. There are some largely sensible instigations through this legislation, and there has been a great deal of consultation from our side, with many peak bodies and stakeholders in general agreement about the various clauses.

Before I drill down into the bill I just want to make a couple of comments in relation to alcohol and alcohol abuse in our state and our country. I also want to make some comments about my time as an educator — as a teacher in a secondary college. As a teacher I believe it is important not to encourage any consumption of

alcohol by minors. I believe as a parent and as a teacher that we should encourage other activities — sporting activities, social activities and outdoor healthy activities — that do not require major contact with alcohol for our young people.

I was interested in another aspect of this bill. A study by the Alcohol Think Again organisation, which is based in Western Australia, and many other studies show that if we can delay the consumption of alcohol by young people we can also reduce their ongoing consumption of it through life and reduce the risk that they will develop alcohol-related diseases, including loss of mental health.

During my life as a teacher it never ceased to shock and surprise me as I walked around some of my classes — it does not matter where it was, because it would be widespread across Victoria — that some students, who were well under age, would have conversations about what they were going to buy that night to drink. It is very, very important that we as adults, as educators and as MPs in this place do not advocate or encourage any of that early contact.

In relation to that, this bill looks at the removal of advertising within 150 metres of schools. I note that there is a transition period of two years, so that seems appropriate for shops that may well display alcohol advertising and are close to a school. The 150 metres is also consistent with the gambling advertising that came in earlier in this term of government. The Outdoor Media Association of Australia as a peak body recognised that 150 metres is a reasonable and appropriate response to banning alcohol signage and advertising of various things around schools.

I read earlier on in the week in the media about the irony and complete duplicity of a government who says ‘We will ban alcohol advertising 150 metres from a school’ yet creates a safe injecting room right beside Richmond West Primary School. On the one hand we are saying, ‘Here’s a legal product — alcohol. We’re banning the advertising of it’, and on the other hand we are saying, ‘Come on down! Go into that room, inject yourself with heroin or ice and then go back out into the community’. Indeed that was well reported by Genevieve Alison in the *Herald Sun* on Monday when she said that residents have called on the Andrews Labor government in an effort to make a last-ditch stand to attempt to block the injecting room. I will pick one part out of that particular article. It states:

It’s understood Richmond West Primary School had been offered extra resources if it wished, but the offer had not been taken up.

The school, which teaches about 300 children, does not have any CCTV cameras installed.

The location of that school is not very far at all from that potential injecting room, more than 500 students attend schools less than 1 kilometre from the injecting room and three schools are within a short walking distance from the centre, which is set to open within a couple of weeks. So residents are duly concerned about this in their local area, and we are putting in a bill to halt advertising alcohol. It seems to me to be quite duplicitous in nature.

The other point I want to raise in relation to this 150-metre distance — and I hope this is going to be addressed in the committee stage — is what will happen in country towns. In many country towns across my electorate in Gippsland there can be businesses — for example, a bottle shop — that may well be contained within that 150 metres. Schools are often located in the main streets of towns, as they are in the city. How will that be captured? What will happen there? What will the implications be for a business that in effect has the right to do business? What will be the implications of this bill? Will there be education around this for local businesses? What will the fines be?

The other point about which I have reflected in relation to the 150-metre rule is what happens if it is around the corner so that there is no line of sight from a school to a business or a pub? How will that be implemented? There certainly are some questions that I hope will be drilled down to in the committee stage.

An interesting thing that does not often happen in the country is home delivery of alcohol via online apps. This bill makes it an offence to deliver alcohol to a minor through the use of online apps. You could see that actually happening. You could see someone underage grabbing mum or dad’s phone and downloading it onto that or onto their own phone, then dialling up and having alcohol delivered to their front door. This is an appropriate clause of the bill, but again how is that going to be addressed in terms of delivery services and how are they going to have sufficient resources and education around that?

The bill also reduces or removes an exemption that allows families to have a drink at a restaurant or a pub with a minor in their care — their child or grandchild et cetera. In many ways this has always been quite difficult to police, because you could have a younger person in a group of people and they will just say, ‘They are part of my family’. In effect taking this exemption away will create cleaner lines for licensees and for hoteliers et cetera, and I think that is quite

appropriate. Indeed the Australian Hotels Association is quite widely supportive of removal of this exemption.

We have heard before, and I will just cover this off quickly, about the unfinished bottle clause. Again, I think that is quite appropriate. In a sense, if you go out with your partner and you want to enjoy one glass, certainly there may have been in the past an impetus to think, 'We'd better finish it off', and certainly in the country you would have to get into the car and drive home. Being able to cap the bottle, walk away and pop it in the car is appropriate and responsible.

Another clause that I would like to highlight is with respect to pubs and clubs and the removal of the requirement for licensees to maintain a register of staff with a responsible service of alcohol certificate. Up until now they would have had to have quite a lengthy spreadsheet and make sure that that was ready if there was going to be an assessment under regulation by an inspector coming onsite. Whilst it still is entirely appropriate to have your staff who serve alcohol fully registered with responsible service of alcohol certificates, it takes away more of that red tape, which is appropriate. Indeed many of our young people who are 18 in our local towns and communities go into, for example, the RSL as quite a calm and reasonably stable, I will say, working environment; it certainly is in my home town of Leongatha. Indeed both of my boys did go and have their responsible service of alcohol training at the RSL and work there. There is a fabulous lady there who would have had to keep all those spreadsheets as the regulations required. That change will reduce Anne's work just that little bit.

The other thing that I want to touch on relates to allowing spirit producers access to the current wine and beer licences for cellar door promotion, sales and events. In the past this has been restricted to wine, beer and brandy producers, but we know that quite often microbreweries or microdistilleries in our country towns can come up with a fantastic local product, value-adding to their produce, and sell that as a little boutique option. In Gippsland, not far from me, the Loch Brewery and Distillery has a great feel. It is tucked away and it has got lots of nostalgia, but they do a great gin and vodka there. That clause will enable them to do promotional sales, which is quite important.

In relation to changes to the Gambling Regulation Act 2003 there are certainly some amendments to the way keno licences are granted and also some changes to the way they will be issued in the future. But indeed gambling is well outside my expertise; sincerely, I am not a gambler. I understand that it can be very important for those little clubs to enable people to enjoy

responsible gambling, but certainly they would go broke if they were waiting for me — other than maybe during a horse race in November.

With those few words I would like to say that there has not been any great pushback from various stakeholders on this bill during consultation. I think there are some appropriate measures coming into place here. What I would say is that if you are out in Gippsland, please go to our local microbreweries and distilleries, go to the Loch pub and sample a little bit of vodka, potentially in the summertime, with a twist of lemon and some soda. With that, The Nationals have a not-opposed position on this bill.

**The ACTING PRESIDENT (Mr Ramsay)** — Thank you, Ms Bath. I suspect you might have been doing a bit of advertising there within 150 metres of some minors!

**Ms LOVELL (Northern Victoria) (17:41)** — I rise tonight to give a very brief contribution on the Liquor and Gambling Legislation Amendment Bill 2018. The contribution that I want to make is around advertising, and this bill does deal with advertising alcohol within 150 metres of schools. Normally I am not in favour of additional regulation. As a Liberal I believe in the freedom of businesses to advertise their businesses if they are legal businesses. I also believe in the freedom of the individual to participate in activities that are legal, like the consumption of alcohol or gambling. If governments are prepared to profit from the taxes on these things, they should not make people feel guilty for participating in them. However, there is a particular form of advertising that I do strongly object to — and people will not be surprised, because I have spoken about it in this house before — and that is the advertising of online gambling at football games.

Particularly last year I noticed that the AFL and the state government named a football round — it was the weekend of 7 to 9 July — the Love the Game round, and it was dedicated to an anti-gambling campaign. An article appeared in the *Herald Sun* in which the Minister for Consumer Affairs, Gaming and Liquor Regulation, Marlene Kairouz, said the campaign would combat the normalisation of betting in sport. She was quoted as saying:

Love the Game round is a great initiative that reminds us that gambling and sport don't need to go hand in hand.

The acting CEO of the Victorian Responsible Gambling Foundation, Craig Swift, also warned that 'gambling advertising is changing the way people experience sport'. The article states:

The campaign comes after research showed two-thirds of children could name at least one betting brand and some could name three or more.

I have to say that everyone knows that I am an absolutely devoted Richmond supporter. It does surprise me how many people in the community know that, although it has been said to me that I should stop putting Richmond on my Facebook posts. I certainly will not be doing that very quickly. It amazes me the number of people in the community who know that I am a Richmond supporter. Even the children in the community know. It always amazes me — it actually frightens me — when I go to schools and children say, ‘Ms Lovell, I bet you that someone will beat the Tigers this weekend’. This is becoming a very normalised thing in kids’ language; ‘I bet you that Richmond can beat Collingwood’ or ‘I bet you that someone else can beat some other team’. Of course no-one can beat Richmond, and I notice that even our Hansard reporter is sitting there in the Richmond colours. Well done. It is usually me in the Richmond colours, but let the record show that the Hansard reporter is sitting there wearing a black jacket with a yellow scarf. Thank you, Rachael, for supporting the Tigers.

Getting back to the Love the Game round last year, I was delighted when I actually saw an article in the *Herald Sun* of 7 July saying that it would be an anti-gambling round and would be dedicated to an anti-gambling campaign. So imagine my horror when I was watching the Richmond match on TV and I saw Bet365 displayed all the way around the ground at whichever oval Richmond were playing at that weekend. I actually took a photo of the TV and tweeted it, saying that it was a double standard. Here we had a round of football dedicated to anti-gambling and yet Bet365 ads were still running all the way around the ground. The *Herald Sun* contacted me to talk about it, but they did not run an article because when they contacted the AFL, the AFL said to them that the advertising at grounds was a matter for the management of the grounds, not an issue for the management of the AFL.

I would suggest, however, that if the minister wants to take credit for having an anti-gambling round and if the AFL want to take credit for having an anti-gambling round they should talk to the management of the stadiums and make sure that it is an anti-gambling round. In fact I would go further than that and say that the government should have included in this bill a ban on online gambling at sporting events that involve children — that is, with the exception of racing. I accept that if I take children to the races I am taking them into an environment that is a gambling

environment and they are going to be exposed to not only bookies and the TAB but also to advertising for gambling. I can make that decision knowing that I am taking them into that environment.

But I think that when families make the decision to take their children to a football match on a Saturday or a Sunday — or even a Friday night, Thursday night, Monday night or whatever nights we play now — they should be able to expect that they are taking them to a sporting event, not a gambling event. Families should be able to enjoy those sporting events without being exposed to gambling advertisements.

I would urge the minister to look very closely at where it is appropriate for gambling advertisements to appear at sporting events. As I said, if those sporting events are things like the horse races or the greyhound races we accept that they have always been sports that have been based around gambling. The AFL is not a sport that is based around gambling. Even though it has now crept into the gambling world it is not a gambling sport, and we should not have our children exposed to advertising for online gambling at sporting events such as football. I really would urge the minister to have a close look at where it is appropriate for gambling advertisements to appear, particularly at events that involve children.

**Mr FINN** (Western Metropolitan) (17:48) — In rising to speak on the Liquor and Gambling Legislation Amendment Bill 2018 I cannot help but endorse the comments made by Ms Lovell. She and I share a deep and passionate love for the Richmond Football Club, and it is too much to expect anybody to actually bet against the Tiges this year. I noticed at three-quarter time in Saturday night’s match against Essendon that Essendon were 500 to 1 to win. It would be a brave bookie that would take money on Richmond at that point of the evening. But that is a side issue to this particular bill.

This bill amends the Liquor Control Reform Act 1998 to reduce red tape for licensees, including by reforming the processes for licence applications and transfers, removing unnecessary record-keeping requirements and allowing spirit producers to obtain a producers licence. I think that is a very good thing. I am a strong supporter of cutting red tape for small business — indeed for any business for that matter, but particularly small business — and we have to take into consideration that the liquor industry, and I include pubs and bars in that, employ an inordinate number of people. They employ a huge number of people across this state. They are a very important contributor to the financial welfare of Victoria. So it is important that they not be subject to the sort of red tape that they have been

subject to. I think it is a good move to reduce that red tape and also to allow spirit producers to obtain producers licences in a quick and efficient manner. I think that is a very good idea as well.

I am wondering if that counts for wine producers as well, because I know a number of winemakers. There are a number of winemakers in the west of Melbourne. In particular we have Shadowfax Winery down in the Werribee tourism precinct, and a very, very nice drop they produce, I can tell you. Then of course up in Sunbury we have Craiglee Vineyard. If you have not had a Craiglee shiraz, you have not lived. Pat and Dianne Carmody are great people indeed, and they produce exceptional wine. To provide assistance to them in getting a producers licence, if indeed that is what this part of the legislation is referring to, I think would be a very good thing.

Removing unnecessary record keeping requirements is something that is particularly close to my heart. I remember it was the bane of my life when I ran my own small business some years ago. The record keeping, the bookwork and the red tape were the bane of my existence. I hated them with a passion. So to see the removal of unnecessary record keeping requirements is music to my ears; it is a very, very good thing indeed.

The bill also amends the Liquor Control Reform Act to strengthen harm minimisation measures, including by introducing new offences related to the display of alcohol advertising near schools and the delivery and supply of alcohol to minors. I think that is a very good thing as well because whilst there are some people around who regard alcohol as being very much a part of their lives — I do not see them here at the minute, but there are some around who do feel that way — we should not attempt to pass that on to our children. I think that for children to be offered alcohol advertising on a daily basis near schools and other places where children gather is very bad, and we should avoid that. So if this legislation can produce that, it will be a very, very good thing. Interestingly enough, the government introduces this legislation to prevent alcohol advertising near schools, but, as has been pointed out by Mr Ondarchie and I think by others, it has no qualms about having a drug injecting room near a school, which does seem to be somewhat of a double standard. It is very, very hard to follow. I certainly have some difficulty following it.

We also have in this bill a provision to reduce the supply of alcohol to minors, and I think that is a very good thing. We have a situation at the moment where a family can go to the pub for a meal and, as long as the

children of the family are with their parents and they have a parent's authority, they can have a glass of wine — or two or three, I assume. I think we need to make it an across-the-board ban on everybody. I do not think we should be leaving it up to the bar staff or to the hotel owners to make a judgement as to who can have wine and who cannot have wine in terms of children. If you are a child, you should not be drinking in a pub. I think that would be a fair thing and that most people would absolutely agree with that.

The bill will also amend the Gambling Regulation Act 2003 to provide the minister with a power to direct wagering service providers to comply with harm minimisation and consumer protection requirements, and it will enable the government to implement the national consumer protection framework for online wagering that is being developed with other state and territory governments. That is a good thing. As I have said in this house — and indeed in the other house, for that matter, in years gone by — gambling in itself is not a bad thing. We should be able to have a bet on a horse or a dog. Years ago I remember having a bet on a few dogs. I used to work with Ray Benson — Racing Ray Benson — at 3DB back then and he used to give me some great tips on the dogs. Bill Collins, the Accurate One, was not all that flash because if he got a tip he would keep it to himself. Ray Benson is a great man. I have not seen Ray for a while, but I would certainly look forward to seeing him again if he is tuned in to the proceedings this evening.

Gambling within reason, gambling responsibly, is part of the Australian way of life. It is safe to say that the old saying that Australians would bet on two flies crawling up a wall is as true now as it ever was. But we have to be acutely aware that children should not be exposed to gambling as well. We should ensure that they are protected. Indeed we should be aware that there is a cohort in our community that cannot control itself in terms of gambling. We have seen that particularly with poker machines, where these electronic gambling machines have been particularly potent in drawing people in and not allowing them to think straight. That is something that we also have to take into consideration. That said, I think that we all have a bet on the Melbourne Cup. That is something that just about everybody —

**Mr Ramsay** interjected.

**Mr FINN** — Not Ms Bath? She does not gamble at all? Extraordinary. Well, I would have to ask: if she does not gamble, what is she doing in politics? That is worth asking, I would have thought. Nearly everybody heads down to the TAB and has a bet on Melbourne

Cup Day. I think it is a great feeling, to tell you the truth, and I do not mind that at all.

The Liquor Control Reform Act 1998, as we know, regulates the supply of liquor in Victoria. We have seen a significant change in the liquor laws in Victoria and in the culture in Victoria over a long period of time. I do not remember this, but I have heard from many about the infamous 6 o'clock swill, when the pubs would close at 6 and the offices would close at 5. Everybody would belt down to the pub, line up the beers and down them all before 6 o'clock when they were all thrown out. It sounds a bit like Sydney today, doesn't it? I will get to that in a minute. That was something that had to change. I am told that that was a less than impressive sight. I am glad that that did change.

But I recall not all that many years ago — well, probably quite a few now, to tell you the truth when I think about it — we would go to meetings in the city and we would come out and the place would be closed. If you felt the need to go and have further discussions over libations, that would be something that would just not be possible, because you could not get a beer. At 10 o'clock the pubs would close and that was it. You were out of there. That was it.

**Mr Ramsay** interjected.

**Mr FINN** — Well, that is the truth. Mr Ramsay makes a very good point. They do not start now until 10 o'clock. Some of them do not start until midnight or even after. Yes, it is bizarre, I have to say. Some of them do not go and have a drink. They are just high on something else, I assume, which is all a bit sad. They were the days in Melbourne, back in the 1980s — back in the days of John Cain in fact. It was very, very difficult to get a drink late at night —

**An honourable member** interjected.

**Mr FINN** — No worries. Are you with me? I remember all those years ago when people would make a pass for the airport where there was 24-hour drinking. If you wanted a drink at 11 o'clock or at midnight or thereabouts, you would go out to the airport out at Tulla —

**Mr Ramsay** — On the way home for you.

**Mr FINN** — Well, yes, it was very handy. The trouble is that I was not living in Tulla in those days, which is a bit sad. I should have perhaps taken it up a bit earlier. But that was something that we did back in those days. I think it was the Neuenhausen report that was commissioned by John Cain back in the late 1980s that opened up the drinking culture, the entertainment

culture, in Melbourne and enlivened the city no end. Now we can go to the Imperial or we can go to the Elephant and Wheelbarrow —

**Mr Ramsay** interjected.

**Mr FINN** — We can go to any number of establishments throughout the city, as Mr Ramsay says he does. We can go there and have a quiet ale after a late-night sitting, for example. We can gather with our colleagues and we can discuss the events of the day over a beer. That is something that back in the day you could not do. I think it is far more civilised today than it was back then and, as I say, I am very, very glad that that has changed.

My very great concern is that it might have gone a bit too far in fact, because anybody who has been in town, particularly down at King Street or some of the entertainment sectors of Melbourne, any time after about midnight or 1 o'clock — and I am reminded at this point of Ross Stevenson from 3AW, who said, 'Nothing good ever happens after 2 o'clock'; I think that is pretty true in my experience — or perhaps after 2 o'clock will back that up 100 per cent, because it is getting pretty messy. So that may be something that we need to have a look at at some stage as well.

But we do not want to go as far as New South Wales. New South Wales has gone back the other way, where you cannot get a beer. It is very difficult to get a beer in Sydney; it is very difficult to get a beer after midnight. A very uncivilised place it is. You can understand why people want to come to Melbourne instead of going there.

**Mr Ondarchie** interjected.

**Mr FINN** — The coffee? Well, I am not a coffee drinker, but I have been known to have a beer on a warm day. I am very pleased that the opposition will be supporting this legislation. I look forward to it passing. I look forward to it supporting a healthy and vigorous entertainment and licence sector and a responsible and enjoyable gaming sector as well.

**Mr RAMSAY** (Western Victoria) (18:03) — Thank you, Mr Finn, for your entertaining contribution. I want to make some comments in relation to the Liquor and Gambling Legislation Amendment Bill 2018 and note that we will not be opposing the bill. I would also like to give a message to the Alcohol Policy Coalition. Its CEO, Mr Todd Harper, wrote to me, as I am sure he wrote to many others, urging us to support the Liquor and Gambling Legislation Amendment Bill when it is debated in the Legislative Council. I can give

Mr Harper some confidence by saying that in fact we will not be opposing this bill.

On that basis I just wish to make a few comments in relation to some of the main provisions in the bill. Many other speakers have also put forward their particular views on how the provisions might impact the different communities that they represent in their local electorates. As has been said, the Liquor and Gambling Legislation Amendment Bill is an omnibus bill that makes a number of amendments to the Liquor Control Reform Act 1998 and the Gambling Regulation Act 2003. This is stage 1 of a complete review of liquor and gaming arrangements in this state, with more complex and difficult reforms to be addressed in a further bill — likely not during this term, so we are saved from any more significant, substantive pieces of legislation in relation to liquor control reform.

Much has been made of the banning of the advertising of alcohol within 150 metres of a school. I think we are all in agreement with that. It is consistent with a similar provision in relation to gambling. This, I suspect, has come from the strong advocacy of the Outdoor Media Association, which also uses 150 metres as the appropriate distance for advertising near a school. There will be some exemptions and some two-year transition provisions.

I note in reading *Hansard* that there has been a lot of commentary about the fact that the government has seen fit to remove both alcohol and gambling advertising from within 150 metres of schools yet they are more than happy to site a safe injecting room within metres of a school, which has a shroud of hypocrisy about it. The comment I would make, because I think others have already made a good contribution in relation to that hypocrisy, is that the government has really made a mess of the issue around safe injecting rooms. I speak with some authority, having done quite a comprehensive inquiry into the use of ice — crystal methamphetamine — and also in relation to alcohol abuse. Throughout the inquiry when meeting with local government representatives and Richmond residents the issue was about the danger of those residents and children using different thoroughfares and being stabbed by needles that were being discarded by addicts. Added to that was the increase in fatalities around the Richmond area from the abuse of particularly heroin.

Kings Cross is not a great example to use in relation to the success of a safe injecting room, but where the government I believe has really mucked this up, even though we are opposed to safe injecting room trials, is that they have included the use of other drugs,

particularly methamphetamine, to be used in the environment of a safe injecting room when there is no documentary evidence, even in other states or in fact through the inquiries that we have done in relation to safe injecting rooms, that any other drug apart from heroin should be used. Obviously there is a drug that can bring down heroin use — methadone — but there is no such drug for crystal methamphetamine. In fact most crystal meth users do not inject; they inhale. So to encourage people to come and inject crystal meth in a safe injecting room environment actually goes against just about everything that I have been involved in in relation to the research and inquiry work into the use of that drug.

I have no sympathy for the government in what they have done here. In fact my understanding was that the Premier made it very clear at the outset that the safe injecting room would only be for heroin users. Then he did a complete backflip and included crystal meth users. I believe that has really compromised any sort of community sympathy for the safe injecting room, which is primarily to make safe those areas that have significant use and traffic but also to try to reduce the heroin user fatalities that come from unsafe injecting practices.

Quite frankly it is a stuff-up by the government to include other drugs apart from heroin in that respect. Certainly it is total hypocrisy to try to remove alcohol and gambling advertising yet advertise the fact that you can come and inject yourself with illicit drugs in a facility that is very close to a school. It seems quite extraordinary that the government would propose a site that is so close to children, and obviously there are the impacts that the facility would have on those children also with the responsible use of drugs, be they illicit or legal.

Another provision making it an offence to knowingly deliver alcohol to a minor, which addresses concerns about emerging online and app-based delivery services, I think has been well supported through the different stakeholder groups. The provision removing the current exemptions that allow minors to consume alcohol on licensed premises if dining with parents, I would probably question, because my upbringing included my family taking me to restaurants — I think I was 17 at the time — and it was a sort of a slow introduction to having alcohol. It was always a shandy mix. It used to be a bit of beer and lemonade —

**Ms Fitzherbert** interjected.

**Mr RAMSAY** — I know, Ms Fitzherbert, it does not sound like it tastes good, but certainly we felt very

grown up and mature by being with our parents, if you see what I mean. But that was that time and that era, and I note the Australian Hotels Association (AHA) is supporting this provision, so far be it from me to be in conflict with the hotels association. Those children who wish to have a small amount of alcohol with their parents while under supervision may well do so in other environments rather than licensed premises. The bill requires the supply of alcohol to minors on a private premises to be undertaken in a responsible manner; well, of course, and we hope that is the case now as it was back then.

Allowing patrons to take away up to one bottle per person of unfinished liquor from a licensed restaurant or cafe where it was ordered as part of a meal and can be resealed I think is a great idea. I have to say myself there have not been too many instances where I have had leftover wine that I needed to take home. We always made a point that we had a duty to make sure that all wine on the table was drunk, but of course it does give us flexibility and options now that if we do not want to partake of a full bottle we are allowed to seal the bottle and take it home. For expensive wines I think it is an excellent idea.

The bill removes the requirement for licensees to maintain a register of staff responsible service of alcohol training, where certificates must still be produced, but the register will no longer be required. Obviously I have not seen the detail around this provision, but it would remove some of the administrative and red tape burden on our licensees if they did not have to continually maintain a register of the training requirements of staff. There is a provision allowing spirit producers access to the wine and beer licence that allows cellar door and promotional event sales. Certainly in my electorate, where we have many wineries on the Bellarine, the feedback I got in relation to this provision was that it was welcome. Given Ms Bath's contribution strongly in favour of this provision I dare not argue with that, and take it that certainly in Gippsland it is also strongly supported.

The bill removes administrative delays in the granting of a liquor licence transfer, removes duplication between the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and local councils for liquor licence applications and allows the VCGLR to approve an application before a planning permit is issued. Well, I think anything to remove some of the costs and red-tape burdens on licensees, particularly transfers of licences and removing duplication, would be welcomed by business.

Moving away from alcohol to gambling I did want to flag that from the work we did in a number of inquiries that I chaired in the previous Parliament there is no doubt that illicit drugs are seen as very problematic, but alcohol abuse is by far the worst, and that is with respect to presentations at emergency departments, alcohol poisoning and the impact it has on the physical body but also in relation to family violence. Alcohol is still the number one problematic drug that we have here in this country and this state. So certainly any controls put in place in this respect by the Liquor and Gambling Legislation Amendment Bill, which restricts both the advertising and access by minors, is a good thing. My hope is that the introduction of this bill will actually reduce some of the problems associated with alcohol abuse, particularly for our young. I note that some studies just being done have found that it is now middle-aged women who are increasing their use of alcohol to an extent where it is causing significant problems for their health and lifestyle. I am not sure if that is just the stress of the environment they are working in now, but it is an issue we need to watch very closely, because it is very unusual for this type of demographic to show significant health issues with respect to abuse of alcohol in this current era.

In relation to gambling I just want to make a few comments. Making amendments to the process of granting a keno licence and enabling a keno licensee to recover payments to the prize pool, I do not see any significant issues with. Another provision provides the minister with powers to direct wagering service providers, including of online wagering, to comply with harm minimisation and consumer protection requirements. This is obviously ahead of an expected agreement with the national consumer protection framework. I think that is sensible. Making minor changes to requirements for wagering loyalty scheme providers with respect to annual player activity statements is, again, a reasonably sensible provision.

Our concerns on this side of the chamber, as strongly illustrated by our other contributions, are in relation to the advertising of alcohol near schools, and we highlighted the issues around the hypocrisy of that provision being supported by the government as against the proposal to put a safe injecting room next to a school in Richmond. But overall this is a positive bill. We hope it will improve the livability and healthy lifestyle of our communities. We hope it will restrict minors from accessing alcohol when they are minors.

In relation to gambling, I hope we do go further. I must say I am really disappointed in the television field, where there are no restrictions in relation to advertising so much in respect to alcohol or gambling. You can

turn on a footy show at any time of the night and you will see Sportsbet ads running almost on the basis of a rolling advertising screen. So we have yet to address the problems with the television medium using unrestricted advertising on an ongoing basis that does have an impact on those watching, and we have no control over who does watch those ads, particularly on TV and even with films to a lesser extent. My hope is that we are able to broaden out the restrictions on that.

There seems to have been good consultation, and the bill is largely uncontroversial. It has been supported by organisations — both industry and NGOs — and the AHA supports the matters related to alcohol and Tabcorp for gambling.

**The ACTING PRESIDENT (Mr Morris)** — Thank you, Mr Ramsay. Your time has expired.

**Mr DALIDAKIS** (Minister for Trade and Investment) (18:18) — I will sum up. I just want to confirm that I have largely listened in to a lot of the debate this afternoon in relation to the Liquor and Gambling Legislation Amendment Bill 2018, and I want to confirm for members that have spoken — and in fact as Mr Ramsay, who just preceded me, acknowledged — that there has been a good deal of stakeholder engagement. Through the coalition in opposition, through some crossbench members and of course through the Greens there does appear to be wideranging support for the bill.

I acknowledge that Mr Ondarchie had a range of questions that he put forward in his contribution, and I look forward to working through those as we go through the committee stage. I was not in a position to take down those questions, so I apologise to Mr Ondarchie that unfortunately I do not have the answers ready, but we will work through those as we do go through clause 1 and then the rest of the legislation.

Again just to summarise, the bill amends the Liquor Control Reform Act 1998 to do a number of activities — first amongst them is to protect minors. We believe in and are happy to see a bipartisan approach to the legislation in order to protect minors from a variety of issues that obviously as adults we have the independent ability to make decisions about and also to try to shape a young person's future. That is the first thing.

Then there are a variety of provisions that look to try to reduce red tape in terms of making things far more efficient than what they have been, to ensure that regulation actually reaches the appropriate level at

which the regulation is aiming. That is the second aim that the bill attempts to try to work through.

There is a range of other areas as well. We will work through those as the bill progresses, but again I think it is important to reflect on the goodwill that has been demonstrated in the chamber in the variety of contributions to date. With that, I commend this bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr ONDARCHIE** — Minister, having read through the bill, is it fair to say that the updated gambling and advertising legislation is aimed primarily at protecting young people in Victoria from gambling advertising?

**Mr DALIDAKIS** — Can I just confirm with Mr Ondarchie that in referencing gambling he did mean gambling? Because of course the primary purpose of this bill is around alcohol, so I just wanted to clarify that.

**Mr ONDARCHIE** — It touches on keno licences as well; hence the door is open for me to talk about gambling. That is all.

**Mr DALIDAKIS** — It is primarily around alcohol.

**Clause agreed to; clauses 2 to 13 agreed to.**

**Clause 14**

**Mr ONDARCHIE** — Minister, clause 14 talks about a transferee who has a relevant relationship with a transferor to apply to the commissioner for the removal of any demerit points from the register accrued in respect of the licence or permit before the transfer. Over what time period will that be able to occur to allow those demerit points to be removed so the transferor can get on with their job?

**Mr DALIDAKIS** — There is no time period specified in the bill to allow that to occur.

**Mr ONDARCHIE** — Thank you, Minister. Is there a plan in terms of guidelines from the commission or from the register to give guidance to a transferee on

what is likely to occur as they go through the passage of their business?

**Mr DALIDAKIS** — I can say to Mr Ondarchie that at this stage the government's intention is to leave that to the commission to determine whether it believes it needs to or not. It is also important to note that the transfer will occur at the point of transaction. So at that point that will obviously solicit a response because the sale will be the underlying act that will then require that to be looked into or to be considered in terms of demerit points. That is why a date has not been specified, but the sale will trigger that process to occur.

**Mr ONDARCHIE** — Thank you. The commission needs to be satisfied that the transferee under this legislation has taken steps to comply with the act, and the evidence includes a change in management practice or in staff training. Is it required then that the commission will approve the staff training or the outcomes of the staff training?

**Mr DALIDAKIS** — As I am advised, there will be no need to, in response to your question.

**Mr ONDARCHIE** — Thank you, Minister. So what evidence will the commission require for them to determine that there has been a change in management practices or in staff training?

**Mr DALIDAKIS** — Again, my best advice to you, Mr Ondarchie, is that that will be a matter for the commission to be able to determine themselves. The government is not seeking to provide guidance to the commission at this point in relation to the issue or the matter raised. It is foreseeable that the commission may ask to see the plan or the rectification schedule, as you have indicated. That would be an operational issue at this point for the commission itself to determine.

**Mr ONDARCHIE** — Can I now touch on new sections 86IA and 86IB, which talk about the reinstatement of demerit points if the transferee was wrongly attributed those points on the day of the transferor application. If it is determined that they need to reinstate the demerit points, how soon will they go back?

**Mr DALIDAKIS** — The best information here is that new section 86IB will require the commission to give notice of its intention to reinstate demerit points. It would also require the licensee to be given an opportunity to make a written submission to the commission on the matter. Again, the expectation would be that the commission will outline a timely period that that would be required. The legislation before us does not indicate to the commission what they

should do or how they should do it and in what time frame, but if they were going to give a notice of intention to reinstate demerit points and an opportunity to make a written submission, the expectation would be that that would be in a timely manner.

**Mr ONDARCHIE** — Thanks, Minister. I am just asking this question on behalf of people who have approached us. Is there a cap on that time?

**Business interrupted pursuant to sessional orders.**

**Sitting extended pursuant to standing orders.**

**Mr ONDARCHIE** — Minister, before the break I was asking about new section 86IB, and I do acknowledge the fact that it will be done in a timely manner. But so I can give some guidance to those who have made an approach to me and others about this, does the government have an expectation about a cap on how many days that would be; is it 30, 60, 90 — what does it look like?

**Mr DALIDAKIS** — Again, there is no stipulation as to what the time frame would be. If the commission has made an indication to the transferee that demerit points will be reinstated and they have an opportunity to appeal that, the expectation is of course that common sense would dictate that that should be done in a timely manner. The commission, as you know, Mr Ondarchie, is obviously an independent body, and we are preserving the independence of the body by not being overly prescriptive. But you would hope that with common sense, which for some is sadly all too uncommon, you would expect the commission to deal with this in an appropriate time frame.

**Clause agreed to; clause 15 agreed to.**

**Clause 16**

**Mr ONDARCHIE** — Minister, one of the challenges with the granting of liquor licences or BYO permits is often conflict with the planning scheme and how it can be elongated or tied up in bureaucracy. Minister, I note that new section 44(1A) indicates that the commission must not delay the grant or the refusal to grant. Often, as I explained, there are conflicts between them and the Department of Environment, Land, Water and Planning to get things done. I know it is a commission, and I acknowledge your answers to previous questions on other clauses. Is there an expectation by the government that the commission will have the capacity to move on irrespective of the issues associated with a planning permit?

**Mr DALIDAKIS** — The absolute intention of this clause is to allow for a liquor licence to be granted by the commission before a planning permit is determined for a licenced premises. A liquor licence will not take effect until the planning permit is granted, but at least it does not stop the process from moving forward. It starts the process. What I can say is that in my own portfolio we announced last Tuesday that we would be undertaking a review in a limited number of regulatory bodies around red-tape reduction. I think that this is a commonsense outcome, which again does not stop the process but allows the process to continue through one approval, which is then contingent upon another one being approved before it could go ahead.

**Clause agreed to; clauses 17 to 19 agreed to.**

#### **Clause 20**

**Mr ONDARCHIE** — Minister, this is the clause that relates to advertising and some of the concerns about it. Part of the information provided to us by a range of organisations, including the Outdoor Media Association, indicates that there are around 887 shops and shopping centres that are captured by the gambling advertising regulation, which will also be captured by the proposed alcohol advertising restriction, that are within the 150-metre radius of schools. How are they to be penalised? Ms Bath touched on that in her contribution as well. How are they to be dealt with given that that already exists right now?

**Mr DALIDAKIS** — Thank you, Mr Ondarchie, for that question. It is obviously an issue that requires again a number of different approaches. The first one is that there are exemptions listed on page 5 of the memorandum notes provided. What I want to point out is that of course if there is an existing contract my understanding is that that contract will be dealt with, but it will not allow for people to enter into new contracts. Now of course that does not take into account if it is the premises themselves. So the advertising of the storefront, for example, is considered exempt. There is not an issue with a liquor retailer or a premises, a pub, being able to advertise what they have or what they do. If they have an A-frame, for example, out the front of their business, that could not be in front of their business. They would have to remove that because it would not be static.

So the regime itself attempts to ensure that businesses are not penalised for their ordinary course of activities, but of course where there is advertising, which is clearly where the proponents that you mentioned in your question have an interest, that would ultimately be impacted by this legislation.

**Mr ONDARCHIE** — Thanks, Minister. Part of the consultation that has occurred through this indicates that the process that will be used is a mapping technology that understands the 150-metre restriction zone. What about where the signs are within the 150 metres but do not have a direct line of sight to schools?

**Mr DALIDAKIS** — I thank the member for the question. My understanding is that it is 150 metres whether it is direct line of sight or not. That 150 metres is a radius — that is my understanding.

**Mr ONDARCHIE** — What is the plan then, Minister, to advise those small businesses, that you acknowledge are in your own portfolio, of the changes to the regulations and how that might impact on their bottom line?

**Mr DALIDAKIS** — Again the businesses that are run by proprietors enjoy an exemption, so I think the primary issue at this point is that those businesses are able to continue unencumbered. The important thing to remember is that the commission will still be dealing with peak bodies in relation to concerns that they may or may not have and will be working through some of those concerns as well. But of course of importance is that the proprietors themselves do not feel as if they are caught up unfairly or unnecessarily.

There may be other people that have the opportunity to earn income by allowing advertising of premises that will be caught up in this 150-metre exclusion zone. The government does not make an apology for that. We believe there has to be some range of being able to protect a school within, and that metric has been set at 150 metres. Of course that is a determination that we have made — that appears to have been supported by obviously this chamber — importantly again to reflect upon the protection of our children but also to ensure that our businesses whose primary purpose is of course within the specified delivery or sale or imbibing of alcohol are not encumbered unfairly or unduly.

**Mr ONDARCHIE** — Thanks, Minister. The industry advises that they were only informed of this interpretation by the Department of Justice and Regulation a few weeks ago, and I have not validated whether that is correct with the department myself. Minister, you may wish to do that. Are there any plans to extend the grandfathering clause for these types of signs?

**Mr DALIDAKIS** — I thank Mr Ondarchie for his question. What I can advise Mr Ondarchie is that in fact there is not a desire to have nor is there an indication

that there will be any grandfathering beyond the existing two-year period which is provided for transitioning. The government expects that it should provide enough time for people — that two-year period — to make the adjustments that they need to make accordingly.

**Mr ONDARCHIE** — Thanks, Minister, I want to now talk about vehicles that have alcohol-based logos on them. If a vehicle is parked within 150 metres of a school and has advertising of alcohol on it, are they in breach of this regulation?

**Mr DALIDAKIS** — I thank Mr Ondarchie for that question. The answer is: not necessarily. So if somebody is a proprietor of a bottle shop — and we have seen those cars with their advertising already — and for example they live within that 150-metre exclusion zone and that car is situated either in front of their residence or indeed in their driveway, the expectation is that they will not be in breach of the exclusion zone, because of course they are not doing anything that would otherwise be considered not to be reasonable transit. ‘Transit’ in this interpretation of course is not just moving through an area, but ‘in transit’ can include being parked at a premises. So the expectation is that the commission will look at the word ‘reasonable’, which is included obviously in the legislation in order to provide that understanding.

If a proprietor, however, were to park their car in the exclusion zone and have no reason for doing so, then obviously that would attract penalty points — that would be dealt with — because there would be no reasonable expectation that that proprietor is transiting through that area other than for the specific purpose of advertising the venue or their opportunity to sell liquor.

**Mr ONDARCHIE** — What about if it is not a proprietor, Minister? What happens if a sales rep for an alcohol company decides to pick up their child from school and parks in the waiting bay of the school — you have done school pick-up; I have done school pick-up — with the advertising logo on it? Is the driver of that vehicle in breach?

**Mr DALIDAKIS** — I thank Mr Ondarchie for the further question. The answer to that would be no, the reasonable test would still apply. That person is engaging in the lawful pick-up of their child, including their child’s friends or on behalf of their friends who have children. Either way, they would be doing something in the course of looking after the children in that example, and so the reasonable test would be applied.

**Mr ONDARCHIE** — Does that also apply to things like mobile billboards that are, for example, circling a country town advertising a new alcohol company’s product? We have seen that all before. They are circling a town and drive past a school on regular rounds. At some point are they going to be in breach?

**Mr DALIDAKIS** — I thank the member for the question. Again, it all comes down to the reasonable test. Should the person be driving around the block, for example, which would still potentially be within that 150-metre zone, but doing it in a continuous flow? Then you could expect that people would ask questions about their conduct. If they were simply driving through an excluded area but undertaking that flow to get from point A to point B, which are outside the exclusion zone, then of course again that reasonable test would indicate that they were just going about their ordinary course of business and it would not attract any concerns.

**Mr ONDARCHIE** — Thanks, Minister. That is a reasonable response, but in relation to the first part of your response — I am going to paraphrase what you said — this would apply if there was some regularity to the circuit of these mobile billboards, so if it is determined that this is outside the reasonable test, who would be in breach: the driver, the owner of the billboard, the advertising company or the alcohol company?

**Mr DALIDAKIS** — I thank Mr Ondarchie for his further question. As I am advised, it would depend upon the response of the people involved. If, for example, an employee said they were asked by the proprietor — in your example — to do that, then the proprietor would most likely be held to be the person at fault. If the driver was doing it of their own volition, then they would be the person. There is also the potential for both to be jointly held responsible. It would be determined by the responses of the people interviewed at that point in time, and it would be up to the commission to lay charges accordingly.

**Mr ONDARCHIE** — Minister, thank you. In fact it could be neither, because the proprietor is a retailer and in fact it could be the company that produces the alcohol or the advertising contractor for the company that instructs the driver to drive around with a mobile billboard, be it on the back of a truck or the back of a scooter or whatever it is, as a way of increasing sales for the proprietor. So it might not be the proprietor’s fault at all. They may have no relationship in the circulation of the billboard. I am trying to determine: if it is not the proprietor and it is not the driver, does it

extend to the advertising company or the owner of the vehicle?

**Mr DALIDAKIS** — I thank Mr Ondarchie for his further question. I am not sure that my earlier answer does not allow for a third party to be the one prosecuted under that example. If it was done without the proprietor's knowledge, then there would be no reason for the proprietor to be held responsible. Similarly, if the driver was not aware that they would be in breach but somebody else asked them to do it, then again it would be up to the commission to determine that, in much the same way as police and other law enforcement agencies have to determine who is at fault in different circumstances.

**Mr ONDARCHIE** — Thank you, Minister. But here is the challenge in this clause, because it talks about a person with 'any direct or indirect pecuniary benefit'. It makes it very hard to determine if the person responsible will be the actual person charged. I am worried that a driver in the course of their employment, or a rider if it relates to a scooter, who is just running that mobile advertising around — we have all seen them in our time — would be held responsible. They have a pecuniary benefit because they are being paid to do a job, but the proprietor is outside this. I am wondering how, then, we capture the other parties in this, being the advertising agency or the company that produces the alcohol.

**Mr DALIDAKIS** — I thank Mr Ondarchie for his question, but that is exactly why it is written in the way that it is. That is why the legislation says 'direct or indirect' — to allow for people to be captured as part of this, regardless of whether or not they are the ones that have given the order to drive, whether they are the ones that are doing the driving or whether they are the ones that are aware of their responsibilities from an advertising point of view but have done that nonetheless. So it is written in such a way that provides the greatest flexibility for the commission to be able to hold people to account where they need to be held to account.

**Mr ONDARCHIE** — Thanks, Minister, for your answer. It is a little opaque, but we will work this out at some point. Has the government done any modelling about whether, if the static displays are going to be removed or within the grandfathering period not exist, there could be an increase in mobile or vehicle advertising to compensate?

**Mr DALIDAKIS** — As I am advised, the answer to that is no, on the basis that if there was increased activity by mobile billboards or people on bikes

et cetera and they were to enter that exclusion zone deliberately, then of course they would be prosecuted. If they are outside that zone, then of course they are free to undertake advertising as they see fit.

**Clause agreed to; clauses 21 to 23 agreed to.**

#### **Clause 24**

**Mr ONDARCHIE** — Minister, clause 24(3) inserts new section 108AE(3), which requires that:

- (3) The licensee must give the following information, on being asked to do so by a police officer or a gambling and liquor inspector—
  - (a) the licensee's name, and if the licensee is a body corporate the name of the responsible person;
  - (b) the name of each person who sells, offers for sale or serves liquor on the licensed premises and the date on which each person first sold ...

et cetera. It has got to do with the responsible serving of alcohol component of this legislation, Minister. Over what time period are they required to furnish that information, because sometimes — if not often — the licensee themselves may not be on the premises at the time? Over what time period do they need to supply to a gambling and liquor inspector or a police officer that information?

**Mr DALIDAKIS** — I thank the member for his question. Can I say that in the first instance this clause actually will make it easier for proprietors, not more difficult. What happens is that by a proprietor being able to pass on the details of the employees, they can then match them up to the service records for the responsible serving of alcohol. Previously licensees were required to keep a register and were finding that they were being infringed upon — errors in record keeping and transliteration. There is a hope by the government that this will actually remove those issues of penalties for licensees and it will be able to ensure that licensees are able to be dealt with in a fairer way with a less regulated impact upon their business.

**Mr ONDARCHIE** — Thanks, Minister, for explaining that. That was not quite what I was asking, because the clause goes on to say that if you do not provide that information it becomes an offence. What I am trying to determine on behalf of licensees who may not be at the premises at the time — you could go down to any inner-city pub or cafe tonight and the licensee might not be on the premises — is over what time period they are required to provide that, or is it a question of if they do not provide it on the spot they are in breach?

**Mr DALIDAKIS** — I thank the member for his further question. My understanding is that it will be left to the commission to articulate time frames and periods. In terms of providing that advice, they will indicate to the inspectors what is reasonable.

**Mr ONDARCHIE** — I want you to check it.

**Mr DALIDAKIS** — As I am advised, there has not been a time frame that has been specified which will allow the commission to indicate what somebody needs to do and when they need to do it by.

**Mr ONDARCHIE** — Thanks, Minister. This poses a little problem, then. We are being asked in this house of review to pass a bit of legislation that attaches to it some penalties when there is no clarity over what time duration these people need to provide it. If it is not immediate, then are they in breach? That is the challenge.

**Mr DALIDAKIS** — Again, as I am advised, Mr Ondarchie, there is discretion available to the commission. If, as per your example, the proprietor is not on the premises, the information is locked away in the office and people cannot get to it, then there is discretion provided to people to be able to seek that information at a more appropriate later juncture.

**Clause agreed to; clause 25 agreed to.**

#### **Clause 26**

**Ms WOOLDRIDGE** — I am very pleased to ask some questions in relation to clause 26, ‘Supplying liquor to minors’. This is something that is very close to my heart, having brought in the secondary supply legislation as the minister in the previous government. I am keen to understand just a little bit more detail and context in relation to this clause and the application of the offence.

My first question to the minister is about the advice that I had at the time, which was that the legislation as previously drafted allowed for and implied the responsible service of alcohol in accepting the permission of a minor’s parents in order for them to be able to consume alcohol in a private residence, although the sector at the time raised some issues about the need to articulate that responsible supply. I would just be interested in some advice, Minister. Clearly the shift or the movement to this did need to be articulated as opposed to what was previously under the legislation that previously stood. Does that make sense?

**Mr DALIDAKIS** — No. Sorry.

**Ms WOOLDRIDGE** — The advice at the time of bringing in the original legislation was that this clause was not needed. What is it that has shifted that requires this clause to be included to specifically articulate the responsible supply of alcohol when the previous advice was that that was implied and not needed?

**The ACTING PRESIDENT (Mr Melhem)** (19:02) — Honourable members, I would like to welcome in the gallery Noel Pullen, a former member for Higinbotham. Welcome.

**Mr DALIDAKIS** — Thank you, and I thank Ms Wooldridge for her question. Previously section 119(5)(a), (b) and (c) allowed minors to consume liquor if the supply was for consumption as part of a meal if the minor was accompanied by a spouse, parent or guardian.

**Ms WOOLDRIDGE** — Sorry, clause 26(2), not (1). The issue is about the supply of alcohol in the home.

**Mr DALIDAKIS** — I appreciate Ms Wooldridge’s clarification. Clause 26 also amends section 119(5)(e), that requires the supply of liquor to minors in a private residence to be done under responsible supervision. Supply that is not under responsible supervision will be a breach of the prohibition on supply of liquor to minors and obviously will be subject to penalty units. There is a very clear differential there — and that may well be as a result of the proliferation of gatherings by minors at people’s residential properties — to ensure that if there is not responsible supervision by adults for that minor there is the potential consequence for that person to face a penalty charge of up to 120 penalty units.

**Ms WOOLDRIDGE** — Perhaps the distinction, Minister, is between responsible supply and responsible supervision. I suppose what I am trying to get to is that the advice previously had been that with any supply of alcohol there was an implicit duty of care that that was done responsibly. What does this clause add that was not there previously under that duty of care?

**Mr DALIDAKIS** — Thank you, Ms Wooldridge, for your question. In relation to the clause, the submissions and consultations were advocating for this clause, and it has actually occurred in a number of jurisdictions in Australia, so in some respects it is bringing us into line with other jurisdictions as well. In terms of the practice, again I think we all agree on the outcome we are attempting to reach. At this point there is nothing else I could probably provide you. I can certainly try and take it on notice to provide a more

substantive answer to you about the rationale, but beyond bringing us into line with other jurisdictions that appears to be the greatest request.

**Ms WOOLDRIDGE** — That is fine. Thank you, Minister, for that. Minister, I would be interested in terms of offences found under this clause whether the issue about responsible supervision has been a limiter in relation to police being able to take action in relation to this offence. Perhaps you could provide some advice on how many times the police have used this clause in relation to inappropriate supply — and I know that in many cases there have been warnings rather than actual charges — whether charges have been pursued in, let us say, 2017 or the last financial year or whatever a reasonable time frame is and whether the issue about the responsible supervision or responsible supply has been a limiting factor or not. Has it been constraining the use of this, or is this just an addition to it?

**Mr DALIDAKIS** — I thank Ms Wooldridge for her question. We are not in a position to have that information available for you. The data, as I understand it, is held at Victoria Police, which would obviously require us to get that information. I am happy to take that on notice and ask the minister to provide that information. Bear in mind that that may require a number of different ministerial officers, not just Minister Kairouz in the other place.

**Ms WOOLDRIDGE** — Thank you. To clarify, if we could get some data on the number of times in, let us say, 2017 — but I am happy if that is flexible — charges have been laid under this clause and the number of times police have used this in terms of warnings or information to provide to parents. Further, Minister, obviously this requires very significant application by families and parents who are supervising parties to know their requirements under the act. Could you please advise what information and education dissemination will be done? So how will adults in a private residence who are allowing alcohol to be provided to minors know their constraints under the law?

**Mr DALIDAKIS** — Can I say, Ms Wooldridge, thank you. There will not be a significant communications campaign in terms of the public, but there will be a communications campaign by the minister's office writing to schools and alerting them to changes to ensure that information could be passed on to parents as well. There is no desire to try to catch people out in relation to the change of the law. What there is an attempt to do is to change the law to ensure greater levels of responsibility in relation to this issue of responsible serving of alcohol to minors.

As you have identified, a supply that is not under responsible supervision will be the breach. As you have identified as well, that is a nuance or a change to previous practices. It is not a desire of the government to see parents caught out unfairly, but again we are not at this stage looking to run a significant public TV, radio or print media campaign beyond, as I have indicated, trying to get that message out to school bodies et cetera.

By the way, I may have inappropriately indicated that that would be run by the minister. That may be run by the commission itself, and that will be a determination made by the minister's office later on.

**Mr ONDARCHIE** — Minister, just picking up your commentary about supply under responsible supervision being made by a parent, a guardian, a spouse or someone authorised by the parent, guardian or spouse of the minor, when it comes to responsible supervision, in an out-of-home care situation where minors are being looked after — for example, by a provider like a Berry Street house on behalf of the department where a responsible adult is in place and they would like a glass of wine with dinner — given those adults are the responsible guardians, are they then able to give alcohol to the minors in that home?

**Mr DALIDAKIS** — I thank the member for his question. I point the member to some commentary in relation to this very specific provision that states that whether or not alcohol is provided to a minor under responsible supervision will be determined by a number of factors. Those factors obviously include the age of the minor and whether the person supervising the supply is intoxicated themselves. In fact I think in your contribution, Mr Ondarchie, you spoke about the recent example of a parent with a learner where both were both intoxicated. But in this example that you have provided the person is still the guardian, so that person ultimately has responsibility for the children that are in their care.

The issue or the example that I was explaining in response to Ms Wooldridge's question properly dealt with a larger pool of children that were not necessarily related or under the guardianship of that parent in a legal sense but were under the guardianship of the parent at that point in time. Under your example there is a clear link to the guardian that would be supervising the alcohol.

**Mr ONDARCHIE** — Just to confirm, Minister, if an out-of-home care facility — for example, a Berry Street house — is responsible in your eyes, then the responsible adult, being the guardian of those children

that are disenfranchised from their families and living in that home facility, could provide alcohol to those children as long as the alcohol is provided responsibly.

**Mr DALIDAKIS** — I again thank the member for his question. As I have indicated, that would be a determination based around the factors concerning the person providing that supervision. But in relation to the very example you have provided, that person is a guardian of that individual, so there is a very clear nexus between that guardian and that child. Then the other factors, as I have indicated, would come into it: the age of the minor, whether that person that was the guardian was intoxicated themselves, whether the minor had consumed food with the liquor, the quantity or the type of the liquor and whether of course that minor was intoxicated themselves. There are range of factors that would be taken into consideration, but of course if there is a nexus between the guardian and the child, then obviously that would form a basis in relation to the nature of that responsible supervision.

**Mr ONDARCHIE** — To be fair, Chair, does the minister want to check his answer with the advisers box before he finalises this?

**Mr DALIDAKIS** — Let me just seek clarification from the member. I am dealing specifically with an adult that has that guardianship, as distinct from Berry Street as an entity. So the guardian who has guardianship over the individual would be responsible under this legislation. If Berry Street itself had different rules or procedures that it followed, that would be an issue.

**Mr Ondarchie** — I was using that as an example.

**Mr DALIDAKIS** — If there is a direct guardianship relationship between the adult and the child, that forms the nexus, as I indicated in my earlier answer.

### Clause agreed to.

### Clause 27

**Mr ONDARCHIE** — Minister, this clause relates to the offence for a person knowingly delivering liquor to a minor without a reasonable excuse. I just want to follow the trail here. It is not dissimilar to the one I asked about mobile billboards, if that helps at all. The process is that somebody either online or via the phone contacts a restaurant or a cafe and orders some food and perhaps some alcohol to be delivered with it as well. The Uber Eats delivery person or another delivery person takes it to the home and delivers it. In this particular example the person who receives, for

example, the pizza and six cans of beer is under 18 years of age. I am trying to understand who gets penalised here. Is the worker who is using their own vehicle, their own motorbike or their own bicycle to deliver on behalf of the restaurant in breach? Or is the person who took the order in breach? Or is the app in breach? Who is ultimately in breach here?

**Mr DALIDAKIS** — There are two questions that Mr Ondarchie raises in his contribution. Regarding the first one I draw him to the words ‘must not’ and ‘knowingly’ in subsection (1) of new section 119A. Subsection (2), though, goes to the heart of the question that Mr Ondarchie is asking, and it is very clearly written that the person making the delivery must have seen an evidence-of-age document before they hand alcohol over. So it is neither the person taking the call nor the app making the request; it is at the point of handing over the alcohol to the person. If it is a minor or somebody that looks around that age, obviously proof of age must be provided, and it is the person undertaking the delivery that would be held to account if they were providing alcohol to a minor knowingly without checking their identification.

**Mr ONDARCHIE** — Thank you, Minister, I suspected that was going to be your response. Let us use that as an example, then, where somebody turns up with a pizza and beer — just to carry on with the example — and determines because of a lack of evidence, suspicion or otherwise that the person receiving those goods at the door is under 18 years of age. They then deliver the pizza but take the six-pack away. How does that delivery driver from Uber Eats or wherever deal with that alcohol? Are they allowed to carry it on their person? Are they allowed to carry it in their vehicle? Are they required to return it to the point of pick-up? What is required to happen?

**Mr DALIDAKIS** — Sorry, if the delivery driver is under age?

**Mr ONDARCHIE** — No. If they determine that the person at the door is under-age, what happens to the alcohol? Are they required to keep it, dispose of it or return it? What is the requirement?

**Mr DALIDAKIS** — I thank Mr Ondarchie for his further question. Can I indicate that that would be a matter for the establishment or the proprietor that had initially undertaken the sale. Technology being what it is, Mr Ondarchie would be aware that when you purchase through an app, you make payment before delivery. It would then be up to the proprietor to consider whether they would, for example, refund the alcohol that was not delivered — or could not be

delivered, rather — and then it would be up to the delivery person to obviously return those goods to the appropriate establishment or have a relationship with the establishment where they would work that through. That would be a private transaction between the person or the people undertaking the carriage of the alcohol in this set example and the proprietor that had sold it, allowing for that transmission.

I appreciate the question. It is good question, because of course the person that does the delivery is often a contractor and not somebody who is related to the establishment. That would give rise to a number of considerations that would have to be requested and looked at. But again, it would be for the private operators and/or the delivery people to work through that issue in this instance, noting however that the proprietor had received their payment for the alcohol in that example.

**Clause agreed to; clauses 28 to 70 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## ADJOURNMENT

**Mr JENNINGS** (Special Minister of State) — I move:

That the house do now adjourn.

### **Country Fire Authority Wollert station**

**Mr ONDARCHIE** (Northern Metropolitan) (19:22) — My adjournment matter is for the Minister for Emergency Services. The state budget has committed \$10.5 million in funds to the Craigieburn fire station, but it is committing nothing to the Wollert Country Fire Authority (CFA) station. I think the lack of support for the Wollert CFA demonstrates the priorities of this government. They are funding a station that has career firefighters and forgetting a volunteer station like Wollert.

Wollert is a growing suburb in Melbourne's north and, disappointingly, is not getting anything in the state budget. I ask by way of this adjournment matter that the minister review the need for funding for Wollert's emergency services and provide appropriate funding for

the Wollert CFA station. The action I seek is to bring that funding forward.

### **Werribee police numbers**

**Dr CARLING-JENKINS** (Western Metropolitan) (19:23) — My adjournment matter tonight is for the Minister for Police, and it concerns the wait times at the Werribee police station. I call tonight for action — real action — to reduce wait times at the Werribee police station.

Recently one of my staff members had to attend the Werribee police station to hand in some information that had come to our office. We had alerted the police that we were coming in, but she had quite a long wait time. While waiting she was alerted to the fact that people had been waiting for 90 minutes just to see an officer. The front desk had been unattended for hours and the waiting room had grown to well over 20 people. There was an offender on probation waiting to report to the office, someone waiting to hand themselves in for a crime and young children waiting with their parents — all in quite a small waiting space.

After standing in line for 45 minutes some people began to leave. They were frustrated at the time they had wasted. Jokes were being made about how police sat around doing nothing while people waited in line. We know that this is simply not true. We know that this is simply a problem with staffing at the moment at the Werribee police station.

We have had a number of constituents report this to us, but then my staff member experienced this herself. It is imperative that residents feel that their local police services are readily accessible and available. With Wyndham being one of the fastest growing local government areas in Victoria, something simply needs to be done to combat this problem or we fear waiting times will continue to increase. This will inevitably result in people being deterred from visiting their local police station, even when they desperately need to do so.

I again call on the minister to look into this issue and to take real action to reduce the wait times at the Werribee police station. This will effectively assist residents. It will give them peace of mind that their queries and their needs are being met, not just in a timely manner, but in a safe manner.

### **Blue-green algae**

**Ms DUNN** (Eastern Metropolitan) (19:26) — My adjournment matter tonight is for the Minister for Water, and it is in relation to blue-green algae and motor neurone disease. Recently published research

from New South Wales has shown that algal blooms in major rivers are releasing a toxic chemical that may contribute to the development of motor neurone disease. The offending neurotoxin is called beta-methylamino-L-alanine, also known as BMAA, and it is one of the many toxins produced by blue-green algae.

People can be exposed to BMAA in multiple ways. The most direct way is through contact with the algae — for example, through water sports or drinking water sourced from a contaminated lake or river. BMAA can accumulate in the food chain, which means that people could be consuming relatively large amounts of it through their diet. Research overseas and recent research in Australia has shown that BMAA exposure, in association with genetic or other environmental risk factors, may contribute to a higher incidence of motor neurone disease.

The impacts of this disease are incredibly debilitating. It causes the death of neurons controlling voluntary muscles, leading to stiff muscles, muscle twitching, weakness and eventually difficulty speaking, swallowing and breathing. Worryingly, Victoria is not unfamiliar with outbreaks of blue-green algae due to poor agricultural run-off management, poor stormwater system maintenance and overextraction of water from critical watercourses, such as the Murray River.

There are four warnings at present for blue-green algae in the Goulburn-Murray Water area: at the Cairn Curran Reservoir, Hepburn Lagoon, Laanecoorie Reservoir and Tullaroop Reservoir. Lake Charlegrark in Western Victoria was effectively closed due to an outbreak in February. There were several outbreaks in Gippsland from January to April this year and of course there was a blue-green algae warning that spanned the Murray from the Hume Dam to Swan Hill for several months in 2016.

Considering these water bodies variously supply water for drinking, livestock and agriculture and some are used for recreation, the action I seek is that the Minister for Water direct the Department of Environment, Land, Water and Planning to work with other authorities to determine the risk vector of blue-green algae to the incidence of motor neurone disease in the population of Victoria, commence implementation of a testing regime for BMAA and urgently implement preventive and remedial measures to prevent further outbreaks of blue-green algae.

## Carp herpesvirus

**Ms SHING** (Eastern Victoria) (19:28) — The matter that I wish to raise tonight is for the attention of the Minister for Energy, Environment and Climate Change in the other place, Ms D'Ambrosio, and it relates to the carp herpesvirus. European carp have been infected with a strain of herpes in relation to the national carp control plan, and the risks that are associated with that virus are that it may be responsible for not only the immediate death of any and all carp in the surrounding waters, streams, estuaries and other coastal environments but also the deoxygenation of waterways and the limiting of food sources available for birds, mammals and other species which depend upon a relatively stable ecosystem.

The issue as it relates to carp herpes and the introduction or potential introduction of this virus into the system is one that is a cause of significant concern for people who live in and around the waterways throughout Gippsland, who use the waterways for travel, rely upon them for their livelihoods or otherwise enjoy the stable and World Heritage-listed areas that are protected in many instances by the Ramsar convention and obligations that flow from it. There are concerns that have arisen in relation to the introduction of the carp herpesvirus around blackwater events, which would then lead to large populations of fish dying within a very, very short space of time, cutting off the food supply as well as then creating potential issues with the quality of water, which is also occupied by many native and endangered species.

I note that there has been research undertaken in Tasmania around interrupting the breed cycles of carp in order to reduce their number. As a result, it is understood that the Tasmanian government is confident about eradicating carp populations that are out of control within the next couple of years. On this basis, the action I seek from the minister for the environment is to ensure that further consideration is given to the role that Victoria might play in the context of understanding and advocating for a responsible set of controls and responses to deal with the proliferation of European carp throughout our waterways and to make sure that any and all action being taken will not result in blackwater events, deoxygenation or a very swift eradication of species that would destabilise the ecosystem and the environments that we depend upon.

**The ACTING PRESIDENT (Mr Ramsay)** — Thank you, Ms Shing. We have just done an inquiry into blackwater, but we did not cover off herpes in carp. I feel another chapter coming on.

### **Bangerang Cultural Centre**

**Ms LOVELL** (Northern Victoria) (19:31) — My adjournment matter is for the Minister for Aboriginal Affairs, and the action I am seeking is for the minister, as a matter of urgency, to provide funding to reopen the doors of the Bangerang Cultural Centre and ensure the long-term operation of this very important Indigenous museum in the future. The Bangerang people are the traditional owners of parts of the land in the Murray-Goulburn region. For 36 years the Bangerang Cultural Centre has been the jewel in the crown for the Bangerang people, Australia's first Aboriginal cultural keeping place owned and managed by an Aboriginal community. It was the vision of Uncle Sandy Atkinson, who was a terrific Aboriginal leader in our community. Unfortunately Uncle Sandy has since passed away, but I know that his descendants and the Bangerang people really want to keep that vision alive.

The site was chosen by the Minister for Aboriginal Affairs to launch the *Victorian Aboriginal and Local Government Action Plan* in 2016. Prior to the minister coming, because we knew that the Bangerang Cultural Centre was in trouble at that time, I actually took the time to ring the minister to inform her of the Bangerang centre's funding shortfall so that she would not be embarrassed on the day. Therefore at the launch the minister acknowledged the importance of the centre and the need for government funding to ensure its ongoing operation. Unfortunately since that acknowledgement nothing has been forthcoming from the state government.

In September 2017 during an adjournment debate I again asked the minister to commit funding to ensure the Bangerang Cultural Centre remained open. I warned that without adequate support the Bangerang Cultural Centre would be forced to close. The subsequent reply from the acting minister at the time stated that no funding stream aligned to the centre's request. The Bangerang Cultural Centre was recently forced to close its doors due to a lack of funding and to cease operation.

The centre usually hosts over 5000 school students each year. The centre is a place where the Indigenous community can learn, teach and practise their culture. The centre has a positive influence on the physical and mental health and social wellbeing of the local Indigenous community. I know that the Liberal candidate for Shepparton, Cheryl Hammer, has been working very closely with the centre's management to try to ensure its reopening. Both Cheryl and I will continue to fight to guarantee the future of this significant Indigenous cultural centre.

The closure of the Bangerang Cultural Centre robs all Victorians of the chance to learn about the culture of the Bangerang people. I implore the minister to intervene and ensure the reopening of the Bangerang Cultural Centre and its ongoing operation. The action I seek from the minister, as a matter of urgency, is that the minister provide funding to reopen the doors of the Bangerang Cultural Centre and ensure the long-term operation of this very important Indigenous museum in the future.

### **Buckley Street, Essendon, level crossing**

**Ms TRUONG** (Western Metropolitan) (19:35) — My adjournment matter today is for the Minister for Public Transport. Level crossing removal plans on Buckley Street, Essendon, are incredibly problematic for a number of reasons. Anyone who cycles knows that you do not want to get too close to cars, especially cars which are moving fast. In the level crossing removal plans we have cars travelling in an underpass under the rail tracks at 60 kilometres per hour. No bike lane or shoulder exists, so cyclists are going to have no choice but to ride with traffic travelling that quickly. Buckley Street is part of the principal bicycle network and is a key commuting corridor for cyclists. It is not fair for cyclists to have to choose between sharing restricted space in an underpass with cars travelling at 60 kilometres an hour or dismounting and walking their bikes, competing with pedestrians, or taking long detours north or south to other level crossings or other routes.

The community of Essendon has been vocal about accessibility to Essendon station and safety for pedestrians. We are talking about thousands of students from nearby St Columba's College, Lowther Hall and other schools as well as other pedestrians coming through the station every day. The community has been unhappy about this project for a long time, with 1000 people gathering last Sunday morning to protest the project as designed. I was not able to make it, but I share their frustration at the flawed consultation and a plan which is simply not safe for cyclists and which ruins the character and connectedness of Rose Street and Buckley Street.

Minister, the action I seek is that you not proceed with the current plan and go back to the drawing board on the Buckley Street level crossing removal to come up with a better design and to genuinely and properly involve the community and traders impacted by this project.

### **Ballarat West waste-to-energy facility**

**Mr MORRIS** (Western Victoria) (19:37) — My adjournment matter is for the attention of the Treasurer, and it relates to the Ballarat West employment zone (BWEZ) and the waste-to-energy facility that the Ballarat council has proposed to be located in this precinct. I note that this particular facility does go back some way, back to 2012, when it was first pushed, and unfortunately this Labor government has as yet failed to fund it. The action that I am seeking from the Treasurer is that he release the land at the BWEZ to allow this waste-to-energy facility to progress.

The Ballarat council, rather than waiting for government funding, has gone out and sought some private investors to partner with to deliver this particular facility. As I understand it, the Ballarat council is very close to securing a private investor for this facility. However, one of the things holding this back from progressing is the release of the land by the Treasurer. As I have said, this has been a long time in planning, and this facility would provide the opportunity to deliver waste outcomes not only for Ballarat but also more broadly in the region as well.

Considering the issues that we are seeing with recyclables and other issues within the waste industry, diverting any waste from landfill is something that should certainly be encouraged. A waste-to-energy facility such as that proposed by the Ballarat council would certainly help to achieve that outcome, so I certainly encourage the Treasurer to work very closely and quickly to achieve the outcome of having this land released to ensure that this investment can occur as quickly as possible.

### **Container deposit scheme**

**Ms SPRINGLE** (South Eastern Metropolitan) (19:39) — My adjournment matter is for the Minister for Energy, Environment and Climate Change. A growing marine pollution crisis and China's waste import restrictions represent a massive challenge for Victoria, as they do for the global community as a whole. In order to meet these challenges wholesale reform is needed in relation to the amount of waste we produce and how we manage it. Recognising the particular threat of plastic pollution, the European Union (EU) this week announced measures to ban or drastically reduce the amount of single-use plastic across the entire continent. The new rules include a requirement for all EU member states to collect 90 per cent of single-use plastic drink bottles by 2025 — for example, through a deposit refund scheme.

The Victorian Greens and a huge number of environmental and community groups have been campaigning for a container deposit scheme for Victoria for more than a decade. Since coming into government nearly four years ago, the Andrews government has been strident in its opposition to a container deposit scheme, but we have recently heard the minister admit that the government might be considering it as an option.

As the minister will be fully aware, a regulatory impact statement (RIS) and a legislative impact assessment (LIA) will be required in order to introduce container deposit legislation. Our twin marine pollution and recycling crises mean that we are now in a race against time. The action I am therefore seeking is that the minister direct commencement of an RIS and an LIA, if required, and that this work start immediately.

### **Snug.com**

**Mr DAVIS** (Southern Metropolitan) (19:41) — My adjournment matter for this evening is for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation in the other place, but I think it will also be of interest to the Minister for Planning. It is a group called Snug.com that I want to draw to the minister's attention. It is a group that provides a bond product to assist renters. There is obviously going to be a greater long-term rental sector, and I know the property industry is looking at build-to-rent options.

Snug.com is an Australian start-up led by entrepreneurs and backed by IAG, a significant insurance group. They claim that their mission is to make housing more affordable and secure across a person's lifetime. They provide a digital innovation: a bond cover product. It is a world-leading solution, which would enable, they claim, \$4 billion in cash rentals to be replaced with low-cost certificate of guarantee mechanisms. So it is an electronic product that matches renters with those who seek to rent properties. It provides a number of benefits. It addresses, arguably, housing affordability and returns cash to renters, so there is no large up-front cost because of, effectively, an insurance-style product that is provided.

**Mr Jennings** — Are you selling it or concerned about it?

**Mr DAVIS** — No, I am actually very interested to see that the barriers for people renting are reduced and that a system that actually provides records of people's rental behaviour — and good records — is actually given a look-in.

As I understand it, it is a legal product in Victoria now and the relevant sections of the act actually allow this product to be offered in lieu of rent, but not both. I also understand that this has a mechanism to reduce red tape within the system. It supports an innovation approach. I think it is a product that the minister for consumer affairs should be prepared to look at, and as I say, it would be a significant support for the build-to-rent sector in particular. It is a national platform, and where there is an issue that develops in the rental relationship in terms of perhaps damage or other issues it provides a mechanism to informally settle disputes and to do that in a low-cost way — or it enables, obviously, the legal mechanisms that are around VCAT and so forth.

It is a bond mechanism, and it is a mechanism that I think is worth looking at and would enable a better outcome for those seeking to get into the rental market. I seek from the minister that she examine this product, ensure that it fits within the law but also give it a fair look-in as it may well help many renters.

**The ACTING PRESIDENT (Mr Ramsay)** — Can I get clarity on that, Mr Davis? Are you asking the minister to look at or examine?

**Mr DAVIS** — To examine a product called Snug.com. It is an electronic product. It provides a matching mechanism for renters and for those who seek to rent properties.

**The ACTING PRESIDENT (Mr Ramsay)** — Thank you very much. Mr Jennings is clear on that now.

### St Albans Leisure Centre

**Mr FINN (Western Metropolitan) (19:44)** — I wish to raise a matter this evening for the attention of the Minister for Sport. Last week I had the pleasure of attending the St Albans Leisure Centre with the mayor of Brimbank. The CEO of Brimbank and indeed Ms Truong joined us for a tour of what is, to say the least, a somewhat dilapidated and way-past-its-use-by-date centre in St Albans. The outdoor pools leak and the relatively small inside pool is far from adequate for the needs of the local community, and what is desperately needed is for the entire centre to be bulldozed and rebuilt.

As was pointed out to us last week, this centre is on a huge piece of land, so there is an opportunity here to build something way beyond what would normally be a leisure centre, a gymnasium or an aquatic centre. This plan is something that the council has put together with obviously a great deal of thought, and I commend them

for that. This is a health and fitness hub that the council believes the community in St Albans and surrounds — not just St Albans but Brimbank generally — would be able to avail themselves of with great benefit to the health of the people of that municipality. I think that is very true when we consider just one instance, and that is the diabetes rate in Brimbank and some of the other health issues that people in Brimbank face. It clearly is something that the community needs.

I do not wish to be political, but as I walked around and looked at the dilapidated centre I could not help but think ‘Here is a monument to generations of Labor neglect of the western suburbs’. If ever there was an argument that Labor had let the show down, it is the St Albans Leisure Centre. It is just appalling — it really is — with the closeness of those attending the gym, and the whole set-up is just so last year’s that it is just not funny. It really does need and is deserving of the support of government to get this health and fitness hub up and running, this new centre which I believe will be something very, very exciting in the municipality of Brimbank. So I am asking the minister to provide the wherewithal — the finances — which is somewhere between \$50 million and \$60 million, depending on whether you ask the mayor or the CEO, for that centre to be built. It is, I believe, a matter of urgency, and it is something the people of Brimbank will benefit from greatly.

**The ACTING PRESIDENT (Mr Ramsay)** — Thank you, Mr Finn. That was an action you were seeking from the minister rather than a question?

**Mr FINN** — Yes. Give us the money.

### Responses

**Mr JENNINGS (Special Minister of State) (19:48)** — I have 10 written responses in total to adjournment matters that were raised by Ms Crozier on 6 March; Mr Leane on 7 March; Mr O’Donohue on 8 March; Ms Springle on 27 March; Ms Crozier, Mr Davis and Ms Shing on 8 May; Mr Finn on 9 May; and Ms Dunn and Mr Gepp on 10 May.

Tonight Mr Ondarchie raised a matter for the attention of the Minister for Emergency Services relating to the Wollert Country Fire Authority station.

Dr Carling-Jenkins raised a matter for the Minister for Police relating to wait times at the Werribee police station. Ms Dunn raised a matter for the attention of the Minister for Water relating to any research that could be supported to create a causal link between exposure to blue-green algae and motor neurone disease.

Ms Shing raised a matter for the attention of the Minister for Energy, Environment and Climate Change seeking her consideration of the potential environmental calamity that may be caused through the introduction of the carp herpesvirus to eradicate that species but then may lead to loss of water quality, blackwater and environmental damage associated with the deaths that would occur from the release of that virus in Victorian waterways.

Ms Lovell raised a matter for the attention of the Minister for Aboriginal Affairs seeking urgent financial support for the Bangerang Cultural Centre. Ms Truong raised a matter for the Minister for Public Transport relating to the design and configuration of the Buckley Street level crossing removal program. She was particularly concerned about the safety and egress of cyclists but in fact also raised other community concerns and was seeking a reconsideration of the design of that proposal.

Mr Morris raised a matter for the Treasurer. I am not sure the matter that he raised is really to be dealt with by the Treasurer, because the matter that Mr Morris is seeking is the release of land to facilitate a waste-to-energy facility in Ballarat. Under normal circumstances, unless it is specifically designated to the Treasurer, the Treasurer is not responsible for the release of land, but I am sure the Treasurer will consider that matter. Members may be mindful that that is not the process by which land is released by the Victorian government.

**Mr Morris** — The council has been speaking to Treasury. That is why I raised it with him.

**Mr JENNINGS** — The Minister for Finance, I think you will find, is more likely to be the minister who is responsible for that matter. But anyway we have got the issue. I am just providing some advice.

Ms Springle raised a matter for the attention of the Minister for Energy, Environment and Climate Change relating to the incidence of marine pollution and actions that will be taken to mitigate the proliferation of plastics in particular in Victorian waterways and asking that she take action to mitigate those risks.

Mr Davis raised a matter for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation and is really hopeful that the Minister for Planning might be interested. He is hopeful that presumably a whole range of consumers of this product that he is bringing to the attention of the chamber may find a market, and he is wanting the minister for

consumer affairs to give it some form of authorisation prior to its release and adoption in the marketplace.

Mr Finn raised a matter for the attention of the Minister for Sport seeking his support for what is obviously very worthy consideration of a pool and health and fitness hub in St Albans and that the minister provide support to the community of Brimbank. I will refer all those matters to those ministers.

**The ACTING PRESIDENT (Mr Ramsay)** — The house now stands adjourned.

**House adjourned 7.52 p.m.**