

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 14 NOVEMBER 2019

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

Premier.	The Hon. DM Andrews, MP
Deputy Premier and Minister for Education.	The Hon. JA Merlino, MP
Treasurer, Minister for Economic Development and Minister for Industrial Relations.	The Hon. TH Pallas, MP
Minister for Transport Infrastructure.	The Hon. JM Allan, MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support	The Hon. BA Carroll, MP
Minister for Energy, Environment and Climate Change, and Minister for Solar Homes	The Hon. L D’Ambrosio, MP
Minister for Child Protection and Minister for Disability, Ageing and Carers	The Hon. LA Donnellan, MP
Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. MP Foley, MP
Attorney-General and Minister for Workplace Safety	The Hon. J Hennessy, MP
Minister for Public Transport and Minister for Ports and Freight.	The Hon. MM Horne, MP
Special Minister of State, Minister for Priority Precincts and Minister for Aboriginal Affairs.	The Hon. GW Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Suburban Development	The Hon. M Kairouz, MP
Minister for Health and Minister for Ambulance Services.	The Hon. J Mikakos, MLC
Minister for Water and Minister for Police and Emergency Services. ...	The Hon. LM Neville, MP
Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, and Minister for Racing	The Hon. MP Pakula, MP
Minister for Roads, Minister for Road Safety and the TAC, and Minister for Fishing and Boating	The Hon. JL Pulford, MLC
Assistant Treasurer and Minister for Veterans.	The Hon. RD Scott, MP
Minister for Local Government and Minister for Small Business	The Hon. A Somyurek, MLC
Minister for Regional Development, Minister for Agriculture and Minister for Resources	The Hon. J Symes, MLC
Minister for Training and Skills, and Minister for Higher Education . . .	The Hon. GA Tierney, MLC
Minister for Prevention of Family Violence, Minister for Women and Minister for Youth	The Hon. G Williams, MP
Minister for Planning, Minister for Housing and Minister for Multicultural Affairs.	The Hon. RW Wynne, MP
Cabinet Secretary	Ms M Thomas, MP

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Elasmarr, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Ms Terpstra.

Participating members: Ms Bath, Dr Cumming, Mr Davis, Mr Limbrick, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips and Ms Wooldridge.

Environment and Planning Standing Committee

Mr Atkinson, Ms Bath, Mr Bourman, Mr Hayes, Mr Limbrick, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Taylor and Ms Terpstra.

Participating members: Ms Crozier, Dr Cumming, Mr Davis, Mrs McArthur and Mr Quilty.

Legal and Social Issues Standing Committee

Ms Garrett, Dr Kieu, Ms Lovell, Ms Maxwell, Mr Ondarchie, Ms Patten, Dr Ratnam and Ms Vaghela.

Participating members: Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Grimley, Mr Limbrick, Mr O'Donohue and Mr Quilty.

Privileges Committee

Mr Atkinson, Mr Bourman, Ms Crozier, Mr Elasmarr, Mr Grimley, Mr Jennings, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Procedure Committee

The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes.

Joint committees

Dispute Resolution Committee

Council: Mr Bourman, Mr Davis, Mr Jennings, Ms Symes and Ms Wooldridge.

Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Electoral Matters Committee

Council: Mr Atkinson, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell and Mr Quilty.

Assembly: Ms Blandthorn, Ms Hall, Dr Read and Ms Spence.

House Committee

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Ms Lovell, Ms Pulford and Ms Stitt.

Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

Integrity and Oversight Committee

Council: Mr Grimley and Ms Shing.

Assembly: Mr Halse, Mr McGhie, Mr Rowswell, Mr Taylor and Mr Wells.

Public Accounts and Estimates Committee

Council: Ms Stitt.

Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr D O'Brien, Ms Richards, Mr Richardson, Mr Riordan and Ms Vallenge.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Mrs McArthur, Ms Patten and Ms Taylor.

Assembly: Mr Burgess, Ms Connolly and Ms Kilkenny.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young

Parliamentary Services: Secretary: Mr P Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-NINTH PARLIAMENT—FIRST SESSION

President

The Hon. SL LEANE

Deputy President

The Hon. WA LOVELL

Acting Presidents

Mr Bourman, Mr Elasmarr, Mr Gepp, Mr Melhem, Ms Patten

Leader of the Government

The Hon. GW JENNINGS

Deputy Leader of the Government

The Hon. J SYMES

Leader of the Opposition

The Hon. DM DAVIS

Deputy Leader of the Opposition

Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Meddick, Mr Andy	Western Victoria	AJP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Melhem, Mr Cesar	Western Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip ¹	Southern Metropolitan	ALP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Davis, Mr David McLean	Southern Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Erdogan, Mr Enver ²	Southern Metropolitan	ALP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Finn, Mr Bernard Thomas C	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SA	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Taylor, Ms Nina	Southern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Limbrick, Mr David	South Eastern Metropolitan	LDP	Vaghela, Ms Kaushaliya Virjibhai	Western Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	LP			

¹ Resigned 17 June 2019

² Appointed 15 August 2019

Party abbreviations

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;

FPRP—Fiona Patten's Reason Party; Greens—Australian Greens; Ind—Independent;

LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals; SA—Sustainable Australia;

SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party

CONTENTS

ANNOUNCEMENTS	
Acknowledgement of country	4065
PETITIONS	
Upper Stony Creek transformation project	4065
Mickleham and Somerton roads, Greenvale	4065
PAPERS	
Children's Court of Victoria	4066
Report 2018–19	4066
Magistrates Court of Victoria	4066
Report 2018–19	4066
Supreme Court of Victoria	4066
Report 2017–19	4066
Judicial College of Victoria	4066
Report 2018–19	4066
Judicial Commission of Victoria	4066
Report 2018–19	4066
Professional Standards Councils	4067
Report 2018–19	4067
Papers	4067
BUSINESS OF THE HOUSE	
Notices of motion	4067
Notices of intention to make statements	4067
Adjournment	4067
COMMITTEES	
Environment and Planning Committee	4068
Membership	4068
MEMBERS STATEMENTS	
Spectrum Journeys	4068
Remembrance Day	4068
Sikh community	4068
Yarrunga Primary School	4068
Sisto Malaspina	4069
Stroke a Chord	4069
Music festivals	4070
Peter MacCallum Cancer Centre	4070
Residents action groups	4070
Brian Collison Chase	4071
Bushfires	4071
Melissa Urie	4071
Remembrance Day	4072
Peter MacCallum Cancer Centre	4072
Remembrance Day	4072
Pat Cronin Foundation	4072
OUTintheOPEN Festival	4072
Whittlesea Show	4072
Bushfires	4073
Cranbourne swimming pool	4073
South-eastern roads upgrade	4073
Greyhound racing	4073
BUSINESS OF THE HOUSE	
Notices of motion	4073
BILLS	
State Taxation Acts Further Amendment Bill 2019	4074
Second reading	4074
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Community Chef	4092
Yarraville train station car parking	4092
Ministers statements: adult community education	4093
Timber industry	4094
Timber industry	4095
Ministers statements: Victoria Grants Commission	4096
Timber industry	4096
Safer Care Victoria	4097

Ministers statements: Birregurra-Forrest-Colac-Lorne-Deepdene roads, Birregurra	4098
Royal Commission into the Management of Police Informants.....	4098
Commercial passenger vehicle industry.....	4100
Ministers statements: government achievements	4100
Written responses	4101
QUESTIONS ON NOTICE	
Answers	4101
CONSTITUENCY QUESTIONS	
Northern Victoria Region	4101
Western Metropolitan Region.....	4102
Western Metropolitan Region.....	4102
Northern Victoria Region	4102
Eastern Metropolitan Region.....	4102
Western Metropolitan Region.....	4103
Eastern Victoria Region.....	4103
South Eastern Metropolitan Region.....	4103
Southern Metropolitan Region.....	4103
Southern Metropolitan Region.....	4104
Southern Metropolitan Region.....	4104
Northern Victoria Region	4104
BILLS	
State Taxation Acts Further Amendment Bill 2019.....	4105
Second reading.....	4105
Committee.....	4105
Third reading.....	4108
Justice Legislation Amendment (Serious Offenders and Other Matters) Bill 2019	4109
Second reading.....	4109
Committee.....	4119
Third reading.....	4126
Justice Legislation Amendment (Criminal Appeals) Bill 2019.....	4126
Second reading.....	4126
Third reading.....	4142
Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill 2019	4142
Introduction and first reading	4142
Statement of compatibility.....	4143
Second reading.....	4145
Energy Safety Legislation Amendment (Victorian Energy Safety Commission and Other Matters) Bill 2019	4148
Introduction and first reading	4148
Statement of compatibility.....	4148
Second reading.....	4151
Transport Legislation Amendment Bill 2019	4154
Introduction and first reading	4154
Statement of compatibility.....	4154
Second reading.....	4156
ADJOURNMENT	
Plenty Road, Bundoora	4158
Waste and recycling management	4158
Northern Victoria Region social housing.....	4159
Country Fire Authority Tameit station.....	4159
Sunbury train station	4160
Dangerous goods awareness campaign.....	4160
Family violence	4161
Horsereading	4161
Northern Metropolitan Region level crossing removals.....	4162
West Gippsland Hospital	4162
Victoria Police procedures.....	4163
Federal Attorney-General	4164
Responses	4164
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Written responses	4164
WRITTEN ADJOURNMENT RESPONSES	
Water safety	4165
Craigieburn line level crossing removals	4165
Rural and regional energy supply	4166
ANSWERS TO CONSTITUENCY QUESTIONS	

CONTENTS

Northern Metropolitan Region	4167
Western Metropolitan Region	4167
Northern Metropolitan Region	4168
Northern Metropolitan Region	4168
Southern Metropolitan Region	4168
Eastern Metropolitan Region	4169
Northern Metropolitan Region	4169
Western Victoria Region	4169
Western Metropolitan Region	4169
Northern Victoria Region	4170
Southern Metropolitan Region	4170
Western Victoria Region	4170
Northern Victoria Region	4171
Western Victoria Region	4171
Western Metropolitan Region	4172
Eastern Metropolitan Region	4173
Southern Metropolitan Region	4173
Western Victoria Region	4173
Southern Metropolitan Region	4173
South Eastern Metropolitan Region	4173
Western Victoria Region	4174
South Eastern Metropolitan Region	4174
WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE	
Commercial passenger vehicle industry	4176
Mining protests	4176
Training and skills funding	4176
Southern Metropolitan Region planning	4176
Third Reedy Lake	4177
Drug driving	4177
Northern Victoria Region TAFE courses	4177
Bushfire preparedness	4178
Murray-Darling Basin plan	4179

Thursday, 14 November 2019

The PRESIDENT (Hon. SL Leane) took the chair at 9.34 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (09:35): 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, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

Petitions

Following petitions presented to house:

UPPER STONY CREEK TRANSFORMATION PROJECT

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need for compensation for the residents of Brimbank, in particular Sunshine North, for the delayed Stony Creek Revitalisation Project. This includes the proposed changes to housing (medium/high density) in the area. Brimbank is one of the lowest socio-economic areas of Melbourne, with increased levels of diabetes and obesity. It has areas with the least amount of green space in metropolitan Melbourne.

The petitioners therefore request that the Legislative Council call on the Government to allocate additional land contained within the Stony Creek Development adjoining Furlong Road, Western Ring Road and the proposed Methrall Street extension, which are currently assigned for development, back to the community for a much needed Town Park in the area before there is no land left.

By Mr FINN (Western Metropolitan) (182 signatures).

Laid on table.

Mr FINN: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

MICKLEHAM AND SOMERTON ROADS, GREENVALE

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the inadequate arterial road infrastructure, increased traffic volumes and ongoing safety issues on Mickleham Road and Somerton Road in Greenvale.

The petitioners therefore request that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

By Ms PATTEN (Northern Metropolitan) (1166 signatures).

Laid on table.

Papers**CHILDREN'S COURT OF VICTORIA***Report 2018–19*

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (09:37): I present, by command of the Governor, the Children's Court of Victoria report 2018–19. I move:

That the report do lie on the table.

Motion agreed to.

MAGISTRATES COURT OF VICTORIA*Report 2018–19*

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (09:37): I present, by command of the Governor, the Magistrates Court of Victoria report 2018–19. I move:

That the report do lie on the table.

Motion agreed to.

SUPREME COURT OF VICTORIA*Report 2017–19*

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (09:37): I present, by command of the Governor, the Supreme Court of Victoria report for 2017–19. I move:

That the report do lie on the table.

Motion agreed to.

JUDICIAL COLLEGE OF VICTORIA*Report 2018–19*

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (09:38): I move, by leave:

That there be laid before this house a copy of the Judicial College of Victoria report 2018–19.

Motion agreed to.

JUDICIAL COMMISSION OF VICTORIA*Report 2018–19*

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (09:38): I move, by leave:

That there be laid before this house a copy of the Judicial Commission of Victoria report 2018–19.

Motion agreed to.

PROFESSIONAL STANDARDS COUNCILS*Report 2018–19*

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (09:38): I move, by leave:

That there be laid before this house a copy of the Professional Standards Councils report of 2018–19.

Motion agreed to.

PAPERS**Tabled by Clerk:**

Coroners Court of Victoria—Report, 2018–19.

Criminal Organisations Control Act 2012—Report, 2018–19 by Victoria Police pursuant to section 133 of the Act.

Judicial College of Victoria—Minister's report of receipt of the 2018–19 report.

Judicial Commission of Victoria—Minister's report of receipt of the 2018–19 report.

Legal Services Council and Commissioner for Uniform Legal Services Regulation—Report, 2018–19.

Murray Valley Winegrape Industry Development Committee—Minister's report of receipt of the 2018–19 report, together with an explanation for the delay.

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

Ballarat, Corangamite, Golden Plains, Hepburn and Moorabool Planning Schemes—Amendment GC146.

Baw Baw Planning Scheme—Amendment C133.

Professional Standards Council—Minister's report of receipt of the 2018–19 report.

Subordinate Legislation Act 1994—Rail Safety National Law National Regulations (Application of Law) Variation Regulations 2019.

Terrorism (Community Protection) Act 2003—Report, 2018–19 by Victoria Police pursuant to section 37F.

Victorian Equal Opportunity and Human Rights Commission—2018 report on the operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).

Business of the house**NOTICES OF MOTION**

Notices given.

NOTICES OF INTENTION TO MAKE STATEMENTS

Notices given.

ADJOURNMENT

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (09:52): I move:

That the Council, at its rising, adjourn until Tuesday, 26 November 2019.

Motion agreed to.

Committees**ENVIRONMENT AND PLANNING COMMITTEE***Membership*

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (09:52): I move, by leave:

That Mrs McArthur be a participating member of the Environment and Planning Committee.

Motion agreed to.

Members statements**SPECTRUM JOURNEYS**

Ms SHING (Eastern Victoria) (09:52): I rise today to congratulate Spectrum Journeys, which has, as a recipient of Pick My Project, been responsible for some of the most extraordinary conversation, assistance and advocacy for women who take care of children and family members who are on the spectrum and who battle a range of different considerations and challenges in their lives. One of the things that I was really privileged to do was to head along to an afternoon tea which was coordinated as part of the Pick My Project prize and funding allocation. To see the hundred or so women who are part of this work come together and have a conversation—from the Yarra Ranges, Mooroolbark, Nillumbik, Manningham and Whitehorse areas—was absolutely brilliant. To Carly, Lori, Roxy, Jade, Tanya, Rebecca, Alicia, Charlinda and Sher, and to Kate Johnson herself, thank you so much for organising this event and for being such a strong foundation for people to come together and to share their views, suggestions, heartache in many cases, camaraderie and friendship.

REMEMBRANCE DAY

Ms SHING: On another matter, it was an absolute joy to be part of Remembrance Day celebrations and services throughout Eastern Victoria. My thanks and congratulations to everyone, young and old, who participated in making sure that we never, ever forget.

SIKH COMMUNITY

Mr ONDARCHIE (Northern Metropolitan) (09:54): Last Friday, 8 November, I had the honour of welcoming Victoria's Sikh community to Parliament House for the 550th birth anniversary celebration of Guru Nanak Dev Ji. Commemoration of the birth of Guru Nanak is a moment of deep significance for those of the Sikh faith and for all inspired by his teachings of honesty, equality and goodwill. Sikhism is one of the fastest growing religions in Australia, with over 125 000 adherents. For many, the tenets of faith provide guidance and strength. Sikhism is also about our community. In addition to serving their own community, Victoria's Sikh community have played a role in contributing to the wider Victorian community. Values of compassion, selflessness, harmony, tolerance and respect resonate with all of us.

Here in Victoria our Sikh community and its leaders reflect these values in many ways, including support of multiculturalism. I admire their commitment to creating a cohesive, harmonious and vibrant Victorian community and thank them for their contribution to one of our greatest assets. They have been great promoters of interfaith and intercultural understanding and harmony. Sikhs also passionately nurture cultural conditions and have been generous in sharing that rich cultural Sikh heritage and faith with the broader Victorian community. I thank the Sikh Council of Australia for servicing and strengthening our community. Waheguru Ji Ka Khalsa Waheguru Ji Ke Fateh.

YARRUNGA PRIMARY SCHOOL

Ms MAXWELL (Northern Victoria) (09:56): My members statement is on *Fabric of Yarrunga*. Yarrunga Primary School is a place of big ideas, dreams and wonderings. It is a school where the curriculum is delivered a little bit differently, and with solid results to date. Students have a say in what

they want to learn about—things that make them curious, that make them question and wonder. This style of engagement and integrating their wonderings into the curriculum has improved student attendance, behaviour and results. Students have improved their literacy and numeracy through researching areas that appeal to them, including billycarts, space, how to build a town and ‘What comes first, the chicken or the egg?’.

As part of the whole-school unit of learning about the history of Wangaratta, Yarrunga Primary School partnered with the Wangaratta Art Gallery to create an exhibition of grades 1 and 2 artworks. The exhibition explores Yarrunga’s Indigenous links, settlement history and connection to the textile industry, which has been a significant employer in the region and for the families of Yarrunga. With a focus on enabling students to be art dreamers, the students told stories about themselves to self-reflect and to participate in a community event. The *Fabric of Yarrunga* exhibition is a beautiful collection of student work, with pieces that will make you smile, that will make you think and make you appreciate the talent of these young people.

Congratulations to Yarrunga Primary School students in grades 1 and 2, and thank you for sharing your artwork with Wangaratta and its visitors. I encourage anyone to visit the exhibition before it closes on 8 December. I applaud Fran Waterman, the principal, and her team at Yarrunga Primary School for encouraging these students— (*Time expired*)

SISTO MALASPINA

Dr KIEU (South Eastern Metropolitan) (09:57): For 65 years Pellegrini’s Espresso Bar has been more than its famous long black or its traditional pastas. Pellegrini’s is the story of Melbourne. It is the realisation of the journey of hundreds of thousands of Italian migrants that came to our shores. On 9 November last year Sisto Malaspina left Pellegrini’s to purchase chocolate and flowers for his colleagues. Moments later he spotted a burning car. His gut reaction was to run towards the flames to lend a hand, only to be stabbed and killed by a lone terrorist. Riposare in pace.

The 9th of November marks the anniversary of Sisto’s death, a day that will be etched into the minds of Melburnians for decades to come. Melbourne has mourned not just the loss of a much-loved personality but also a loss of innocence, since we are not immune to terrorism. But in the words of Premier Dan Andrews:

... we won’t be cowed by it. We haven’t changed our way of life. Multiculturalism is our greatest strength. I think there is a real sense of purpose in Melbourne that we will not be defined by these terrible acts.

STROKE A CHORD

Ms WOOLDRIDGE (Eastern Metropolitan) (09:59): I rise to pay tribute to a very special choir called Stroke a Chord, founded by an inspirational woman, Wendy Lyons. Nearly 10 years ago Wendy started this amazing choir of stroke survivors, many of whom can sing despite losing the ability to speak. I first met Wendy in 2009 when she visited my electorate office, outlining her dream of creating a stroke survivors choir. Largely due to her enthusiasm and passion, 25 choir members performed their first concert in September 2011, and the group has continued to thrive ever since. Some of the choir members have significant health limitations, and singing has provided them with an opportunity to express themselves in a safe and encouraging environment. I have attended a number of their concerts, including the recent one last month, and it was wonderful to see the joy both from the singers and the appreciative audience.

Stroke a Chord’s success is a testament to Wendy’s drive and energy, with her work in helping stroke survivors now being recognised with several awards. Most recently she was awarded \$10 000 after being voted a Westfield Local Hero. This will provide funding for the choir to continue to practise and

perform as they approach their 10th birthday, a wonderful milestone. In the choir's history, called *Voices*, Wendy says, regarding establishing the choir:

I certainly did not want to have a stroke, but if this is the price I had to pay for it, it is well and truly worth it.

Wendy is an inspirational woman who has made a big difference in many people's lives, both for choir members and for their family and friends, and it is truly worth recognising her work.

MUSIC FESTIVALS

Mr QUILTY (Northern Victoria) (10:00): I would like to say a big thankyou to Gladys Berejiklian and the New South Wales government for their contributions to the Victorian economy. They have just scored another giant own goal by driving music festivals out of their state or driving them underground. This should act as a warning to those in government who want to prohibit events or activities they see as unsafe or undesirable. When you ban something, you are not getting rid of the thing you do not like; you are just moving it out of your control. We see this in the opportunity around pill testing. Victoria is maybe creeping towards it, but we are leaps and bounds ahead of New South Wales, which flat out rejects the coronial findings calling for it. The no-testing approach sickens me. We could save lives, but instead we want kids to die to serve as a warning to others to 'just say no'. It is morally bankrupt.

I would like to invite music festival organisers to my home town of Wodonga. Gateway Island, right on the border, is the perfect location for a festival. We have a thriving service and logistics industry that can support your events. Subsonic, Burning Seed, Strawberry Fields: call me, we can organise a hook-up. Swipe left to nanny state New South Wales and swipe right to slightly less nanny state Victoria. The Liberal Democrats look forward to more money coming into Victoria courtesy of music festivals, and we hope to make the state more festival friendly as time goes by.

PETER MACCALLUM CANCER CENTRE

Mr FINN (Western Metropolitan) (10:02): I was too young to remember the first time I accompanied my father to the then Peter MacCallum Clinic on Little Lonsdale Street, but that building became a very big part of my life over the next 17 years as it helped Dad fight the ravages of cancer. In the years since I have seen Peter Mac established as a hospital just a stone's throw from where I am standing now and more recently as a comprehensive cancer centre in Parkville. The new centre looks mighty impressive, but I often said a silent prayer as I passed that God might spare me from ever having to go in there. Sadly, he must not have been listening, and my younger sister was diagnosed with a particularly aggressive form of breast cancer.

Earlier this year I entered the new Peter Mac for my sister's first chemotherapy treatment. It was brighter and friendlier than what I remembered from all those years ago, but there was no getting away from the fact that the big C still hung heavily over us. Throughout the course of this year my little sister has been to hell and back, with the impact of treatment knocking her around badly. All the while, the support and caring from the people at Peter Mac was the same as our father experienced five decades before.

Last week we got the news we had been hoping and praying for. My sister is now free of the cancer that just a few months ago was threatening to take her away from us. Professor Michael Henderson is a superhero, and oncologist Dr Courtney McDonald is a living treasure. The rest of the team has our gratitude forever. Despite the financial pressures it faces, the Peter MacCallum comprehensive cancer centre is working miracles every day. It gives hope, it gives life, and mine is just one family among many it has saved from immeasurable grief.

RESIDENTS ACTION GROUPS

Mr HAYES (Southern Metropolitan) (10:04): I want to thank the many residents action groups who have supported my campaign to stop oppressive development and give residents a real say in

planning matters: Mary Drost, the convener of Planning Backlash; Bernadette Pierce and Bette Hadfield and everyone at Save Glen Eira; Marlene Laurent and the Glen Eira Residents Association; Tanya Tescher, Dasha Kopocek and the Whitehorse Ratepayers and Residents Association; the Stop Elsternwick Towers group; the Defenders of the South East Green Wedge; the Beaumaris Conservation Society; Tammy Kricheli from Bentleigh; the Mordialloc Beaumaris Conservation League; the Ashburton Residents Action Group; the Hampton Residents Association; the Fitzroy Residents Association; Beth Jensen, president of Marine Care at Ricketts Point; and many others who I would like to mention, but time is not my friend.

I should also mention the advocacy and support of Liberal members in Southern Metropolitan, particularly David Southwick in Caulfield, James Newbury, Brad Rowswell, Shadow Minister for Planning Tim Smith, and David Davis and Georgie Crozier from this place, as well as my crossbench colleagues Samantha Ratnam and the Greens, Rod Barton, Catherine Cumming, Andy Meddick, David Limbrick and Tim Quilty, who have all supported giving local people a genuine say in planning matters. Their support this year has been much appreciated.

BRIAN COLLISON CHASE

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:05): I want to mark the passing of Brian Collison Chase. Brian was born in Adelaide, went to Prince Alfred College and then on to Adelaide University, graduating with honours in electrical engineering. He then went overseas to work with Philips, which later became Maytag, in Eindhoven, Holland. He learned fluent Dutch and was involved in the early days of colour television. Brian loved technology and was remarkable in so many ways.

He married Heather, and they had a family. Indeed there are now six grandchildren and one great-grandchild. Brian was a wizard with electronics. He was involved with campaign rooms, setting up televisions and computers, and the analysis of election results. His involvement with the Burwood electorate council over many years was remarkable. I pay tribute to him and indeed to his wife, Heather, for their great involvement with the Liberal Party and their support of me and many others.

Brian joined in 1976, and over 43 years he worked tirelessly for the party at the Burwood electorate conference, as treasurer, at the state council and in many other important steps. One of his great achievements was getting the Honourable Jeff Kennett elected. He was involved also with the Carey rowing club, as his son John was a rower. Brian and Heather opened their house for so many functions and for so many community events over the years. I will miss him greatly. I pay great tribute to him and indeed to the team he was with Heather.

BUSHFIRES

Mr BOURMAN (Eastern Victoria) (10:07): I just wanted to take a moment to thank all the Victorian firefighters that are heading up to New South Wales and Queensland to help them with their current problem up there. For what it is worth, I will just say thank you to all the firefighters that are already there putting their lives on the line and to all the residents and so on that either are evacuated or, even worse, have lost their homes. Hopefully we will have a nice and quiet fire season in Victoria, but I am not holding my breath, unfortunately.

MELISSA URIE

Ms BATH (Eastern Victoria) (10:07): Today I wish to share with the house the story of an incredible athlete. Last month in the USA ex-Traralgon resident, now Melbourne-based, Melissa Urie completed the Uberman, which is an 895-kilometre ultra-triathlon, consisting of a 34-kilometre swim in the ocean, a 633-kilometre bike ride and a 214-kilometre run. She completed this in 135 hours and 55 minutes to become the first woman in the world to complete an Uberman ultra-triathlon in the United States. This is a most outstanding athlete. I congratulate Melissa and her Gippsland parents, Heather and David.

REMEMBRANCE DAY

Ms BATH: It was an honour to spend Remembrance Day with the Rosedale RSL. The wonderful Ken Curtis and Kris Bicker invited me, and it was an honour to be able to place a wreath at the new site of their statue. Students from Rosedale Primary School and their school captains were there with principal Fiona Knight. They did an exemplary job of paying their respects as well. It was also wonderful to see various members of the public come in such a thoughtful but caring and sharing way to honour this event that occurred so long ago. We never, ever want to see another war in this world again.

PETER MACCALLUM CANCER CENTRE

Mr BARTON (Eastern Metropolitan) (10:09): I would just like to say, Mr Finn, that I am certainly in the Peter Mac fan club. I have certainly got a lot of mates going through there at the moment. They are great people.

REMEMBRANCE DAY

Mr BARTON: I had the great honour on Monday of laying a wreath at the Box Hill RSL service and remembering the sacrifice of the armed services in times of war and of peace. Just 1 minute of silence at the 11th hour on the 11th day of the 11th month brings us all together in gratitude and reminds us of the freedoms we hold dear. I extend thanks to the members and committee of the Box Hill RSL for their hospitality. They are currently undergoing or have recently completed renovations at their Nelson Road premises, and I recommend a visit.

PAT CRONIN FOUNDATION

Mr BARTON: I would also like to mention another community event that reminds us just how fragile life is. In 2016 a 19-year-old young fella, Pat Cronin, was out with friends at a local pub and was punched from behind—what is known as a coward punch. That single punch ended his life. His family created the Pat Cronin Foundation to raise awareness of how dangerous a single punch can be. The foundation raises funds for education and research to end the coward punch. On Sunday, 17 November, they will walk with friends and members of the communities of the north-eastern suburbs who knew and loved this young man in the fourth annual Be Wise Walk to the Valley. They are expecting over 3000 walkers this year and hope to raise \$200 000 for education and research. Let us end the coward punch.

OUTINTHEOPEN FESTIVAL

Ms LOVELL (Northern Victoria) (10:10): It was great to recently attend the 2019 OUTintheOPEN Festival, held at Queens Gardens in Shepparton. Hosted by Goulburn Valley Pride, the festival is a platform for the people of the Goulburn Valley to stand with our LGBTIQ community and celebrate harmony and equality throughout our region. Joining me at the event was the newly elected mayor of Greater Shepparton, Seema Abdullah, as well as fellow councillor Fern Summer; the Victorian commissioner for gender and equality, Ro Allen; and Senator Janet Rice. After a special welcome to country from Hilda Knowles, I was honoured to speak at the event and highlight how lucky we are to live in a community such as Shepparton that embraces diversity. I congratulate convenor Damien Stevens-Todd and the entire GV Pride organisation on once again organising a wonderful event.

WHITTLESEA SHOW

Ms LOVELL: Despite the inclement weather, it was great to join fellow Liberals at the 160th annual Whittlesea agricultural show earlier this month. The show was a chance for me to speak to constituents directly about any concerns they have on state government issues. We received a very warm welcome from the Whittlesea community, which is clearly fed up with the ineffective member for Yan Yean and very angry at Daniel Andrews and the Labor government. I congratulate the Whittlesea Agricultural Society on celebrating their 160th annual show and for once again staging a successful event.

BUSHFIRES

Ms LOVELL: I join Mr Bourman in wishing our firefighters who have gone to New South Wales godspeed. May they return safely.

CRANBOURNE SWIMMING POOL

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:12): I draw the house's attention to the state of the former Cranbourne swimming pool in central Cranbourne, which is located on Crown land owned by the Department of Environment, Land, Water and Planning. The Cranbourne swimming pool was closed more than 10 years ago and has been in a state of disrepair ever since. There are broken windows, there is graffiti, there are discarded syringes and it is a haven for vandalism. The site was earmarked for redevelopment in 2016. However, nothing has happened, so I call on the Minister for Energy, Environment and Climate Change to ensure that that site is cleaned up and redeveloped and does not continue to be a hazard for the people of Cranbourne.

SOUTH-EASTERN ROADS UPGRADE

Mr RICH-PHILLIPS: I also draw the house's attention to the government's commitment to add an extra lane in each direction on Pound Road West and Remington Drive in Dandenong South between Abbotts Road and the South Gippsland Highway and to build a new bridge over the Cranbourne train line, which forms part of the south-eastern roads upgrade package. This package has been committed to by the government. However, it is not scheduled to be completed until 2026. The duplication of this section of Pound Road is critical to the Dandenong South industrial area, and I call on the Minister for Transport Infrastructure and the Minister for Roads to ensure that this upgrade is completed in this term of government.

GREYHOUND RACING

Mr MEDDICK (Western Victoria) (10:13): Yesterday it was revealed that three Victorian greyhound trainers have been suspended for live baiting. This follows another 17 Victorian trainers caught in 2015, and they were just the ones who were caught. Like most other Victorians, I am dismayed and appalled at these new revelations, but should we really be surprised? Only a few short years ago an investigation showed that live baiting was routine practice in the greyhound racing industry. These trainers have betrayed gentle greyhounds and possums by using cruel bleeding techniques, and they have been given too many chances.

Greyhound racing and gambling are intimately connected. This inevitably leads to overbreeding and the killing of healthy dogs. The industry has also demonstrated a level of mendacity and cruelty that indicates it is beyond any form of regulation. The lives of greyhounds and animals used for bait are worth more than gambling profits. When animals and gambling are combined, it is always the animals who lose. This government must do something about it.

Business of the house**NOTICES OF MOTION**

Ms STITT (Western Metropolitan) (10:15): I move:

That the consideration of notices of motion, government business, 127 to 207, be postponed until later this day.

Motion agreed to.

Bills

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019

*Second reading***Debate resumed on motion of Ms PULFORD:**

That the bill be now read a second time.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:15): I rise to make some remarks on the State Taxation Acts Further Amendment Bill 2019. I do this in the context of the release yesterday of the *Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2018–19*, which highlights the pressure that the Victorian budget is now under. This will come as no surprise to members of this house and indeed members of the Victorian community, who have seen the way in which this government has managed the budget over the last four years and the way in which we have seen reckless spending by this government, which is now coming home to roost.

In the first period of this government's term of office, from 2014 we saw very strong economic conditions in Victoria. We saw a strong property market give the government high levels of stamp duty on property transfers and high levels of land tax. We also saw strong retail conditions with strong GST receipts flowing to the state of Victoria. The government was in clover. It was able to pay off all those vested interests which had helped get it into government. It was able to commit to very substantial increases in the size of the public sector and the cost of the public sector by way of enterprise bargaining agreements.

All was rosy, and it sailed through that first term of government, building additional cost after additional cost after additional cost into the budget for the state of Victoria and the general government sector. But, of course, this year we are now seeing that coming home to roost. We are seeing an economic situation in Victoria where in the last 18 months the property market has softened in terms of the number of properties being sold and the prices that are being achieved for those properties, with a consequential drop-off in the estimates of stamp duty revenue, and we will likely see that flow through in land tax. We have seen a softening retail sector across Australia, which has had an impact on GST receipts and forecast GST receipts.

We are now in a situation where the government is under great pressure in the preparation of its 2019–20 budget. The chatter coming out of Treasury Place is very much about the challenges this government will face in framing that budget. Indeed already the talking points that have been sent to the government backbenchers indicate that the only issues the government is looking to fund over the course of this term are things that they committed to at the last election cycle. They have already been told that there is no money for anything new that was not an election commitment, because the budget is tight and they are struggling to balance the books for May next year.

To put that in context, we have seen the massive ramp-up in expenditure and we have seen the massive ramp-up in revenue. In the last full year of the previous government, which was 2013–14, total state general government revenue was just over \$52 billion and expenditure was just over \$50 billion. For the current budget year, 2019–20, revenue is now forecast to be \$71 billion. That is a \$19 billion increase in revenue, and on the expenditure side it is just under \$70 billion—\$69.9 billion expenditure.

In just one term of government the budget expenditure has grown from \$50 billion to \$70 billion, and that growth is not sustainable. Now that economic conditions are softer than they have been, we are seeing the consequences of that. I think Victorians can expect a horror budget come next May, and I suspect we are going to see between now and then, with the midyear budget update due in November or December—and no doubt that will drop after Parliament rises—some pretty horrific conditions in the budget with commensurate movements by the government to claw back revenue where it can.

That brings me to the bill that is before the house today. The State Taxation Further Amendment Bill seeks to make a number of amendments across taxing statutes: the Duties Act 2000, the Gambling Regulation Act 2003, the Land Tax Act 2005 and the Valuation of Land Act 1960. These are largely portrayed by the government as tidy-ups, as clarifications of existing taxation legislation, but of course they are focused on grabbing as much revenue from as broad a base as possible to plug the holes that we are now seeing in revenue, with the implications that has for the budget next year.

To run through the measures which are included in this bill, in respect of the Duties Act 2000 the bill seeks to amend the Duties Act in relation to a line in primary production requirements for the duty concession and exemption for young farmers, with changes to the land tax exemption for primary production land in an urban zone in greater Melbourne. It seeks to retrospectively change the legislative basis for charging insurance duty where an insurance policy on a Victorian risk is obtained from an overseas insurer. I will come back to this point shortly.

With respect to the Gambling Regulation Act 2003, the bill amends that act in relation to legislating an annual payment to the Anzac Day Proceeds Fund of one-thirtieth of wagering and betting tax revenue payable for the month of April and makes changes to the Victorian racing industry payment from the Hospital and Charities Fund to the Anzac Day Proceeds Fund. Those are provisions which the coalition supports. We recognise that it has been a longstanding case that some proceeds from betting activity on Anzac Day have been made available to the funds which support veterans. That on-course activity on Anzac Day, and with respect to Anzac Day, has diminished, so it is appropriate, as opposed to betting activity not taking place on course as the nature of gambling in the state has changed, that the basis on which the proceeds to those funds is calculated is broadened to reflect that activity is now taking place away from actual racing activity. This change to the Gambling Regulation Act will reflect that and will ensure that the proceeds which go to the Anzac Day Proceeds Fund will be sustainable into the future as the nature of racing changes.

With respect to the Land Tax Act 2005, the bill seeks to extend the vacant residential land tax to properties that remain uninhabitable for two years or more. It seeks to reform the primary production land exemption for land in an urban zone in greater Melbourne to require a connection between the landowner and the business of primary production on the land so that an exemption is not available in respect of farming activity on land where it is undertaken by somebody other than the landowner. It seeks to exclude beneficiaries of an implied constructive trust as owners for the purposes of principal place of residence and primary production of land exemptions.

With respect to the Valuation of Land Act 1960, the bill amends that act in respect to the deadline by which rating authorities must give notices of valuation, noting the changes that were made last year in respect of the way in which valuations for land tax are undertaken.

So there are a number of aspects of this bill and the coalition parties have substantial concerns with respect to two of those. The first one I will address is the amendment to the Land Tax Act 2005 in respect to extending the vacant residential land tax to properties that remain uninhabitable after two years or more. This comes on the back of this government's earlier tax grab, where it first established the vacant residential land tax. This was pitched by the government as a housing affordability measure. It was pitched as a way of encouraging the owners of vacant residential properties to make them available in the housing market—to make them available for rent or to occupy them. Of course, that was never the government's policy driver. The government's policy driver was simply to expand the land tax base as broadly as it could.

As members know, there are a number of properties which are exempt from land tax. The principal place of residence is the main type of property that is exempt from land tax in Victoria. As the government needed revenue in the last couple of years, it sought to remove as many exemptions as it could, where it felt it could do that without adverse political consequences. One way in which it thought it could do that was by introducing a new vacant residential land tax, to broaden the base of land tax to pick up a new cohort of properties which were previously exempt on the basis that they

were not full-time residences, on the basis that they were not occupied for a certain period of time in a given year, and to impose land tax on them.

With the acute need for revenue, the government is now seeking to expand that vacant residential land tax to properties that are uninhabitable. This is going to have adverse implications for many Victorian families because this is likely to impact on properties that have been residences, that have been inhabited by, particularly, elderly people, who then, on needing to move out of those properties and into aged care and the like, are left with a property which in a practical sense is uninhabitable. Many members of this house will know, having visited constituents and indeed even having elderly relatives, that quite often for elderly people who have lived in properties for a long period of time—30, 40, 50 years or more—and are of an advanced age, in their 80s or 90s, the properties in which they live are quite often in a practical sense, in a market sense, uninhabitable because they have not been the subject of renovation since they were constructed. Maintenance may well have not been carried out to a standard that makes them occupiable in a commercial sense, but they have been nonetheless home for the elderly person for a very long period of time and they have been content to live in those conditions. When that person either dies or goes into aged care, in a practical sense the property is uninhabitable in terms of then putting it onto the rental market or onselling it to somebody else.

With the changes being introduced by this bill, those properties after two years will become subject to land tax under the vacant residential provisions, notwithstanding the fact that they are not able to be used as properties. There will now be an onus, a pressure, on the families of those elderly people to find the capital to undertake renovations so those properties can go into the rental market or be sold in a commercially viable manner. We believe that extending what was already a poorly conceived taxation measure by this further step in a way that is going to impact particularly vulnerable people at a vulnerable time in their lives is inappropriate, and it is something that we do not support.

The other matter I would like to touch on is the amendment to the Duties Act 2000 which seeks, by way of clause 8 of the bill, to retrospectively change the basis on which stamp duty is levied on certain insurance contracts. The intent of the government—and we accept this has been the intent of the Victorian government back to 2014—has been that stamp duty be payable on insurance policies, where a policy seeks to insure against the risk in Victoria. Where a policy is not written in Victoria, where a policy is written internationally, offshore, we accept that it has been the intent that that policy be subject to stamp duty. In that case, the insured party would be liable for the stamp duty, rather than the offshore insurer. But this is a matter which is now subject to challenge. I understand there are a number of cases before the court which seek to challenge the basis on which that stamp duty would be levied.

As I said, we do not dispute the policy intent of levying stamp duty on insured risks in Victoria, irrespective of where they are insured. What we do challenge is the government's intent, by way of clause 8, to make this retrospective, irrespective of what the court may determine in the matters which are currently proceeding. We do not believe it is appropriate for the government to now seek to change this provision with a retrospective clause. We believe in fact it is unconscionable for the government to be seeking to change this provision by way of this retrospective clause when the matter is subject to judicial determination. So we will be opposing clause 8 in committee. We believe that imposing what is effectively a retrospective measure in this way, in the face of legal challenge, is simply inappropriate. But it does reflect the circumstances the government has got itself into with its budgetary position and the Treasurer's need to attempt to claw in or claw back any revenue he can.

We will be opposing clause 8 when the bill goes into committee, and notwithstanding our support for the changes to the Gambling Regulation Act 2003 with respect to the Anzac Day Proceeds Fund, but given the very adverse impacts which will apply to some vulnerable Victorian families by virtue of the extension of the vacant residential land tax, we will be opposing the bill in totality on the second reading of its consideration today.

Mr GEPP (Northern Victoria) (10:33): It is with great pleasure I rise to speak on the State Taxation Acts Further Amendment Bill 2019. I am a fan of taxation. I am big fan of taxation because I think taxation, and the taxation system, is an enabler for our community. It provides us with the wealth and the funds to ensure that we have the services and the infrastructure that we so desperately need across all aspects of our community. It does not leave society in a *Hunger Games* type of mentality where people, depending on their wealth, survive or not. Rather, a taxation system seeks to redistribute some of the wealth in our society and ensure that there is some levelling of the playing field in terms of decent living standards, and it ensures that everybody in our society can contribute through the taxation system. Of course we know the taxation system in this state and in this country has many different facets to it. I am a fan because I do think that it means that we can all make a contribution. That does not mean that we tax everybody to the hilt of course, but there has got to be measured and reasonable taxation to deliver the services and meet the needs of the community

Of course taxation is so important in this state because it contributes so much to our infrastructure. We have got enormous amounts of infrastructure investment going on in Victoria as we speak, and that cannot be done without a contribution through our taxation system. It also means so much to the levelling of our education and health playing fields. We hear it often in this place, you would think it was doom and gloom, and yet when we walk outside of this place—we know, for example, that our health system is one of the best in the world. Sure, it has got its flaws; that does not mean that we stop working hard to deliver the best possible health care that we can right across the board. It is important that we are able to fund those things. It is so important to the entire Victorian community that we do have world-class health facilities, health services and health professionals, and to do that you have got to have funds.

We recognise the importance of education in this state. Indeed I think when you drive around Victoria and you see on numberplates ‘Victoria—the Education State’, and you look at the investment that this government has made in the areas of both primary school and secondary school, in universities and in TAFE, it backs up and franks that very small slogan on those numberplates. It is something that is very near and dear to so many people. We understand that at the core of providing for the young people in our state so they can productively contribute to society when they leave school is the need to provide them with the best possible education system that we can. In recent times we have made the announcement about early learning in three-year-old kinder, the rollout that is going to occur over the next couple of years and the importance of that to the development of our youngest citizens in the state, to their development and their ability to be the best that they can be. It means that we as a society need to make that investment, and we do that through the collection of funds, through our taxation system, so that we can reinvest those funds in the important aspects. So I am an enormous fan of our taxation system.

Mr Ondarchie interjected.

Mr GEPP: No, Mr Ondarchie, I am a fan of taxation as a general principle. As I said earlier in my contribution, it is about measured, appropriate levels of taxation in the right areas and making sure that everybody contributes fairly. One of the great shames of course about taxation in this country is that some of the richest in our society, both individuals and corporations, spend so much in avoiding their taxation responsibilities. They spend an enormous amount of money trying to avoid paying taxes.

The average salary and wage earner in this country does not get the luxury, if they are having a bad year financially, of bailing out of the tax system, but of course those who can afford it and can pay their accountants and financial advisers to set up systems so that they can avoid paying tax have those means to do so.

Mr Ondarchie interjected.

Mr GEPP: No, I'm not a fan of increased taxes. I am a fan of taxation where it is appropriate and where it is necessary to provide the services and to support the values that we espouse in this place as often as we can.

It is a pity Mr Quilty is not in the chamber. I have heard him say things similar to some of the interjections coming from across the chamber. He has been critical of the taxation system many times over just in his short stay in this place, but I wonder if he had the same view when he was actually part of the taxation collection system. When he worked for the tax office, when he was drawing an income, when it was feeding his family, did he have the same views? Perhaps he did, and it would be interesting to hear. I hope he is on the list of members to contribute in this debate.

I throw out the challenge to Mr Quilty: if you are going to oppose this bill and pour bucketloads on the taxation system in this state and in this country and, you know, how it impinges on the freedoms of individuals, and if you want a *Hunger Games* style of community where the strong and the wealthy survive, I wonder if you harboured those views when you were drawing a salary from the tax office and you were part of the taxation collection regime. Or was that just a bit of a faux opposition back then? I look forward to that contribution.

In terms of taxation in this state, of course the Andrews Labor government is now into its second term of office. I go back to our first term when we delivered tax cuts to almost 40 000 businesses by increasing the payroll tax-free threshold from \$550 000 to \$650 000—a deliberate attempt to support businesses throughout Victoria. We understand the enormous contribution that businesses small, medium and large make to this great state of Victoria, and we think it is important that we do some of the heavy lifting for those businesses by giving them tax relief so that they might reinvest in their businesses and assist in the growth of the economy. Of course in the 2019–20 budget we are building on those reforms by increasing that threshold to \$700 000 in two instalments of \$25 000 from 1 July 2021. So we continue that program of investment.

In an Australian first—and I know this all too well in my own electorate of Northern Victoria—we cut payroll tax for regional Victoria in our first term. As I said, and as we have announced in this year's budget, we are cutting regional payroll tax even further, down to 25 per cent of the metropolitan rate. This will be implemented over a three-year period, with the rate falling by around 4 percentage points each year from 1 July 2020. Of course we will cut payroll tax even further for about 3500 businesses, supporting companies in regional Victoria to grow, and it is so important in my electorate that we are doing so.

We have also provided other significant tax relief for Victorians—for example, through getting rid of stamp duty for first home buyers purchasing houses that cost \$600 000 and applying concessions to purchases of up to some \$750 000. In the first two years of that program more than 62 000 Victorians have claimed stamp duty concessions and exemptions, saving them in excess of \$1.1 billion.

To go back to Mr Ondarchie's interjection earlier, that is about responsible taxation. That is about making sure that the taxation system is working for all Victorians, particularly those who need it, and where we can provide the necessary tax relief to give greater opportunities for those people then, as we have demonstrated, we do so.

I will not go through all of the aspects of the bill. Mr Rich-Phillips has touched on many of those and he has talked about some of the areas of concern to the opposition. No doubt when we go into the committee stage later on those concerns will be addressed by the government in greater detail. So I will not take up the chamber's time in rehashing some of the areas that Mr Rich-Phillips talked about. Rather, while I am on the business of tax reform, I might also talk about 2018, when we doubled the first home owner grant to \$20 000—again, particularly targeted at regional Victoria—to make it easier for people to build and stay in the community. Since July 2017 more than 17 000 people have taken up the first home owner grant, saving some \$238 million for Victorians getting into their first homes.

From July this year we have delivered a 10 per cent concession on the transfer of commercial and industrial property in regional Victoria. This will increase by 10 percentage points each year until it reaches the full 50 per cent concession. This will save businesses around \$69 million over the next four years and provide benefits on an expected 2400 transactions each year. That just underscores that the taxation system that we have in place in Victoria is making Victoria the economic powerhouse of this nation. It is targeted, it is measured and it is appropriate to deliver the services that Victoria needs.

We have talked about the record investments that this government has made in the health sector. Yesterday the Minister for Health spoke in a ministers statement about the increase this year of \$100 million in the Regional Health Infrastructure Fund, which is so important to areas such as my electorate in ensuring that those regional health systems have a pipeline of funds available to them to improve the services that my constituents and those of other regional electorates throughout Victoria so desperately need.

In conclusion, I reaffirm my commitment to taxation. I think it is a virtue for any decent society to have a good, decent, healthy taxation system that contributes to the development of our society. That is what we have before us. These changes to the system the minister will no doubt address in the committee stage, and I am sure he will convince the house that they should be supportive of these changes, as I am.

Mr QUILTY (Northern Victoria) (10:48): I will be brief, but before I launch into my speech I will acknowledge the contribution of my comrade here Mr Gepp. While I was not in the chamber while he was talking, I did hear him. Indeed I held my views on taxation while I was working at the ATO. I worked in the advice area rather than audits so I could actually help taxpayers rather than persecute them. Indeed as senior ATO officials became aware of my views they became a little concerned that I thought taxation was theft. In fact I owe the fact that I kept my job to the good services of the CPSU, of which I am a member.

Anyway, I will be brief. This bill will increase or broaden taxes in five ways—

Mr Gepp: That's a 'Yes, I still took the pay'.

Mr QUILTY: I certainly took the pay, and I did the work. The Liberal Democrats oppose this increase because in 1960 governments in Australia made up around 25 per cent of GDP but today in Australia the government spends close to 40 per cent of GDP. Governments have a compulsive spending problem, not a revenue problem. To cover this bill with a veneer of credibility the government is using it to pass into law something they have been doing for a long time, which is handing a small share of gambling taxes to veterans' charities and horse welfare. To be very clear: this happens now. The government is just throwing it into this bill so they can talk about that instead of the tax increases. This bill also places the government in the odd position of being anti-gambling while promoting gambling as a charitable activity: 'Head down to Crown Casino this April to promote veterans welfare, and while you're at it, have a punt on the ponies to support rehoming racehorses. But wait, there's more. Call now to get a free set of steak knives'.

The first two tax hits here are through amendments to the Duties Act 2000. The first tax increase is to make it harder for farmers to get exemptions to land taxes that were introduced by the government to reduce land banking as a means of increasing housing stock. That policy failed, as housing prices clearly show, but we still have the land tax.

The second tax increase is to make it easier for the government to tax more types of insurance. The final three tax increases are contained in amendments to the Land Tax Act 2005. The third tax increase is to extend the land tax that I mentioned earlier to cover vacant residential properties that are uninhabitable. Apparently the Melbourne rental market is so stuffed up that some people would rather leave properties vacant than rent them, so we got the new tax on vacant properties. Now we are asked to believe that people would rather trash their own properties and make them uninhabitable than rent

them out. It seems like an extraordinary length to go to to avoid this tax. I wonder what the total number of dwellings we are actually talking about here is to require legislation to address this loophole. The land tax failed to address supply issues in the housing market, but it certainly did cause unintended consequences. Perhaps more taxes will fix that.

The fourth tax increase is to make the rules for farmers in and near Melbourne stricter through an elaborate mechanism where the landowner, the business of primary production and the land need to be connected. This is intended to address the problem of all that vacant land in Melbourne that people lease out for primary production to avoid land tax. The fifth and final tax increase is to exclude certain types of legal persons from land tax exemptions on the basis of farming. I reiterate that the vacant land tax was a policy measure that failed but which will remain indefinitely and get steadily broader and stricter while it does.

We are creeping steadily closer to our governments literally being bigger than what they govern in Australia. This has already occurred in some other developed countries like France, and they have gone on to develop an absolute basket case economy. Even small changes like these add up over time to bury our civil society under tax. This is among the many reasons why the Liberal Democrats will never vote for an increase in taxes or a decrease in liberty.

Mr ONDARCHIE (Northern Metropolitan) (10:53): I rise this morning to speak on the State Taxation Acts Further Amendment Bill 2019 or, as it should be known, the ‘Sticking It Up the Taxpayer Yet Again Bill 2019’. This is a classic example of a government that over a long period of time, a long history, cannot manage money. And how do they solve that? Well, they do not go to the cost line; they go to the revenue line and say, ‘Let’s just stick it to the taxpayer once again to help fund our mismanagement’.

Let me give you some examples of that mismanagement, if I could. The West Gate Tunnel project—they said it would cost \$500 million. Well, I think—and Mr Finn is aware of this—it is out to at least \$6.7 billion now, \$6.2 billion over the projected budget. The Metro Tunnel project—they said it would cost about \$9 billion. It is out to at least \$11 billion now, and they have hardly started the jolly thing, so another cost blowout. The Level Crossing Removal Project that they talk widely about—\$5 billion. The Auditor-General said that it has blown out by at least \$3.3 billion. This North East Link that they came to the election with and said, ‘We’re going to build this North East Link. It’s going to be fantastic’. ‘Don’t worry about the east–west link’, they said, ‘We’re going to build the North East Link. It’s going to cost around \$5 billion’.

Well, they have not even started it yet and the cost is already out to \$16.5 billion—another example of a government that cannot manage money. ‘No money,’ they said. ‘Not a cent is it going to cost us. Not a single cent to cancel the east–west link contract’. Here we are \$1.4 billion later. It cost \$1.4 billion to cancel a contract and not build a road. As I have told this house before, I have talked to investment communities right across the globe, and they are the people that said, ‘Are you the people that paid \$1.4 billion not to build a road?’. Such is the reputation of Victoria on the international stage.

For the Victorian Heart Hospital they said \$150 million. Well, that blew out by \$393 million. For the Frankston line stabling project they said \$187 million. That ended up costing \$236.7 million. The Hoddle Street upgrade was originally \$60 million but was then over \$100 million to do it. The Casey Hospital expansion blew out by \$33.5 million. The Ballarat line upgrade: those who look after the Ballarat area as part of their electoral region—I know Mrs McArthur would be a great example of this—I am not sure they got any benefit out of the Ballarat line upgrade. But anyway, they said it would cost \$516.7 million to do it. It actually cost \$549.5 million to build this, Mrs McArthur. That is a blowout of \$32.8 million. Imagine what the people of Ballarat could have had with that extra \$32.8 million. The Yan Yean Road upgrade they said would only be \$95 million. Well, it turned out to be \$126 million. That is \$31 million the people of the northern suburbs could have had that they do not have now. The Frankston station upgrade budget was \$50 million, but it turned out to be \$11.8 million over that. For the V/Line fleet maintenance they said about \$12.5 million. It actually

worked out to be \$23 million to upgrade V/Line. And the Huntingdale station car park they said would be around \$4.8 million. It cost \$11.5 million—for an upgrade to a railway car park.

But you worry about this mismanagement. I will give you a classic example: just before the state election, the intersection of Gordons Road and Plenty Road in South Morang was under a lot of pressure. The contractors were under a lot of pressure to have that project finished before the state election. They were working day and night—much to the annoyance of residents that had tractors, drilling equipment and thumping equipment happening all night outside their properties—because they had to get it finished before the state election, which they did. Here we are less than 12 months later and guess what they are doing to the intersection of Gordons Road and Plenty Road in South Morang? They are digging it up again. They are digging the whole thing up again—and they only finished it less than 12 months ago. This is a government that cannot manage money.

So just in the numbers I have talked about this morning, that is about a \$25 billion cost blowout. What could that have done? What could \$25 billion have done in Victoria? Well, that is 125 000 more ambulances. That is 926 secondary schools, 2083 desperately needed primary schools or four east–west links that they could have built with that—we would like just one, but they could have built four. One hundred and twenty-five women’s and children’s hospitals, 1563 more police stations, 42 suburban rail line extensions, 2500 new cardiac cath labs, 1700 more trams, nearly 1400 more X’tropolis metro trains or 1136 special development schools could have been built with that money that they have blown out. And this bill today is just about sticking it to the taxpayer and asking for more money because they cannot manage money. They said, ‘We can’t do it; we will just hit the taxpayer for more money’.

Why don’t they look at the cost side before they look at the revenue side? Well, they do not do that, because they have blown out on a whole lot of things in this state. Now, part of this bill includes an increase in the Victorian racing industry payment from the Hospitals and Charities Fund to the Anzac Day Proceeds Fund. Well, that is not something I am going to argue out because given my experience at the recent Spring Racing Carnival I think I have been a large contributor to that. But Daniel Andrews said to the people of Victoria the night before the 2014 state election, when he looked down the barrel of the camera to Peter Mitchell on Channel 7—

Mr Finn interjected.

Mr ONDARCHIE: Well, that is right Mr Finn. He said right down the barrel of the camera that he guaranteed to every Victorian there would be no new taxes in this state.

Mrs McArthur: Would that be lying or a mistruth?

Mr ONDARCHIE: Well, I think it is an unparliamentary term to call him a liar. I think it is unparliamentary, so I will not do that, but I will say he is probably the most mendacious Premier we have ever seen in this state. He gave him a commitment. He gave Victorians a commitment that there would be no new tax increases in this state, yet here we are today in November 2019 and there have been 25 new or increased taxes in this state. I will let Victorians be the judge about whether he has been honest with them or not.

But I tell you what is really interesting that has happened lately, is that little fella who goes out there talking a lot about state finances, Treasurer Tim Pallas, has been very quiet lately. He has been very quiet about the state of the state finances lately because I think the midyear financial outlook is a not far away and we are going to learn about where this state is at. It would not surprise me if that midyear financial outlook came out on Christmas Eve—it would not surprise me one little bit—because this place is in trouble. There is a sense amongst the business community that I talk to regularly that there is going to be bad news in the midyear financial outlook.

As I outlined, we have seen project blowouts, \$1.4 billion not to build a road and even the Auditor-General in his latest report said this:

In 2018–19, the state generated \$78.6 billion of revenue and outlaid \$80.0 billion in costs. This resulted in a net loss from transactions of \$1.4 billion. After adding other economic net outflows of \$7.7 billion—arising mainly from revaluations of assets and liabilities—the state had a net loss of \$9.1 billion ...

The financial performance of both the state and the GGS this year deteriorated compared to last year by around \$1 billion because expenses grew faster than revenue.

Now, anybody who has experience in running a business—and I am not sure, Mrs McArthur, if any members of the government have had experience running a business—knows that when revenue starts to be in a little bit of trouble, you look at the cost line. But not this government. They just throw more expenses at the government sector and then say to the taxpayer, ‘We’re in a bit of trouble. We don’t have enough revenue. We are going to hit you up for it’. Well, you go to any business that says, ‘We’re having a bit of trouble with our revenue; we’ll just put our prices up’, and we know what happens to those businesses. The customers walk away. I am hopeful that in 2022, when our customers get to make a decision around the financial competency of this government, they will walk away from it, because this government does not know how to manage money.

The state opposition will oppose this bill for those reasons. I did ask the Treasurer in September this year around land tax. I said, ‘You did valuations around land tax when prices were high, but we knew that prices had come off’. So I said to the Treasurer, ‘Will you have a look at this, because you’re hitting up people based on artificial value when the prices were higher. The market has now eased. How about you look at land tax value you based on what today’s current prices are?’.

He wrote back a letter that said it was too late, it had already been done and they were doing it this way. ‘We’ve already done the valuations; admittedly they were done at a time of high prices’, and he was saying, ‘We’re not adjusting them at all’. So when are you ever, Treasurer, going to go back to your customers and go, ‘Actually, we’re going to share some of this with you’? Never, because this government tends to spend money hand over fist with no regard for the state taxpayer, who they just hit up once again. In order to summarise where I am up to, this bill, which as I said should be called the ‘Sticking it Up the Taxpayer Yet Again Bill’, should be bitterly opposed by this house.

Ms SHING (Eastern Victoria) (11:02): I rise today to speak to the State Taxation Acts Further Amendment Bill 2019, and in doing so I note that the comments that we have heard from across the chamber today have been pretty varied. They have canvassed the detail, which occurred in the case of Mr Rich-Phillips’s contribution, which again has some substance in it, which I will go to shortly, particularly as it relates to changes to the insurance duty provisions in the Duties Act 2000, but at the other end of the spectrum we had the rambling, all-but-incoherent discourse from Mr Ondarchie, who sought to indicate to the chamber that in fact this is a government that is spending—to paraphrase him—money hand over fist without regard to Victorian taxpayers.

What is interesting to note about what preceded Mr Ondarchie’s remarks in this regard is his long list of infrastructure investments that have been made throughout the state of Victoria that build on a record amount of investment in the heavy infrastructure, in the metropolitan suburban, peri-urban and regional development of our entire state, as the population grows, to make sure that we are not only providing the sorts of programs, facilities and services which only come under Labor governments, which are only funded by Labor governments, but that we are also investing in the sorts of improvements to road and rail infrastructure that benefit more than the small number of people who live in those leafy inner-city suburbs and look at their bank balances and wonder when they are going to stop counting zeros before that decimal point.

We see here that the State Taxation Acts Further Amendment Bill 2019 in fact goes to making sure that we continue to improve Victoria’s revenue and valuation laws. I do not propose to spend any further time on Mr Ondarchie’s piecemeal contribution—and I would say ‘stream of consciousness’,

as it relates to talking about infrastructure on the one hand and how bad it is on the other—but what I do want to do is talk to the amendment being proposed by Mr Rich-Phillips and the indication that he has made in this chamber today on the proposed changes to insurance duty provisions in the Duties Act 2000.

When I think about the comments that Mr Rich-Phillips has made this morning and compare them to comments made by the Shadow Treasurer, Ms Staley in the other place, for the opposition, I note that as a matter of first principle those on the opposition benches acknowledge the imprimatur the government has for the policy position being advanced. They have both indicated in the course of this debate on state taxation that they acknowledge and accept the policy position which underpins these changes as proposed to the Duties Act 2000. It is really important then that we have a look at how that sits in relation to the opposition to clause 8 of the bill, which ensures that changes will have effect from 1 July 2014.

The Treasurer has been pretty clear in relation to the intent of these amendments to confirm that clear and longstanding policy position about the dutiable nature of insurance provided by an overseas insurer and also the fact that the policy ensures that there is not an operative competitive disadvantage when compared to insurers in other jurisdictions. Just to correct any misapprehension that may be operating in relation to these amendments, they do not in fact or in process represent any change to policy or practice because insured persons have in fact been paying the applicable insurance duty and these amendments are consistent with how the State Revenue Office (SRO) has always administered the provisions. What we do see, however, is that as a result of changes that occurred in 2014, the opposition has seized upon an opportunity to argue in relation to an amendment that in fact this represents an operation of retrospectivity, acknowledging on the one hand that people have already been paying this duty but on the other saying that the amendment should proceed to not enable the clause to operate in the way that the Treasurer has intended.

To be really clear, and in accordance with the content of a letter that the Treasurer has drafted and issued to a number of members in this place, the SRO has received and also denied refund claims. Those claims relate to duty already paid and, despite only recently being lodged, seek refunds of duty paid over the last five years. As part of determining these refund claims and prior to any Supreme Court proceedings being commenced, the SRO alerted parties to the government's intent to amend the act to confirm the integrity of insurance duty. So there has been a history of discussion and exchange of information in relation to these amendments as proposed in the bill today. Providing that level of certainty will remove the need for litigation and prevent those select taxpayers from receiving a windfall refund of duty at others' expense.

I also want to turn, within the time that I have available to me, to a number of other provisions in the bill, particularly those that are intended to operate under the Land Tax Act 2005 and in regard to the imposition of the vacant residential land tax on residential land in a specified geographic area. Residential land, just to be very clear, and as other members have foreshadowed in the debate in the other place, is defined as land 'capable of being used solely or primarily for residential purposes'. That then carries with it the inclusion of a reference to land that is in fact habitable.

So the purpose of that tax is to encourage more land and more properties to be made available for rent or for occupation. At the moment where a residence is under construction or renovation the tax will only begin to accrue where that dwelling remains unfinished after two years. There is no corresponding provision, however, to deal with a residence that is uninhabitable on an ongoing basis, such as the homes which I think Mr Rich-Phillips was referring to when he talked about elderly residents who perhaps have not made any improvements on a home and therefore it would lose or not retain any of its commercial viability or value. So we want to make sure that through this amendment, if two years have passed and an uninhabitable residence on land remains uninhabitable, the land will become subject to vacant residential land tax.

It is very easy to try and characterise this as a grab, or whatever it was that Mr Ondarchie tried to run a comedy routine with earlier, but what we do know is that without freeing up land for people to use, we are not adequately discharging our obligations and responsibilities to provide opportunities for housing for the enormous numbers of people that are either being born in the state or coming to Victoria. We know that the creation of 500 000 jobs since we were elected in 2014, along with record investments in infrastructure, has seen that in metropolitan and indeed in regional areas Victoria has become a very desirable place to live, that there is a significant degree of certainty; but with that comes an upward pressure on the issues around demand for housing stock and a downward pressure on availability.

We have seen that it has been necessary to make changes to residential tenancies frameworks as well as to create many incentives for people not to leave their properties uninhabitable or indeed incapable of being lived in by others. Consistent with the existing law, the state revenue commissioner will retain that discretion to extend a period of non-application beyond that two-year period if there are acceptable reasons that the home remains uninhabitable at that time. That, again, goes to the commentary made by Mr Rich-Phillips earlier of the sort of scenario that he described, of ageing members of the population moving into aged-care facilities who perhaps have not had an opportunity or indeed may not necessarily have the means to pay for capital upgrades works or maintenance to ensure that their home is habitable. Again, that discretion will sit with the state revenue commissioner, and it is entirely appropriate that that does so. Specifically, and there is a reference to this in the second-reading speech and it was also part of the discussion in the other place, if a property is uninhabitable due to the decisions of government—so issues of a road overlay or a major construction project—that would be one explicitly defined example of an acceptable reason to suspend the application of vacant residential land tax until the situation is resolved.

We know that as part of large-scale infrastructure, which eclipses to a factor of about three the volume of any infrastructure investment this state has ever seen before, that in fact there are times where acquisitions are necessary. We saw that with the removal of level crossings at a number of sites, and that has been something that communities have been part of as a conversation since we were first elected in 2014. It stands to reason that the decisions of government as we have made them in that regard around the removal of those level crossings, particularly on the Cranbourne-Dandenong line with the removal of nine level crossings, would necessitate consideration by the state revenue commissioner of the impact of that as it relates to what might otherwise be the imposition of a vacant residential land tax.

Making sure also that we amend the land tax provisions in relation to tax exemptions for primary production land is another significant part of this bill as it relates to the greater Melbourne urban zone, and making sure also that we make amendments in relation to land held in implied or constructive trusts. This also sits alongside the decisions made in the Court of Appeal as they refer explicitly to the legislative definitions of owner extended to the beneficiary of an implied or constructive trust, and we know that in practical terms the trust mechanism is one which has a very real impact and operation in scenarios just like this.

Making targeted changes to affected exemptions and the primary production and principal place of residence exemptions to clarify that an owner of land does not include a beneficiary of an implied or constructive trust is also a means by which we can restore the original policy of assessing land tax by reference to the legal owner of land rather than the beneficial owner of land.

Members interjecting.

Ms SHING: It is unfortunate that those opposite are not in fact listening to this debate after having put their own views on the record. For those who are so concerned with economic responsibility and with making sure that taxpayers money is spent in an appropriate way to deliver and provide benefit to all Victorians, their refusal to actually engage in any respectful way in this debate speaks volumes to the fact that their opposition to clause 8 in particular—

Members interjecting.

The ACTING PRESIDENT (Mr Melhem): Order! Mr Ondarchie and Mr Finn, if you want to have a chat, you might have to go outside and have your chat there.

Ms SHING: I am so sorry, Mr Ondarchie and Mr Finn, to interrupt your conversation. As I said, you would have thought that responsible economic management was something that would make the Liberal Party sit up and prick up their ears, but no such luck. All we see is that this is an opportunity for them to provide an amendment to clause 8, which is an opportunistic effort to seek to undermine the imprimatur which both the shadow Treasurer and Mr Rich-Phillips have acknowledged expressly on the record, and it is indeed an effort to undermine the work that is going on to provide certainty and consistency and the best administration of taxation and regulations that underpin it. So we oppose the amendment proposed by Mr Rich-Phillips and the opposition in this regard but otherwise wish the bill a speedy passage and consideration in the committee stage.

Dr CUMMING (Western Metropolitan) (11:17): I rise today to speak on the State Taxation Acts Further Amendment Bill 2019. I rise with grave concerns. It is great to see that the government want to actually amend this legislation, but I feel that what they should be amending is their rate of land tax. For 10 years they have not changed the actual rate, and I have raised this concern previously because I have elderly residents and pensioners who are directly affected by the current land taxes and how they affect them. It is a sad situation when as a pensioner you have worked all your life, have become asset rich and income poor and rely on a certain amount of rental income but because of circumstances out of your control your property is actually valued quite highly and therefore you are going to be slogged anything around \$10 000 a year in land tax. Now, for such properties, yes, the land value is great, and they may be in Yarraville, but the actual properties are falling down and are single-fronted Victorian houses.

An elderly person might not have been able to maintain the paint or anything on a property for probably 20-odd years, and they keep the rent cheap so that somebody can afford it. Some students might be in there, trying to afford it and happy to deal with an unrenovated single-fronted Victorian house in Yarraville. But due to the land tax owners have no choice but to actually add on an additional \$200 a week just to pay for it. Then they have to pay the rates, which is another \$100. So before you even occupy the property, you are paying \$300 in council rates and land tax. Therefore whatever you add on top is considered your pension or the hard-earned return on all your years of paying the property off hoping that that was going to be your retirement and pension fund.

These are people who do not want to be on a pension. They want to be self-funded retirees, and these are people who, way back then, did not have super. They were told, and they thought, that having additional properties was going to be their pension fund, but now they are going to be hit by this land tax. Why I say they are going to be hit by this land tax is, respectfully, because the government is only looking at the 16 inner-Melbourne councils. They are not looking at the 79 councils across Victoria. This tax only applies to the 16 inner-Melbourne councils. Who are those 16 inner-Melbourne councils? They include mine in the west. Yes, they are desirable areas, but the land tax has not actually had the desired effect it was supposed to, which was to help with the homeless situation or to see property turnover. We still have this issue of land banking.

What the tax is also not going to address are problems in my particular area. I have very large parcels of land in West Footscray that may have previously been petrol stations. They are absolutely ripe for residential development, but this land tax will not touch the parcels of land in that area that have been sitting there vacant for 20 years. It will not incentivise the property owners to actually make apartments. Owners are also going to be slogged double-time now because there are additional council rates for parcels of land that are vacant. So you have a council rate with which you will be slogged due to your land being vacant, and now you are going to have a state land tax on top because your property is vacant. If we feel that this is going to somehow incentivise people to actually build something, I struggle to see the sense and rationale of that.

Yes, let us slog the 16 inner-Melbourne councils, let us forget about everybody else and let us especially forget about those people who have holiday homes. I love this! Holiday homes are exempt. Thank you, everybody! Congratulations! If we are looking after the homeless, why are we not taxing people right across the board? What I have heard numerous times is that we are trying to encourage people to live in country Victoria, are we not, and to actually get into those vacant properties that are across the whole of country Victoria, of which we have many—yes? So where is the incentive in this bill? I do not see any incentive in this bill.

All I see is that we are going to impose on the 16 inner-city councils an additional land tax when properties are empty for a certain period of time, which in essence would make sense if that was actually going to help our homeless situation, but I do not see how it will. We cannot, especially if we are taxing them additionally, because like I said just earlier, once you have this larger tax those property owners are going to take that money and put it onto those renters, and therefore virtually the people who own those properties are only tax collectors for the state and tax collectors for their local council, and those ongoing costs are actually put onto the burden of those residential properties. That is where you get the increase in rent, and therefore there is no incentive to have those properties continually being occupied. That is why you see vacant properties currently.

For them to look at the current data, what is actually occurring is the State Revenue Office have been using data on water and energy bills. They are looking at your water bill, and if you are 50 litres or less, they are saying that that property must be empty. They are also looking at electricity bills and saying, ‘The usage there is quite low so this property must be vacant’. Respectfully, there are a lot of people out there that are doing the right thing or have very low bills. They have low bills for many reasons, one being that they are hopefully trying to get off the grid in the way of having their own water supply or having tanks. There are also people out there, as I was saying about pensioners earlier, who keep their energy bills super low. A lot of those properties, especially in my area, do not have electricity and gas connected due to those people not being able to afford it, because they are actually collecting their money just to pay their rates and their land tax and just to pay for food.

I am not a supporter of an additional tax that is only looking at the 16-member councils. But also, it is an amendment that does not take into consideration that there have been 10 years of the same rates. There has not been any shift in how our land tax is actually gathered. We need to look at how the property prices have increased, and we also have to look at people’s personal circumstances when we tax people. These are additional taxes. We have to look at people’s personal circumstances, because otherwise we are taxing people who are asset rich and income poor, and ‘income poor’ could apply to people who have just lost their job. These are hardworking people who have just lost their job or have fallen ill. They will struggle forever and a day to get on top of their tax bills, because they have no means to pay them. We are virtually making people homeless due to their not being able to pay taxes, which is a sad state of affairs.

Mr FINN (Western Metropolitan) (11:28): I rise to speak on the State Taxation Acts Further Amendment Bill 2019. I take on board the comments by Ms Shing, the minister without portfolio over there, who made some observations about members on this side of the house whilst she was pontificating on matters that lost most of us, I have to say, and there were varying attitudes between the two speakers we have had from the government to this point.

Mr Gepp was very clear, was very succinct and was very much to the point. He likes tax. In fact he does not like tax; he loves tax. As a Labor man you would expect him to love tax. He spoke for 15 minutes about his love for tax, and he cannot think of anyone or anything that should not be taxed more. That is something that, as I say, you would expect from a Labor man, and Mr Gepp is a true Labor man.

Then we heard from Ms Shing. I am not exactly sure if Ms Shing’s heart was in it. She did not sort of show any great enthusiasm for this legislation. She did not show any great enthusiasm for the government. She did not show any great enthusiasm for the direction that the government might be

taking us in. In fact the last time I saw such a pathetic performance was Greater Western Sydney at the MCG on grand final day. I think they might have actually put in a better performance on the day than Ms Shing did. At least they started well. The same thing cannot be said of her. That is rather sad. I think probably Ms Shing is looking forward to the end of the year. She has had another disappointing one, and I can understand that she wants a Bex and a lie-down. That is fully understandable.

I go back to election night in 2014. I made a prediction that night. I was really hoping that I would be wrong, but unfortunately, like in so many things, I was right. I said on the night of the election in 2014 when the Andrews government was elected, 'You watch. Give this mob a few years and we'll be longing for the days of the Cain-Kirner governments. This Andrews mob will make us all yearn for the days of the Cain-Kirner governments. They will be the good old days'. And sure enough, here we have it. As was said a number of times during the federal campaign, 'When Labor runs out of money, it comes after yours'. That is what this legislation is about: it is about coming after people's money. Let us make it very clear: taxation is not government money; it is taxpayers money. That is the big difference between this side of the house and the other side of house: we know that, we accept that, we respect that. But the other side—Labor and the Greens and some of our friends on the crossbench—regard taxation as their money. But they have no automatic right to that money. In fact they should not be taking as much as they are.

We on this side of the house know and respect that taxpayers work very hard for their money, and the government have an obligation to respect the fact that it is their money. In fact in the times when we were in government, when I had the opportunity to open whatever community facility in the west that I had been asked to by the minister of the day, I always began my comments by acknowledging the owner of the money that went to build the facility, and that of course was the taxpayer. We on this side of the house have total respect for those who earn money and are forced to pay tax. Fundamentally we believe that taxation should be much lower than it is. In fact it should be as low as we can possibly get it—not so much Mr Gepp and not so much the Labor Party, who are very keen on taking every cent they can possibly get. They are very keen on doing that.

This is a typical Labor government. We have heard both the Treasurer and the Premier say that they have delivered good Labor budgets. Yes, they have. 'Good' and 'Labor' I am not actually sure are two words that should be used in the same sentence. But they are indeed solid Labor budgets because they tax and spend. The more they spend, the more they tax. They do not particularly care what they spend it on, and they do not particularly care how much they spend, as long as they spend. That is their definition of activity. That is their definition of being a good government: spending other people's money. That is what they are on about. We have seen this time and time again, and we are seeing it again. They have no understanding of what is value for money, no understanding at all.

We are seeing this at the moment, as Mr Ondarchie pointed out, in quite a number of blowouts on projects right across the board. You just have to have a look at some of the railway crossing removal projects that are going on at the moment out in the western suburbs. I have raised this in the house a couple of times now, and I anticipate that I will probably raise it again: the prospect of three railway crossings being removed in Werribee at a cost of close to \$2 billion that will cause an enormous amount of pain for motorists permanently. You could spend that sort of money to cause pain only in a Labor government.

The local people have put forward a proposal which would allow, for the same amount of money, a tunnel to be built which would remove not just the railway crossings but also the traffic difficulties that the current proposal put forward by the government would cause. I will bet London to a brick that the minister, Jacinta Allan, will tell them to get stuffed, because that is what she does. When people come to her with a proposal which actually makes sense, when community people come to her and say, 'We have got a better idea than the one that you're proposing', she says, 'Get stuffed'. That is her attitude. This is Labor's attitude to consultation on these sorts of things.

I wish the people of Wyndham well. I know the Wyndham Infrastructure Network has done a power of work coming up with a proposal which will actually work for the local community and will provide a much better end product for the local community than is being proposed by the government. I will, as I have so far to this point, assist them in pushing that agenda. I think it is a very worthwhile agenda. But you will not see much joy, I suspect, from the government, which is extremely set in its ways in that this is the way they are going to do it and they do not particularly care who suggests or wants to do anything else.

This piece of legislation is before the house today because earlier this year, and perhaps late last year, this government made a decision—in fact it made a number of decisions. It made spending decisions based on the election of a Shorten government. It made decisions that it would spend up big, that it would throw billions of dollars at everyone and everybody, because Bill Shorten was going to be the Prime Minister and he would bail Victoria out. He was going to be the Prime Minister, and he was going to bail Victoria out.

Well, guess what, it did not quite work out as well as they would have liked, it has to be said. On 18 May this year the suggested collapse in the Victorian coalition vote did not eventuate. In fact in Queensland the coalition vote went through the roof. As a result of that Scott Morrison was re-elected as Prime Minister and poor Mr Shorten is now in a sort of semiretirement, really, I think. Although, it has to be said, I understand he is sitting, waiting for Mr Albanese just to look the other way briefly and will be plunging the knife into his shoulderblades in the time-honoured tradition of the ALP. If I was Albo, I would not be looking into the distance too much, because there is a bloke behind him with a very sharp knife. That is something that should be kept in mind. We have a situation where this government made decisions on spending based on something that had not actually happened and in the end did not happen.

It is like me going down to a car dealership this afternoon and buying a brand spanking new Mercedes, one of those C-class ones. You know, the big ones.

A member interjected.

Mr FINN: I am not sure—I am not going to give anyone a plug—but one of those nice, big, brand spanking new Mercedes. I would buy that, and then I would go into a real estate agent and I would buy a beachside mansion like the one that Al Gore has got. I would buy that. Then I would go to a travel agent and I would buy a first-class round-the-world ticket. I would look at the bill and I would say, ‘I today have spent \$4 million, but I don’t have to worry about that because I’m going to win Tattslotto on Saturday night. I don’t have to worry about that’. This is the way this government thinks. Can you believe that? ‘We can spend whatever we like because we’re going to win the federal election and Bill Shorten is going to bail us out’. Well, what a brilliant thought process we have from the government in this state. As we saw, the people of Victoria and the people of Australia knew better, and that is a particularly good thing.

But unfortunately we now have the situation where the state is more than \$62 billion in debt. We have seen the state’s credit card blow out by, I think, close to 27 per cent in the last 12 months. This government has gone ahead and spent the money, but it did not win Tattslotto. It did not even get three numbers. It did not even get the supplementary. So here we are, as Victorian taxpayers, stuck with the bill. We are stuck with the bill, and here we have a piece of legislation which is going to slap us around the ears, is going to pick us up, is going to shake us upside down until all the money falls out of our pockets and Mr Pallas can come around and collect it. That is what this legislation is about today.

The fact of the matter is that this government, being a good Labor government, has no respect for the taxpayer. Like Mr Gepp, it regards the taxpayer as nothing more than a revenue stream for itself. They say about the taxpayer, ‘Just give us your money. We don’t care about anything else’. We have got to the stage now, as we had with previous Labor governments, where the money has run out, the bills need to be paid, and who is going to foot the bill? The poor old taxpayer yet again. Each and every

taxpayer in this state will be slugged again and again and again. This is just the first piece of legislation; there will be others. As Mr Rich-Phillips and Mr Ondarchie said, God help us come budget time next year. This is a very, very sad piece of legislation, but this is a very, very sad government, and it means that Victorians are very, very sad people as a result.

Mr MEDDICK (Western Victoria) (11:43): I rise to speak to the State Taxation Acts Further Amendment Bill 2019, and I will make just a few points. The most recent news about the racing industry is that they systematically slaughter horses for pet food. The government has failed to take action to stop this. Instead, today we see a bill that in part makes amendments to the calculation of the Victorian Racing Industry Fund to further benefit the industry. This year's budget delivers a total of 102.4 million taxpayer dollars over four years to the racing industry through the Victorian Racing Industry Fund. I have to ask the question: why are we continuing to subsidise an industry that is rapidly losing community support?

This bill also amends the Land Tax Act 2005 to clarify the operation of the vacant residential land tax. When this bill was being proposed the government was advised that, while well-intentioned, the tax they proposed was more complex, with more exemptions and conditions than a more generally applied land tax would be. It is no surprise that the collection of this tax has been beset with difficulties and legal loopholes. I support the move here to close some of those loopholes but wonder why the government does not do more to end exemptions and make the law simpler, fairer and more generally applicable. Why does it apply to some professions and not to others? Why does it not apply to commercial land left vacant for years? Indeed why is the government fiddling around the edges of the taxation system when large and systemic changes are required to improve productivity, equity and the financial and environmental sustainability of our state? I will be supporting this bill today for the good that it does; however, these questions do need to be considered in future taxation decisions.

Ms BATH (Eastern Victoria) (11:45): I would like to say a few words on the State Taxation Acts Further Amendment Bill 2019, and the first words that I will say is something that the Premier said back before he was Premier, and he said it to Peter Mitchell: 'I make that promise, Peter, to every single Victorian'. We know that that was in relation to a 'Will you put the taxes up, Premier?' question from the media. He made that promise, and he has broken that promise on multiple occasions. In fact I will lead the house through the multiple times he has broken that promise. His Treasurer has been a willing partner. We have seen new taxation in terms of city taxes for the West Gate Tunnel. We have seen a tripling of the coal royalties tax and the mayhem that has created in the Latrobe Valley and in particular in Hazelwood. The government will say, 'No, no, no, that's not our fault'. Well, if you push someone to the end of a gangplank and you wiggle the gangplank, they will fall over, and that is what Engie in Hazelwood has done.

In terms of other taxes, we have seen the introduction of the Uber and taxi fare taxes and an increase in stamp duty on new cars. We have also seen an increase in stamp duty on off-the-plan purchases; a new so-called vacant land tax, and I know Mr Rich-Phillips has mentioned that before; a new property annual valuation land tax; new stamp duty taxes on properties for spouses; new point-of-consumption gambling taxes; new land surcharge taxes which have subsequently tripled in value for the absentee owners; new stamp duty surcharges on foreign purchases; and an increase in the fire services property levy.

What many, many of my CFA volunteers and farm and family household owners ask is, 'When are we going to get some proper and direct funding to the brigades and the services that are so desperately needed in country Victoria?'. There has been the growth areas infrastructure contribution levy, a \$140 million increase in property transfer fees and also now the gold royalty tax that I am going to speak to in a minute.

Under Daniel Andrews, we have new taxes which also include a \$12.5 billion property tax slug to pay for an unfunded rail loop promise. At the time when Labor announced this \$50 million-plus Suburban Rail Loop, it was unfunded. I believe the Treasurer said something along the lines of 'Value-capture

opportunities will be required'. Does that not sound nice and hunky-dory? That means: 'We're going to slug you with another tax'.

Back in this year's May budget the Treasurer also increased the duty on luxury cars costing upwards of \$100 000. Some would say, 'Well, if they can afford to buy that car, let's slug them for it'. I know many, many rural and regional people, many farmers, who have actually spent their lives working very hard on the land, who scrimp and save, who put all their money back into machinery, into improving the quality of their herd, but have got that dream of taking that car eventually, when they are at retirement age, and going around Australia and being one of those grey nomads. Well, those people that have scrimped and saved, that have provided tax to this government and to previous governments for decades, now have an extra tax on top of their LandCruiser, for example. When the Treasurer was asked about this and was told, 'They've been saving up for 20 years for this', he said to them, 'Get a life'. What seems like a joke to the government and indeed our Treasurer may not be taken so lightly in country Victoria. It means some penalties there for our rural and regional communities.

One example I would like to highlight and spend a bit of time on today is the gold mining royalty or tax. This was introduced at a rate of 2.75 per cent in this year's budget. The gold industry is a very important and profit-raising but community-valued industry across regional Victoria. This tax has done little but threaten those jobs and put downward pressure on investment opportunities for companies seeking to increase and expand their exploration. Mining across the state employs almost 12 000 Victorians and supports 88 000 extra jobs in terms of that supply chain of medium-sized and small businesses in mining equipment, technology and services. We know that it is often those down-the-supply-chain businesses that really also contribute to our taxes and investment in our communities and towns. It provides a strong economic return to the state in relation to mining licences, which cover only 0.2 per cent of our land size.

Minerals and metals support around 4 per cent of Victoria's gross state product, GSP, with a combined economic contribution to Victoria's economy of at least \$13 billion. Ballarat, Stawell and Fosterville communities certainly benefit from the investment that companies make in terms of our goldmines. Fosterville is a really great story insofar as they have reinvested half a billion dollars of investment into those mining operations in order to find and access that mother lode that they have. The companies and the population of Bendigo and surrounds are really feeling the positivity of that investment. The Ballarat goldmine is another example of a regional employer and has roughly 220 employees and contractors. Local mining companies have been just so blindsided by this government's move, as has the Minerals Council of Australia.

It was fortuitous that this bill was coming up, because the Nationals ended up having breakfast with the minerals council this morning to get a bit of a run-down as to how they see the kaleidoscope of what this is going to create in terms of their representatives and their businesses. James Sorahan, the new Victorian director, has said:

The Andrews Government has not consulted or listened to regional communities that rely on highly paid, high skilled jobs that mining delivers in Victoria.

One of the key facts about the mining industry is that without a doubt it can often happen underground, in terms of goldmines. But it is a really good contributor in terms of the wages that it pays back. It is 65 per cent higher than the average pay in that sector in terms of investment back into wages. There is also a very young market, but they are not capturing just young people. They are prepared to take people who have had experience in other ways in this industry and have had other life experiences. So it is very open, with a broad and diverse range of people that can get involved and become part of the mining industry.

The Minerals Council of Australia also looked into and assessed, I guess, the ranking of Victoria in terms of what Victoria is doing in investment. The Fraser Institute, in its investment attractiveness index in its annual survey of mining companies, ranked Victoria 43rd out of 83 jurisdictions across

the world. So how interested are people going to be in Victoria when we are ranked only 43rd out of 83 jurisdictions?

The reality is that this tax will become a disincentive for other external, overseas investment companies or indeed smaller companies within Australia. What happens with these sorts of taxes is that for a company that may be operating currently in the state, part of the way of continuing to explore and sustain that investment and the livelihood of that company is to create exploration opportunities. In any business, when you are being hit with a tax, you ask, 'How can I continue to survive in this industry?'. It is often by withdrawing those non-essential services or non-essential activities. So this could actually mean a reduction in exploration, when we need in this state a continuation of and support for those companies that will explore, find and develop new lodes.

The other point I would like to make is that when the Treasurer talked at the Melbourne Press Club about this gold tax and he was asked why he had imposed a new gold tax, he said simply, 'Because I could'. The frustration that the minerals council and others are talking about is that there was no proper consultation. To that point, the minerals council have gone to a key fact about the lack of consultation but also to how this royalty or tax is flawed. I will quote the document that they provided to me this morning. It is flawed because:

Victoria would have a higher gold royalty than Western Australia—the biggest gold mining state
... it does not reflect the varied risk profiles ... underground operations of Victoria's mines—

or the unique need for ongoing exploration to sustain goldmines, the point I just raised. Also, the lack of transitional arrangements for start-up mines 'amounts to a retrospective tax damaging Victoria's reputation as an investment destination', and:

Revenue raised ... is not devoted to the regions ... despite effectively being a tax on the regions.

One thing that WA have certainly got right in past years is that they had a royalties to regions tax, so the money that was made in the regions was used to develop infrastructure, including homes, towns and schools—important value-adds to our regions in WA.

This tax is going to be taken by the Treasurer and by this government, and shoved straight back into Melbourne to fund all these activities happening in Melbourne. And certainly we know that this government's track record on infrastructure investment in this year's budget alone is shocking in terms of rural and regional investment, particularly in the transport sector where we take up 25 per cent of the population but we have got 4 per cent of that investment in terms of infrastructure upgrades et cetera.

I find the one most consistent thing about this government is that they consistently do not consult. They have not consulted with the CFA in terms of the bill that was diabolically passed earlier this year. They have not consulted with the primary care partnerships, our primary care networks and the like. They have not consulted with Minerals Australia. And yet only yesterday we had Jaclyn Symes, the Minister for Resources, trumpeting how great their work is in terms of gold and gold investment. Well, I would like to see her actually communicate prior to introducing legislation.

In relation to this bill, I would just like to communicate that I certainly support Mr Rich-Phillips's opposition to clause 8. I think it is eminently sensible of Mr Rich-Phillips, as usual. The Liberals, and The Nationals in particular, will be opposing this bill.

Business interrupted pursuant to sessional orders.

The PRESIDENT: Now is the time for questions without notice and ministers statements, but before I call for the first question I wish to welcome in the gallery a delegation from the Nauru Parliament, which is led by the Speaker, the Honourable Marcus Stephen. Welcome.

Questions without notice and ministers statements

COMMUNITY CHEF

Ms CROZIER (Southern Metropolitan) (12:00): My question is to the Minister for Health. Minister, I refer to the troubled organisation Community Chef and the recent awarding to them of a substantial government contract. As you are aware, Community Chef has been embroiled in an investigation involving Dandenong council, the Department of Health and Human Services and I Cook Foods, whereby all 96 charges against I Cook Foods were dropped. Minister, isn't it a fact that the government has bought out or will buy out the troubled Community Chef due to its significant financial debts and to cover up the government's awarding of a substantial government contract?

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:01): None of that is correct.

Ms CROZIER (Southern Metropolitan) (12:01): Thank you, Minister, I appreciate your answer. So Minister, in saying that, can you confirm that Community Chef is the only bidder for the contract at the new Joan Kirner Women's and Children's Hospital?

Ms Mikakos: On a point of order, President, the supplementary is again unrelated to the substantive question that the member has asked, and I seek your guidance on this one.

The PRESIDENT: I think there is a relationship to the substantive question. Minister, I ask you to answer the question.

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:02): Thank you very much, President. The member should be aware, but clearly is not aware, that tender processes in relation to catering activities for health services are undertaken by those health services. And that would be the case in this instance in terms of Western Health undertaking a tender process for catering activities at the Joan Kirner Women's and Children's Hospital.

YARRAVILLE TRAIN STATION CAR PARKING

Dr CUMMING (Western Metropolitan) (12:03): My question is to the minister for transport, and it is in relation to the unused VicTrack land—

Mr Jennings interjected.

The PRESIDENT: Order! Leader of the Government! Would you like to ask your question from the start, Dr Cumming?

Dr CUMMING: Thank you, President. My question is to the minister for transport, and it is in relation to the unused VicTrack land near Yarraville station. Does the government have plans to repurpose this land to relocate parking from the level crossing approach to Yarraville station? Not all level crossings can be removed, and the Yarraville crossing is one such example. It is also one that has had regular near misses as well as several tragic accidents. The road narrows and has a slight rise, just enough to significantly hamper a driver's view of whether the traffic in front of them is clear. The removal of parking approaching either side of the crossing and creating alternative parking on the VicTrack land that is unused and undeveloped is a potential opportunity to improve safety at this popular destination.

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:04): I thank Dr Cumming for her very detailed question. I feel more familiar with the area than perhaps I did a minute ago, when she started asking the question. I will seek a hopefully equally detailed response from the responsible minister.

Dr CUMMING (Western Metropolitan) (12:04): I thank the minister for her response. I raised this question previously, and I did not receive a detailed response. Therefore I am doing another detailed

question. If this is not in the government's plans now, how is the government going to address the need for a safer and more effective crossing for both pedestrians and motorists, knowing that the council cannot remove the on-street parking on the approach to the Yarraville level crossing until the VicTrack land has been reconfigured and used for parking purposes? And with my last 20 seconds: could there be some level crossing money used for this purpose in Yarraville?

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:05): On the question of the Level Crossing Removal Project and its budgets, I will need to also confer with the Minister for Transport Infrastructure to provide a response to that part of the question. But I recognise Dr Cumming's deep knowledge of the community that she is advocating for in respect of this area and this proposed solution, and I will provide a response with some support from both my colleagues in the transport department.

The PRESIDENT: So, as far as the Minister for Transport Infrastructure goes, will you gain advice outside what is prescribed in the standing orders?

Ms PULFORD: Yes, sure.

MINISTERS STATEMENTS: ADULT COMMUNITY EDUCATION

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:06): Today is a historic day for adult community education in this state. At lunchtime today I will officially launch the ministerial statement on *The Future of Adult Community Education in Victoria 2020–25*. The ministerial statement will give the sector the acknowledgement and recognition it deserves as a key part of Victoria's post-secondary system. It will properly define the sector's role in supporting those in Victoria who most need foundation education and training to support their participation in work and further study and to participate in the local community as valued citizens. The statement will also set out ambitious goals for the Adult, Community and Further Education Board to deliver on in order to realise the vision put forward.

The ministerial statement has come about as a result of widespread consultation with the sector, culminating in the ACE Summit that I hosted in the middle of the year. This will be the first time since 2004 that a Victorian government has released a ministerial statement on adult community education. It was a Labor government that recognised the value of the sector last time, and it is again a Labor government that is giving adult community education the recognition it so rightly deserves. I regularly visit adult education providers and see firsthand the transformational impact that they have on people's lives. While we still have work to do, I am proud that this government has put record funding into the adult community education sector. I look forward to working hand in hand with the sector to deliver the ministerial statement and continuing Victoria's work to be the Education State.

Ms Wooldridge: On a point of order, President, under standing order 5.14, ministerial statements, there is a form in relation to the minister notifying the opposition in relation to ministerial statements 2 hours in advance of the debate being undertaken in the house. I seek some clarification as to whether that constitutes notification from the minister of a ministerial statement under the standing orders.

The PRESIDENT: Thank you, Ms Wooldridge. I was looking at that standing order just before question time, and the way I interpret it is that it is a completely different procedure to what has been prescribed in the change to the sessional orders to interweave 2-minute ministers statements into question time.

Ms Wooldridge: Further on the point of order, does that mean that the minister is not doing a ministerial statement or is doing a ministerial statement? She said she was undertaking a ministerial statement, which has a very clear process outlined under the standing orders.

The PRESIDENT: I think the semantics of it are that statements interweaved during question time, in between questions, are called ministers statements, not the prescribed ministerial statements. I know

people might be laughing, but I have to say that we all own this book, not just me. We had an opportunity to adjust it at the start of the year, and that is exactly what is prescribed in the standing orders.

Ms Wooldridge: Sorry, President, but the minister got up and used her ministers statement to announce that there would be a ministerial statement. Ministerial statements are a longstanding process in this Parliament and are prescribed under standing order 5.14. I am just trying to seek clarification if it is actually a ministerial statement or it is not a ministerial statement.

The PRESIDENT: My understanding is that the minister was flagging she was going to make a statement external to the Parliament. Getting back to what is prescribed with the change to the sessional orders, during question time ministers are invited to make a ministers statement, and what is prescribed in the standing orders around ministerial statements is a different process. But, Ms Wooldridge, I am happy to go away and consider your points of order, and if we need to do a definitive ruling to clear up any concern, I am happy to do that. I always invite ministers to make a ministers statement in question time, which has been prescribed. As I said, we all own this book, not just me, and that is what it prescribes.

TIMBER INDUSTRY

Mr O'DONOHUE (Eastern Victoria) (12:12): My question is to the Minister for Agriculture, Minister Symes. Minister, I refer you to a recent VicForests video which was being promoted at the Royal Melbourne Show which, as a government agency, was I assume reflecting government policy just six weeks ago. The video says of native timber harvesting, and I quote:

Native timber is the ultimate renewable resource. The products and regrowth lock up carbon and contribute to helping counter climate change.

Minister, noting that the VicForests video of only six weeks ago discusses at length the long-term sustainability of the native timber industry, what new information has the government received in the last six weeks that made it completely change government policy and throw the industry on the scrap heap?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:12): I thank Mr O'Donohue for his question. Mr O'Donohue, the government have made a decision—a very difficult decision—for a transition out of native timber into plantation timber, and we have explored that at great length in this house. What I can inform you is that in the past decade there has been about a 50 per cent reduction in the availability of native forest fit for harvesting. The impacts of bushfires, increased difficulty in accessing the timber and greater environmental protections have all had an impact on the availability of forest suitable to harvest D-grade timber. This is not an easy decision, but the timber is not there for a sustainable future of the native timber industry. We want a sustainable forest industry. Native timber is not the future. We are providing four and a half years of certainty for existing people in the business, and we are providing transition services for all of those that are impacted so that they can transition to plantation or indeed to other industries.

Mr O'DONOHUE (Eastern Victoria) (12:14): I note that the minister did not actually answer the question about what has changed in the last six weeks, but I ask by way of supplementary: Minister, the government gives every appearance of being at odds with its own agencies regarding the carbon sequestration impact of the native timber industry. Will you table in this house all the government's assumptions, analyses, assessments and conclusions underpinning its announcement of the carbon impact of its policy to end native timber harvesting?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:14): I am not exactly sure that that supplementary is apposite to the substantive question, and in fact—

Members interjecting.

The PRESIDENT: Order! The minister has got the call.

Ms SYMES: And on that basis, the documents are not a matter for me, so even if I was able to answer, it is a matter for another minister, Mr O'Donohue.

TIMBER INDUSTRY

Dr RATNAM (Northern Metropolitan) (12:15): My question is for the Minister for Resources. Minister, I welcome the decision the government has made to end native forest logging in Victoria, along with the very important transition plan. It is the right decision. However, we are concerned the Leadbeater's possum could actually be under greater risk, with the opening of the moratorium reserves for logging in exchange for other parts of less important habitat. We understand that to maintain current supply levels logging over the next five years is likely to be even more concentrated in the mountain ash forests of the Central Highlands and that the immediate protection areas include very few of the areas that are currently slated for logging, leaving areas of Leadbeater's possum habitat at immediate risk of destruction. Can the minister inform the house how many hectares of Leadbeater's possum habitat will be opened up for logging under this plan that was not previously available for logging?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:16): I am most confused by this question because you addressed it to me as the Minister for Resources. There was reference to the moratorium on gas. Now you are talking about—

Dr Ratnam interjected.

Ms SYMES: Right. And now you are asking me about the Leadbeater's possum. I reckon the best response to that is for me to take it on notice, because I need to work out exactly what you are asking.

Dr Ratnam: I am happy to repeat the question. Was it the noise level? I asked about the Leadbeater's possum habitat.

The PRESIDENT: The minister offered to give you a written response.

Dr RATNAM (Northern Metropolitan) (12:17): Minister, making sure workers and communities are treated fairly in the transition away from native forest logging is obviously incredibly important. Can the minister clarify whether workers and business operators who want to start exiting the industry now will be able to receive transition funding immediately and, if they do so, whether logging volumes available will then be reduced to match or whether those logging areas will just be logged by someone else, resulting in no net benefit for the environment?

The PRESIDENT: Dr Ratnam, the supplementary was not apposite to the substantive question. I am happy to give you another crack at trying to ask the supplementary.

Ms Symes interjected.

The PRESIDENT: Minister, I am always happy to give someone another go.

Dr RATNAM: Minister, can you clarify whether workers and business operators who want to start exiting logging of Leadbeater's possum forests will now be able to receive transition funding immediately and, if they do so, whether logging volumes available will then be reduced to match or whether those logging areas will still be logged by someone else, resulting in no net benefit for the environment?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:18): I need time to decipher all of your questions. I am going to take them on notice, and I will get you a written response.

MINISTERS STATEMENTS: VICTORIA GRANTS COMMISSION

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:18): I am pleased to update the house on the Victoria Grants Commission's annual report. The report, which has been tabled, provides a comprehensive summary of the methodology used by the commission in allocating \$616 million in federal financial assistance grants to Victorian councils. The 2019–20 financial assistance grants comprise \$456 million in general purpose grants and \$161 million in local roads grants.

The joint parliamentary inquiry into the sustainability and operational challenges of Victoria's rural and regional councils recommended that the proportion of financial assistance grants distributed to councils based on their population be reduced so that a larger proportion can be distributed based on council needs. The commission has done this by refining its allocation methodology for 2019–20 to give greater recognition to the needs of councils with dispersed, part-time and low populations. Rural and regional councils benefiting from major funding increases for 2019–20 include Buloke shire, which received a 5.5 per cent increase from last year; Hindmarsh shire, which received a 7.2 per cent increase from last year; and West Wimmera shire, which received a 10.1 per cent increase from last year. This change ensures that financial assistance funding is directed to small rural councils.

TIMBER INDUSTRY

Ms BATH (Eastern Victoria) (12:20): My question is to the Minister for Agriculture. Minister, the effects of your plan to close the native timber industry are already being felt. Steve Garrett and his partner, Scott Ferguson, operate Hardwood Forest Products, a 30-year-old forestry equipment business that services the native timber industry. How is it fair that overnight and without warning you stole away the livelihoods of Mr Garrett, his business partner and their six employees that they cannot afford to keep?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:20): Ms Bath, this is not happening overnight. We have provided certainty until mid-2024. I reiterate that all mills will have their contracts extended to 2024, so those that are servicing mills will have work until 2024. We will have intensive consultations and support and transition whilst we transition from native timber to plantation timber. Regional Development Victoria and VicForests are on the ground, consulting directly with impacted people—all businesses that are impacted. I would encourage Ms Bath to make sure that anybody who has not already been contacted and feels that they should be contacted lets me know, because I certainly want face-to-face consultations with all impacted people as part of the decision. This is not something that is going to happen overnight. This is providing four and half years of certainty, and out to 2030 there is support for people available to transition in any way that they think is best for their business.

Ms BATH (Eastern Victoria) (12:22): I thank the minister for her response. Well, it is fortuitous that you have just said that you are willing to meet with those people, because they are in the Parliament today, so you will be able to have the opportunity to speak to them face to face. Mr Garrett's business is just one of hundreds of frontline casualties that are already feeling this impact. What assistance is available right now to those businesses and their employees who have lost their livelihoods and jobs overnight because of your cruel decision?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:22): Ms Bath, I can inform you that right now you can access grants of up to \$25 000 per business to engage appropriate professional services to develop a business response plan. This is what I am talking about in terms of being able to sit down with people to plan your future. You will have an opportunity to retool if you wish to transition into plantation timber. You will have opportunities to consider a range of transition for your business and for your staff. If you want to transition into plantation, we have a \$10 million innovation fund which is going to be looking at all of the new innovations that are available out there for timber products. There are some very exciting

things out there in terms of engineered wood and the like. We have four and half years of working with people to make sure that they have the greatest opportunity to make business decisions that suit them, their staff and their communities.

SAFER CARE VICTORIA

Mr QUILTY (Northern Victoria) (12:23): My question is for the Minister for Health. Safer Care Victoria, a government agency, recently convened an expert panel to consider issues related to paediatric chiropractic. The panel received 22 000 patient submissions from members of the public who had used these services. The submissions were 99.7 per cent positive. The panel also reviewed patient complaints, insurance claims data and medical literature for evidence of harm from paediatric chiropractic and found literally none. The recommendations provided by the panel do not seem to follow from the evidence provided. The recommendations seem to be intended to crack down on chiropractors, physios and other alternative health providers who provide safe and effective treatment. Will the minister tell us why a crackdown was recommended despite the evidence showing a safe and effective industry that satisfies customers?

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:24): I thank the member for his question. Firstly, I think what is implicit in that question and the way that it was framed by the member is really an attack on Safer Care Victoria, and I absolutely reject that. I take this opportunity to thank Professor Euan Wallace and Safer Care Victoria for this very important report that was recently considered by the COAG Health Council.

Can I say at the outset that the issues that came to light that led to me requesting this review related to a particular Victorian chiropractor undertaking a particular practice of spinal manipulation on an infant. I think the member may well recall the media attention that that matter received at the time. The review that was undertaken by Safer Care Victoria also involved input from a panel that included representatives from the chiropractic profession as well as consumer representatives, and it did give the community an opportunity to provide input. In fact, as the member alluded, there were a lot of submissions that were received and, yes, they were very favourable of parents being able to choose to access this type of treatment. It was very clear from the reports that I had that consumers were being encouraged by chiropractors in their clinics to send me and Safer Care Victoria pro forma submissions. So be it; that is fine. And of course members of the community are very entitled to express their view, but it is very important that we are very clear about this—that this was never intended to be a popularity contest. These are issues around safety and quality, and they are the issues that Safer Care Victoria worked on to address. I thank those members of the community who did provide input.

I am able to give you some more information about the findings. The review identified that there was poor evidence to support the use of spinal manipulation for the treatment of a number of specific conditions. In the absence of evidence of effectiveness, Safer Care Victoria took a first-do-no-harm approach in recommending against performing spinal manipulation on children under 12 years of age. The recommendations of the review both respect a parent's or guardian's right to choose appropriate healthcare options for their child whilst ensuring that children, particularly the young who are less able to communicate adverse effects, are safe. This review has provided valuable information to parents and guardians to help them to make informed choices into the future. *(Time expired)*

Mr QUILTY (Northern Victoria) (12:28): In March the government promised the COAG Health Council that this review would be independent. I have now heard that the recommendations from the panel were actually rewritten after the review was completed without the knowledge of the panel or any further consultation. It is essential that independent reviews establish and stick to procedures to ensure that they maintain credibility. When stakeholder engagement is ignored and recommendations are arbitrarily rewritten, the credibility of recommendations is damaged. There are now suggestions that this review was tainted by bias because it deviated from the agreed method and abandoned the evidence. Were the recommendations of the Safer Care Victoria review into paediatric spinal manipulation rewritten after the panel had provided them?

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:28): I absolutely reject that assertion. I think that is a terrible slur on Professor Euan Wallace and Safer Care Victoria, which was established by our government to provide a clear focus on safety and quality in our health services. This process was never about a panel report or a panel review. It was not designed to be written by the panel. It is a report that was written by Safer Care Victoria, and the panel members understood that. I think it speaks volumes that this report was received and considered by the COAG Health Council with representation across the political divide just a couple of weeks ago, and the COAG Health Council have now asked the Australian Health Ministers Advisory Council to consider the findings and the recommendations of the review and provide further advice to ministers.

I can understand that there would be members of a profession, particularly the chiropractic profession, who are not happy with this report. I understand that, but I think it is very unhelpful for them to seek to attack the people who have undertaken a very thorough process. The findings that they have found about the lack of efficacy and claims that are being made are concerning, and I think that parents are entitled to know about the lack of efficacy. *(Time expired)*

MINISTERS STATEMENTS: BIRREGURRA-FORREST-COLAC-LORNE-DEEPDENE ROADS, BIRREGURRA

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:30): My ministers statement today is about a roundabout at Birregurra—

Ms Tierney: Yes!

Ms PULFORD: an intersection well-known to Ms Tierney and no doubt to other members representing Western Victoria. It is a roundabout of some notoriety, and this project is all about improving safety at the intersection of Birregurra-Forrest Road, Colac-Lorne Road and Deepdene Road. There have been a number of crashes at this site in recent years. Indeed one of the very first things that I had the opportunity to do in this portfolio was to visit this intersection to announce the funding for a new roundabout. At the time, I noted that there had been seven crashes at the site over the preceding five years, including one tragic incident in which an individual lost their life.

The new roundabout will improve safety for drivers by helping to control and lower the speed of vehicles on approach to the intersection, while also reducing the risk of cross-traffic and rear-end crashes. In recent weeks crews have been working hard to establish the site compound, including clearing vegetation to pave the way for major construction. Of course proceeding that there was quite a long and involved process working with landowners on all adjacent properties.

This week we are commencing the first stage of bulk earthworks. These earthworks on all approaches will help to provide better sight distances, with more than 15 000 cubic metres of soil to be moved to help level the intersection. The 40-metre diameter roundabout itself will be constructed in sections, and a new asphalt surface will be laid to ensure the road pavement is strong and long-lasting. New kerb and channel will be installed, as well as new lighting infrastructure, line marking and signage. Works are expected to be completed by the middle of next year, and construction will pause between mid-December and mid-January to limit disruption to the many visitors who travel through the region for the busy summer holiday period.

The project is just another example of our government's commitment to smoother and safer roads. Whether it is our record \$425 million investment— *(Time expired)*

ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS

Mr O'DONOHUE (Eastern Victoria) (12:32): My question is to the Leader of the Government. Minister, I refer you to the comments Her Honour Commissioner McMurdo has made in recent months about the cooperation of Victoria Police in providing timely and relevant information to the

Royal Commission into the Management of Police Informants. In particular Commissioner McMurdo stated that moving this commission forward in public is:

... akin to a boxer in a fighting a match with one hand tied behind his back and the other bruised and bleeding.

Commissioner McMurdo further stated:

Delays in the provision of this material in a form that can be made public have hampered the Commission's progress, a concern I have raised expressly with Victoria Police in public hearings.

Now it has been revealed many priority witness statements requested to be filed in March still have not been lodged with the commission, leaving the commissioner to rebuke the Victoria Police barrister by saying that even she and her 'great advocacy can't turn a sow's ear into a silk purse'. Minister, what will the government do to address the commissioner's plea for Victoria Police to cooperate with the royal commission before the commission turns into a Clayton's commission—the commission you have when you do not have a commission—in other words, a complete and utter farce?

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:33): While there is a fair bit in that question from Mr O'Donohue, there is not a lot in it that is directly my responsibility, and he is aware that that is the case. I preface whatever I say to you with you knowing and me knowing that there is nothing formally in my responsibilities in terms of what is available to me to determine this outcome.

Mr O'Donohue: You have answered the question previously.

Mr JENNINGS: In fact I am not avoiding it; I am just making you and the house acutely aware of what the limits of my responsibility are. I do have some interest in the matter, and I share the interests of the commissioner. Indeed on the doors this morning I made some comments that backed in the commissioner's desire to make sure that the royal commission acquits its responsibilities, because even with the challenges of it gathering and assessing the material, I have no doubt that the commission will make significant recommendations and findings in the scope of matters that it is currently considering.

My colleagues in the other place, in terms of the justice ministers, have worked with their agencies to try to make sure that any information that comes from either government sources or the police is provided in a timely and appropriate fashion, and I know that they continue to do so. I support my colleagues in their desire to make sure that the commission acquits its responsibilities and has the relevant information available to it.

Beyond that, I share their concerns. I share the concerns expressed by the commission, and in my previous answers to this chamber I have indicated that it is the government's desire for all appropriate information to be shared with the commission, and the government will work within the appropriate limits in our recognition of the separation of power between the state and Victoria Police in encouraging them to comply with their obligations.

Mr O'DONOHUE (Eastern Victoria) (12:35): Thank you, Minister, for your answer. I note the separation of powers between Victoria Police and the government, as you cite. I also note the protocol that exists between the royal commission, Victoria Police and the state of Victoria that was flagged by the commissioner in the interim report of the royal commission which is supposed to facilitate the management of public interest immunity claims and the production of documents. That therefore, Minister, makes the government—or the state of Victoria and, through it, the government—a key player in the provision of information to the royal commission, notwithstanding the separation of powers that you cited earlier. So given that fact, Minister, what will the government be doing to ensure this important protocol that exists within that tripartite protocol works to ensure the delivery of the key documents requested? Because, notwithstanding what was cited in the royal commission interim report, clearly it is not working.

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:36): In my substantive answer I did acknowledge the intention of the government and the obligations that the government has entered into by those protocols. I did not refer to the protocols in my answer, but in fact I referred to the working understanding between the government, the commission and Victoria Police in relation to those matters. And the government works appropriately within its direct control in terms of the release of information and its influence, encouragement and support of statutory agencies in relation to their provision of information. In terms of the method by which that is undertaken, it is better held in the realm of diplomacy rather than an exploration in the Parliament about the most appropriate way to achieve those outcomes.

COMMERCIAL PASSENGER VEHICLE INDUSTRY

Mr BARTON (Eastern Metropolitan) (12:38): My question is to Minister Pulford, representing the Minister for Public Transport, and I ask: what checks are in place to ensure independent taxis meet the statutory safety requirements for cameras, GPS and duress alarms in their cars? Recently it was reported to me that in a new and disturbing trend in our commercial passenger vehicle industry, drivers are leaving the traditional taxi booking service providers to go out on their own, which is not necessarily a bad thing—it is a good thing—but then when they leave a network the supplied meter, tamper-proof camera, GPS and duress equipment are removed and are either not replaced or substituted with non-compliant equipment. Prior to the reforms, taxis used to be required to undergo a proper taxi roadworthy each year, which checked that all these things were operating appropriately. So I ask the minister: who is checking and what checks are in place to ensure independent taxis meet all safety requirements for commercial passenger vehicles?

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:39): I thank Mr Barton for his question for Minister Horne and for his ongoing advocacy for people who work in this industry and indeed people who are users of these transport services. I will seek a written response from the minister.

MINISTERS STATEMENTS: GOVERNMENT ACHIEVEMENTS

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:39): On the eve of the one-year anniversary of the Danslide, my team have set me a challenge to summarise the year in health and ambulance services in 2 minutes, so start the clock.

We returned the Mildura Base Hospital to public hands. We delivered the biggest ever boost to public hospitals, with a \$2.5 billion boost in this year's budget. We started to roll out free Smile Squad dental vans to all public schools, ahead of schedule. We funded 500 000 additional specialist appointments in regional Victoria. We delivered the shortest ever median wait for public elective surgery—26 days. We started Victoria's voluntary assisted dying scheme and delivered a \$72 million budget boost for palliative care.

We kickstarted a record \$3.8 billion health infrastructure pipeline, including the \$1.5 billion new Footscray Hospital. We opened the Joan Kirner Women's and Children's Hospital. We opened the Northern Hospital's new intensive care unit, a new stroke care unit at Royal Melbourne Hospital and a refurbished intensive care unit at Mildura Base Hospital. We boosted the Regional Health Infrastructure Fund with another \$100 million, and we are getting on with delivering bigger and better hospitals in Ballarat, Bendigo, Casey, Clayton, Frankston, Geelong, Latrobe, Parkville, Shepparton, Sunshine and Wonthaggi. We recorded the fastest ever ambulance response times in Ambulance Victoria's history and opened new stations in Diamond Creek, Preston, Mernda, Tatura, Winchelsea, Swan Bay, Broadford and Bacchus Marsh, and work is underway at Port Fairy and Terang ambulance stations, with more stations to come.

We delivered more than 15 000 baby bundles to first-time parents. We made it easier for families to protect themselves against the flu, with free vaccines for children under five and kids 10 and up able

to get flu shots from a pharmacist. We passed legislation enabling separated women to access IVF without their former partner's consent. We enshrined improved nurse-to-patient ratios into law. We removed discriminatory legal requirements for HIV testing. We passed legislation to close a loophole for tobacco advertising. We invested \$116.5 million into cutting-edge medical research. We became the first state to provide a revolutionary, life-saving new treatment for fighting blood cancers—CAR T-cell therapy. We expanded our landmark medicinal cannabis compassionate access scheme for more of Victoria's sickest children. We are getting on with delivering for all Victorians, because we are a government that puts people first.

WRITTEN RESPONSES

The PRESIDENT (12:41): Can I thank Minister Pulford, who will get an answer from the Minister for Public Transport to Mr Barton's question, and Minister Symes for getting answers to both of Dr Ratnam's questions, in line with the standing orders. Also, Minister Pulford, you have committed to Dr Cumming to get an answer to her substantive question from the Minister for Public Transport, and then, outside of the standing orders, you will see if you can get some extra information from the Minister for Transport Infrastructure.

Mr O'Donohue: On a point of order, President, I submit to you that Minister Symes in her answer to my substantive and supplementary questions was not responsive and failed to answer the questions, and I request that she provide a written answer. I note the minister said in the supplementary that other ministers may be involved in the provision of information, and I am happy for the answer to the supplementary to be provided in two days.

The PRESIDENT: As far as the quote from the minister on the supplementary goes, that was an offer to get further information from other ministers, no?

Ms Symes interjected.

The PRESIDENT: Mr O'Donohue, at the time of the answers and the questions I believed the minister was responsive, but I am more than happy to go to the videotape and get back to the house later today.

Questions on notice

ANSWERS

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:43): There are 15 written responses to questions on notice: 688–9, 722–3, 725, 841, 991–3, 995–1000.

Constituency questions

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:44): My constituency question is for the Minister for Health and it relates to the inadequate car park capacity at Goulburn Valley Health. Parking at Goulburn Valley Health has always been a longstanding issue, and with construction works involved in stage 1 of the hospital's redevelopment currently underway, the situation has become much worse. The population of the Goulburn Valley Health catchment region is growing exponentially each year and more people are visiting the hospital each day. Whether they are patients, family or staff, this is placing even more pressure on already inadequate car parking infrastructure. I was recently contacted by a constituent who is a regular visitor to GV Health and uses the existing car park frequently. He is concerned that the current problems will get worse in the future unless additional car parking infrastructure is provided. Will the minister give a commitment to addressing the parking issues at Goulburn Valley Health by providing additional parking, including the consideration of a multi-deck car park as part of stage 2 of the hospital's redevelopment?

WESTERN METROPOLITAN REGION

Ms VAGHELA (Western Metropolitan) (12:45): My constituency question is directed to the Minister for Small Business and Minister for Local Government, the Honourable Adem Somyurek. My question to the minister relates to his portfolio responsibilities of small business. When it comes to business, language should not be a barrier. Therefore the Andrews Labor government has released translated fact sheets and videos offered by the Victorian Small Business Commission in simplified Chinese, Arabic, Vietnamese, Turkish, Spanish and Dari to support business owners whose first language is not English. The Victorian Small Business Commission provides services in languages other than English to support small business owners, including translation of information on public holidays and long service leave. It also delivers information sessions in languages other than English. My question to the minister is: can the minister provide more information on the languages chosen for the translated services and why these particular languages were chosen?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:46): My constituency question is for the Minister for Energy, Environment and Climate Change. I have often raised my concerns in this house about the impact of the Ravenhall landfill on nearby and some not-so-nearby residents. My concerns will intensify if the government goes ahead with its plan to expand this stinking hole in the ground into a monstrous stinking hole in the ground—one of the biggest stinking holes in the ground in the Southern Hemisphere. I continue to receive complaints from locals about the stench emanating from the Ravenhall landfill, often from people who have suffered physical illness as a result of exposure to this stinking tip. Minister, what are you doing to protect my constituents from the stinking hole in the ground that is ruining their lives?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:46): My constituency question is for the Minister for Roads. It is about the longstanding desire of my constituents in Yarrawonga and surrounding areas for a new Yarrawonga-Mulwala bridge crossing to be constructed, particularly on the green route location alongside the existing railway line. I ask the minister, especially in the wake of a visit to the area and public comments from the Deputy Prime Minister on 1 November, if she will now join the federal government and the Moira and Federation councils in committing to funding this project. Alternatively; if not, why not?

EASTERN METROPOLITAN REGION

Ms WOOLDRIDGE (Eastern Metropolitan) (12:47): My question is to the Minister for Roads and Minister for Road Safety and the TAC and relates to the busy roundabout intersection of Blackburn Road and Railway Road in Blackburn. The former member for Box Hill, the Honourable Robert Clark, presented a petition in the Legislative Assembly on 20 September 2018 signed by residents, constituents and business owners calling on the Victorian government to improve safety at the intersection. Over a number of years both Mr Clark and I have been regularly contacted by locals concerned about pedestrian safety at the roundabout. This roundabout is also right where my office is located and even my own staff are concerned. They have been forced to play chicken with the traffic. The pedestrian crossing is located less than 5 metres from the roundabout and despite 'Keep roundabout clear at all times' signs at the intersection, cars and buses regularly block and are stranded in the intersection. This results in blocking traffic turning into Blackburn Road as well as cars failing to stop at the pedestrian crossing. Both Blackburn Road and Railway Road are very busy, especially during peak hours. I ask the minister to investigate. Will the minister investigate making this intersection, both the roundabout and the pedestrian crossing, safer as a matter of priority and confirm if there is an accident record at the intersection?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:48): My constituency question is for the Minister for Transport Infrastructure. Will the minister delay the final decisions on the three level crossing removals at Cherry Street, Werribee Street and Hoppers Crossing in my community until after the inland rail study between Beveridge and Tottenham is complete in June 2020? I have been contacted by the Wyndham Infrastructure Network who, on behalf of many in the community, have raised comprehensive and logical concerns about the projects. On a local level the preferred plans do not appear to offer the best solutions to my community for traffic or business, nor are they the most cost-effective for Victorian taxpayers. It is also likely that decisions on the inland rail project will also have implications for this rail line. I ask the minister to postpone the projects until we can be sure that the solution is best for the future of my community in Wyndham.

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:49): My constituency question is to the Minister for Agriculture. This week both East Gippsland Shire Council and Latrobe City Council and their councillors have moved a motion to push back against your decision—your appalling decision—to shut down the native timber industry. East Gippsland council included a direction to rescind the decision based on the fact that there was no rationale and no basis for this decision and unethical policy. The Latrobe City Council expresses disappointment in incorrect statements in the recent communications about the decision and highlights the impact on Gippsland and the ramifications for Gippsland into the future. They also request that the Premier and the Minister for Agriculture meet with them. My question is: when will you, as Minister for Agriculture, meet with the local government networks, including those in East Gippsland and the Latrobe Valley?

SOUTH EASTERN METROPOLITAN REGION

Mr LIMBRICK (South Eastern Metropolitan) (12:50): My question is to the Minister for Planning. It is a pretty long commute from Frankston to the Melbourne Airport. The Committee for Greater Frankston, the south eastern metro group of councils and the Victorian Chamber of Commerce and Industry have all espoused the benefits of a new airport in the region. Indeed the government's own *Plan Melbourne* strategy documents recommend it as action 49. This new airport would service one-third of Victoria's population and provide over 7000 ongoing jobs and billions of dollars in economic benefit. There are few projects that could provide as much benefit to the constituents of the South Eastern Metro area. Better still, in 2017 Paragon Premier Investment Fund secured \$7 billion of backing to proceed. What work is being done by the government to allow this important project to move forward?

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:51): My question is for the Minister for Local Government. I am aware, as I am sure he is, that the Municipal Association of Victoria (MAV), a group I generally have high regard for, has a plan to charge rates to every private school in Victoria, thereby forcing parents of those many schools to pay higher fees. In Southern Metro—my electorate and Ms Crozier's electorate—there is a great concentration of private schools, including independent schools, Catholic sector schools and others. Parents scrimp and save and seek to get a very fair way forward for their children. They pay for this education. What I ask is: will the minister provide a guarantee that neither he nor the government will support the MAV's plan to increase taxes on every private school in Southern Metro?

SOUTHERN METROPOLITAN REGION

Mr HAYES (Southern Metropolitan) (12:52): My question is to the Minister for Planning. I refer the minister to the minimum garden ratio component of the neighbourhood residential zone. This was intended to mitigate the removal of the limit of two dwellings constructed per lot. The original intention was to retain 25 per cent to 35 per cent of each separate lot as garden space in a new development. Constituents in Tiuna Grove, Elwood, are very concerned about a VCAT decision known as the Clayton Gardens decision, made in July, which absolutely undermines the intention of the minimum garden ratio. The Clayton Gardens decision now allows multiple lots to be built or combined into what is called a 'planning unit' for the purpose of the minimum garden ratio. If it stands, it will have significant negative outcomes for green open space and promote excessive densities in future developments, to the detriment of our neighbourhoods. Will the minister reinstate the original intention of the minimum garden ratio and stop this rort?

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:53): My constituency question is to the Minister for Housing and relates to a hostel operating in the area of St Kilda in my electorate of Southern Metro. It has been raised with me by a number of people. St Kilda Hostel is located on Carlisle Street, a location infamous for its reputation as a hotbed of criminal activity, rather than being a hospitable location for travellers. In recent months call-outs to police concerning drug use, violence, the breaching of intervention orders and theft, amongst other crimes, have been relentless, with police targeting the location in a recent crackdown. The effects of these crimes are echoed in many of the negative reviews of the hostel online by travellers. Most concerning, however, are recent reports that a woman fleeing a domestic violence situation and seeking crisis accommodation was placed in this location by housing agency Launch Housing. The woman recounted her experience as a night of absolute horror in a filthy room infested with rodents and cockroaches, with people under the influence of drugs and alcohol banging on her door and yelling. I ask the minister: why are vulnerable women who are fleeing domestic violence situations being sent to these horrific and clearly unsafe locations, and what are you and your department doing to ensure that they have suitable crisis accommodation in their time of need?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:54): My constituency question is for the Minister for Housing. Can the minister provide figures showing how much government regulations, planning restrictions and other red tape contribute to the cost of housing in Benalla and other northern Victorian cities? Since 2014 the number of families in the Benalla area on the social housing waiting list has increased by 62 per cent. There will always be some amount of people who need a place to stay while they get back on their feet, but a growing list indicates a different problem. State and local red tape is driving up the cost of housing. Reports released this year suggest that red tape can make up to half the total cost of a new house. The mountain of fees and charges on new housing is driving a shortage and pushing people onto public housing waiting lists. This year the government has locked in new building permit taxes, stamp duty increases and engineer licensing bureaucracy. Government red tape is driving the housing crisis.

Sitting suspended 1.56 pm until 2.04 pm.

Bills

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019

*Second reading***Debate resumed.****House divided on motion:***Ayes, 25*

Barton, Mr
 Bourman, Mr
 Elasmir, Mr
 Erdogan, Mr (Teller)
 Garrett, Ms (Teller)
 Gepp, Mr
 Grimley, Mr
 Hayes, Mr
 Jennings, Mr

Kieu, Dr
 Leane, Mr
 Maxwell, Ms
 Meddick, Mr
 Melhem, Mr
 Mikakos, Ms
 Pulford, Ms
 Ratnam, Dr

Shing, Ms
 Somyurek, Mr
 Stitt, Ms
 Symes, Ms
 Taylor, Ms
 Terpstra, Ms
 Tierney, Ms
 Vaghela, Ms

Noes, 13

Atkinson, Mr
 Bath, Ms (Teller)
 Crozier, Ms
 Cumming, Dr
 Davis, Mr

Finn, Mr
 Limbrick, Mr
 Lovell, Ms (Teller)
 O'Donohue, Mr

Ondarchie, Mr
 Quilty, Mr
 Rich-Phillips, Mr
 Wooldridge, Ms

Motion agreed to.**Read second time.****Committed.***Committee***Clause 1 (14:12)**

Ms MAXWELL: I would like to ask: what is the government's current position on the idea that has been floated for a few years now by the legendary Kevin Sheedy of a state-approved Anzac Day lottery to be run alongside the annual Essendon-Collingwood match? I hate saying that word 'Collingwood'. I would add that it also has the very strong backing of Eddie McGuire and the RSL, as well as Derryn Hinch's Justice Party. We too like the idea as it would almost certainly raise many millions of dollars in proceeds that that could flow directly to our veterans.

Mr JENNINGS: I thank Ms Maxwell for her question. The forms of the committee sort of discourage me from answering your question, but I will do my best to answer it. Under normal circumstances it is unwise for a minister to start answering questions outside the scope of a piece of legislation—very unwise—as it may lead to hundreds of hours of the committee's consideration—

Mr Finn: Are you getting a whacking from some of your colleagues?

Mr JENNINGS: No, no, no, I am doing this to myself. Sometimes I allow a degree of licence that I am sometimes punished for by encouraging people to go outside the bill. Having said that, the other limitation that I have is that I have not participated in any process within government that has made a determination about the question you asked me. I do not have the luxury of having a personal view when I am here formally. I informally convey it quite a lot, but formally I am not able to on this occasion.

What I can say is that the spirit and the intent in terms of the outcome of supporting the RSL, supporting Legacy, supporting other ways in which we could provide support to veterans and families who have lost their loved ones is a point well made, and it is a point which is consistent with what is

in the bill, which is an apportionment of revenue to make sure that there are some guarantees for funding that goes into the Anzac Day Proceeds Fund.

In spirit and philosophically we are well disposed to the outcome. In terms of the means by which that may occur, I think I would have to allow conversations within government before I could confidently give you an answer one way or the other about whether the government supports such an initiative. We do know that there are prominent members of the community who have advocated for it, and we understand their motivation and their spirit and we support that motivation and spirit.

No question put pursuant to standing order 14.15(2).

Clause 2—no question put pursuant to standing order 14.15(2).

Clauses 3 to 7 agreed to.

Clause 8 (14:16)

Mr RICH-PHILLIPS: I foreshadowed in the second-reading debate that it is my intention to oppose the adoption of clause 8. Clause 8 is the clause which seeks to give retrospective endorsement to the changes that have just been made by clause 7, which are quite technical in nature but in essence relate to the description of what is an insurer for the purposes of insurance duty and in particular the application of insurance duty to offshore insurers who are insuring risks within Victoria. Clause 8 seeks to make that change retrospective back to 2014. On that basis the coalition will oppose clause 8. I would just like to ask the minister to clarify whether it is the government's intention that through clause 7 and clause 8 new revenue will be raised by these measures as opposed to perhaps confirming existing revenue.

Mr JENNINGS: I thank Mr Rich-Phillips for clarifying that for me but also for the committee and anybody who may understand the issues that we are talking about. First of all, I am pleased that the opposition and other members of the chamber have indicated that they support the mechanism that has now been adopted under clause 7, which provides greater clarification of the intentions of the government of the day in 2014, which made amendments to the Duties Act which have been subject to legal advice that may indicate that certain duties that have been applied under that definition may be successfully challenged legally. The intention of the government today through clause 7 and through clause 8 is to ensure that the intention of the law prior to 2014—that it was the Parliament's intention in 2014 to preserve—is preserved. So that is the intention of our actions today.

In relation to clause 8 and your question, the government is acting in a way to ensure that the Parliament's intention is maintained if and when there are legal proceedings, and the potential for legal proceedings, to retrospectively have duties that have been paid paid back to people on the basis of what may be interpreted as being a loophole in the legislation. It is an interesting concept that we are actually teasing out at this moment—which retrospective application are we talking about? The government's intention is to allow the law to be maintained in the way that it previously applied before 2014 and was the Parliament's intention from 2014 until now. It was never the government's or the Parliament's intention for any revenue that had been derived during that period of time to be at any point in the future subject to retrospective repayment; the government's actions today are to prevent that from occurring.

There is nobody at the moment who has any legal opportunity to reclaim that money, even though they may have some legal advice that may mean they are optimistic about their ability to reclaim that money. So it is an interesting application of the word 'retrospective'. From the government's perspective, we are merely ensuring that revenues that have been legally obtained, with the spirit and intention of the Victorian Parliament, are maintained to be used by the public service and public administration rather than being potentially returned to those who were always liable for this payment but may have been able to, through a loophole, avoid payment of those duties. So that is one answer to your question.

There is another answer to your question: it is not the government's intention to generate additional revenue into the future with this clarification and the application of this bill. In fact the government believes that if this bill passes in the form that it is, it means that not only has the revenue base been protected and the revenue stream into the future protected, but if your proposed amendment, Mr Rich-Phillips, is successful, then there will be an impact potentially on both the retrospective application of claims made and potentially into the future for further claims, which would erode the revenue base of Victoria. Indeed because that revenue is then allocated and used in forms of the appropriation, it may adversely impact both the appropriation retrospectively and prospectively. The government believes that for those reasons the application of our bill is the best way to preserve the intention of the revenue stream and the validity of the revenue stream, and indeed to protect the appropriation of both this current financial year and future financial years in relation to what has been attributed to these revenues as contributing to the forward estimates of the state of Victoria.

Mr RICH-PHILLIPS: Thank you, Minister. I take from the minister's answer confirmation that it is not the government's intent that the operation of clause 7 and 8 be a new impost, and therefore for the processes of this house I assume consideration of our proposal to omit clause 8 will be dealt with as a standard clause rather than as a taxing clause.

In respect of the substance of the minister's response on retrospectivity, it remains the view of the coalition that, now that legal doubt has been raised with respect to the application of those provisions to offshore insurers, it would be appropriate for whatever legal matters are on foot—and I understand there are a number that are either on foot or about to be on foot—to be determined, and if a subsequent decision is required, for that to be taken at that point, rather than this retrospective clause to be inserted, which effectively will kill off the opportunity for the substantive clause to be tested. So we will pursue our proposed amendment, which is the omission of clause 8.

Mr JENNINGS: Mr Rich-Phillips is discouraging me from debating this issue, and I will choose not to debate it at this point in time.

Mr QUILTY: I will just make a point on this as well. I understand that the generally accepted rule is if government cannot draft its legislation tightly enough to close the loopholes, the government should have to wear the consequences of that. To go back in time and correct your mistakes from the past in order to secure the revenue I feel is quite out of line.

Mr JENNINGS: The only comment that I made is that the law prior to 2014 was not in doubt. The amendment that was made in 2014 created potentially some doubt, and the difference between the position that I am putting and the position that you are putting is that the government does actually not believe in the retrospective claiming of repayments from what was the intention of the Parliament in 2014. The intention of the Parliament was very clear. The government is of the view that the intention of Parliament should be preserved, not the hopes and the aspirations of somebody who may want to avoid paying duty, which was Parliament's intention, to retrospectively claim it.

Mr LIMBRICK: Does the government have an estimate of how of this money they expect, if this clause does not go ahead, would actually be refunded, potentially?

Mr JENNINGS: I may have an idea about this. I am going to check with my colleagues in the box about this matter.

I was checking the question of, beyond my knowledge of it, who else knew it. I actually think other members of the Parliament may know the number is slightly in excess of \$140 million.

Committee divided on clause:*Ayes, 24*

Cumming, Dr
 Elasmarr, Mr
 Erdogan, Mr (Teller)
 Garrett, Ms
 Gepp, Mr
 Grimley, Mr
 Jennings, Mr
 Kieu, Dr

Leane, Mr
 Maxwell, Ms
 Meddick, Mr
 Melhem, Mr (Teller)
 Mikakos, Ms
 Patten, Ms
 Pulford, Ms
 Ratnam, Dr

Shing, Ms
 Somyurek, Mr
 Stitt, Ms
 Symes, Ms
 Taylor, Ms
 Terpstra, Ms
 Tierney, Ms
 Vaghela, Ms

Noes, 14

Atkinson, Mr
 Barton, Mr (Teller)
 Bath, Ms
 Crozier, Ms
 Davis, Mr

Finn, Mr
 Hayes, Mr
 Limbrick, Mr
 Lovell, Ms
 O'Donohue, Mr

Ondarchie, Mr
 Quilty, Mr (Teller)
 Rich-Phillips, Mr
 Wooldridge, Ms

Clause agreed to.**Clauses 9 to 11 agreed to.****Clauses 12 to 14—no question put pursuant to standing order 14.15(2).****Clause 15 agreed to.****Clauses 16 and 17—no question put pursuant to standing order 14.15(2).****Clause 18 agreed to.****Clauses 19 and 20—no question put pursuant to standing order 14.15(2).****Clauses 21 and 22 agreed to.****Clause 23—no question put pursuant to standing order 14.15(2).****Clauses 24 to 31 agreed to.****Reported to house without amendment.**

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (14:36): I move:

That the report be now adopted.

Motion agreed to.**Report adopted.***Third reading*

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (14:36): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

That the bill be now read a third time and do pass.

House divided on question:*Ayes, 26*

Barton, Mr
 Bourman, Mr
 Elasmr, Mr
 Erdogan, Mr
 Garrett, Ms
 Gepp, Mr
 Grimley, Mr
 Hayes, Mr
 Jennings, Mr

Kieu, Dr
 Leane, Mr
 Maxwell, Ms (Teller)
 Meddick, Mr
 Melhem, Mr
 Mikakos, Ms
 Patten, Ms
 Pulford, Ms
 Ratnam, Dr

Shing, Ms
 Somyurek, Mr
 Stitt, Ms
 Symes, Ms
 Taylor, Ms
 Terpstra, Ms
 Tierney, Ms
 Vaghela, Ms (Teller)

Noes, 13

Atkinson, Mr
 Bath, Ms
 Crozier, Ms
 Cumming, Dr
 Davis, Mr

Finn, Mr (Teller)
 Limbrick, Mr (Teller)
 Lovell, Ms
 O'Donohue, Mr

Ondarchie, Mr
 Quilty, Mr
 Rich-Phillips, Mr
 Wooldridge, Ms

Question agreed to.**Read third time.**

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS AND OTHER MATTERS) BILL 2019

*Second reading***Debate resumed on motion of Ms PULFORD:**

That the bill be now read a second time.

Mr O'DONOHUE (Eastern Victoria) (14:44): I am pleased to rise and indicate on behalf of the opposition that the opposition will not be opposing the Justice Legislation Amendment (Serious Offenders and Other Matters) Bill 2019. This bill amends a number of justice acts. It amends the Corrections Act 1986, the Serious Offenders Act 2018 and the Children, Youth and Families Act 2005. As one would anticipate, there are a significant number of updating, administrative-style amendments—I would refer to them as implementation amendments—in relation to the serious offenders legislation, which of course came into being and was passed by this place in 2018 and which is quite a significant reform, establishing a new authority and creating that separation from the Adult Parole Board of Victoria. There are a number of amendments to that act and a number of amendments to the Corrections Act and to the Children, Youth and Families Act.

The opposition, as my colleague Mr Southwick in the other place has communicated, will be moving amendments to the legislation. Those amendments will seek to enhance the role of victims of crime in the system and provide protection to victims of crime. The amendment to have a victim as a member of the adult parole board was an election commitment of the Liberal-Nationals coalition at last year's election. We believe it remains good policy and therefore we will be moving that amendment during the course of the committee stage.

The bill makes a number of reforms to the Corrections Act. It makes reforms to the use of emergency management days to disallow their use in some cases. This follows the prisoners involved in the Metropolitan Remand Centre (MRC) riot seeking to apply for emergency management days. The amendment will amend the Corrections Act so that prisoners involved in security incidents which cause the lockdown of prisons, which leads to the granting of emergency management days, cannot

actually apply for those emergency management days. Generally when a prison is in lockdown prisoners can apply for up to four emergency management days to make up for that day of being locked down.

The Metropolitan Remand Centre riot was of course an enormous shock to Victorians. Unlike the New South Wales government when it implemented the smoking ban in its prison system and had its equivalent of the security and emergency services group and other highly trained prison response units ready and available to deal with any disturbances, the Andrews government decided to have barbecues and utilise other means of engaging prisoners as part of managing the introduction of the smoking ban on 1 July 2015. History will show the approach taken by the New South Wales government worked very effectively. Their smoking ban was implemented with very little disturbance and very little unrest.

We now know that the trashing of the Metropolitan Remand Centre ruined the lives of several prison officers who have been left deeply traumatised with PTSD as well as, in some instances, significant physical injuries. It forced a number of prison officers to leave the employ of Corrections Victoria. And the taxpayer has been left with a bill of over \$100 million in total costs to fix and upgrade the MRC as a result of that disgraceful, shocking prison riot that saw such disgraceful behaviour, the targeting of prison officers and concerns about the accessing of the private information of prison officers from secure parts of the prison that were accessed by prisoners.

Some of those prisoners who caused that damage had the gall to then apply for emergency management days because—guess what?—the prison was in chaos, with some maximum-security prisoners transported to the Hopkins prison in Ararat because there was nowhere else to put them. The MRC, or what was left of it, was left in lockdown for weeks and months. Some of those prisoners then applied for basically discounts on their time in prison as a result of the riot that they had caused. This amendment is a good one, and again I note the gall of some who trash public property and cause enormous cost to the state and who then think they will be able to generate a discount on their prison term as a result.

The bill also extends the operation of the Prisoner Compensation Quarantine Fund to include compensation to convicted prisoners who were on remand at the time of the incident where compensation is incurred but who are subsequently convicted and sentenced. It makes changes to clarify existing powers and provide new powers to enable parcels received by prisoners to be managed as the prisoner's property, including allowing the storage of items until the prisoner's release.

It amends section 47 of the Corrections Act to allow a prison general manager to stop all or part of a letter or parcel being sent or received by a prisoner if the general manager reasonably believes the prisoner and the sender may be placed at risk of exploitation or manipulation. Of course the area of communication between prisoners and the outside world is fraught and there is a difficult balance to be struck. We have all been incensed by some of the communications of some very high profile prisoners making the most of modern communication methods. Perhaps I will leave it at that without being any more explicit. But that is an issue which I think should be addressed and which the government needs to fix.

The bill amends the act to allow prisoners who are ordered to be released, granted parole or granted bail to, on request, stay in prison until the next working day. It broadens the category of senior skilled and experienced persons who can be appointed as chairperson and deputy chairperson of the adult parole board to include Australian lawyers with at least 10 years experience and that a chairperson can be appointed on a full-time or part-time basis. The opposition will not be moving amendments to this part of the act as it did to the Serious Offenders Act last year. I want to thank His Honour Peter Couzens for the dialogue he had with me and my then colleague Robert Clark, the former member for Box Hill.

Mr Finn: A good man.

Mr O'DONOHUE: A very good man, Mr Finn. Indeed the minister facilitated this, and I appreciate that. We had an excellent discussion about the appropriate class of people to fill the chair of such an important body. As members would be aware, traditionally it was a sitting Supreme Court judge. Following the Callinan reforms, a retired judge could be made the chair of the Adult Parole Board of Victoria. My belief remains that it would be best to have a sitting or retired judge as the chair of the APB, noting now, however, that given work demands and the importance of the role, a sitting judge simply would not have the time to be the chair or deputy chair. Then the question is: is there a sufficient pool of retired judicial officers prepared to take on the responsibility of chair of the adult parole board as His Honour Peter Couzens has done and as his excellent deputy, His Honour Frank Shelton, has done? The answer, on the advice from the government, on the advice from Mr Couzens and from my own knowledge, is no. Therefore the threshold for the appointment of a chair and deputy chair for the adult parole board is being changed. In one sense that is, I think, unfortunate, but I recognise there is no alternative.

Ms Symes interjected.

Mr O'DONOHUE: I do not think so, thank you, Minister. We will not be moving amendments to that part of the bill, as we did previously with the introduction of the Serious Offenders Act 2018 and the establishment of that regime. As I said, I thank His Honour Peter Couzens for the conversations we have had about that.

The bill also removes the requirements of the Secretary of the Department of Justice and Community Safety to be a member of the APB—which is absolutely appropriate—and adds the offence of extortion with threat to kill as a serious violent offence for the purposes of all parole decisions. I think members of the community would want the two-tier process that the serious violent offenders cohort, as defined in the act, must go through to satisfy the requirements of the parole process.

The bill makes amendments to the Serious Offenders Act. It makes clear that a restrictive condition can be placed on an interim supervision order, as is currently the case with final supervision orders. It suspends the managerial requirement for the review of coordinated service plans for offenders serving 12 months or more in custody. The review by a court of intensive treatment and supervision condition order will now be made no less than 12 months after the condition commences, rather than when it was made, to ensure more contemporaneous information is provided to the court when the supervision order is reviewed.

The bill clarifies how temporary conditions on a supervision order can be renewed by a court to further aid an offender's rehabilitation and allow the court to consider all of an offender's compliance with post-sentence orders when making a non-publication order, and it makes other saving and transitional provisions. As I said in my introduction, I refer to those sorts of amendments as an update that one would expect after the introduction of a new scheme. The scheme in operation and practice has led to some learnings and identified some opportunities to reform the operation of the act in practice.

The bill makes changes to both the Corrections Act 1986 and the Serious Offenders Act to give the Secretary of the Department of Justice and Community Safety or delegates an explicit power to approve the publication of research and for further information sharing. The bill amends the Children, Youth and Families Act 2005 to allow officers from the Department of Justice and Community Safety to communicate disclosed confidential information, including the information given to the Youth Parole Board that is not disclosed in the decision or reasons for a decision of the board to the Commission for Children and Young People.

There is barely an omnibus justice bill that goes past that does not include some information sharing provision, and it is important that they are updated and managed so that there is sufficient information shared between agencies to protect the community. That information is only shared when it is actually necessary to achieve that objective. The opposition takes on trust from the government that that is what these information sharing provisions do.

As I said earlier, I have some proposed amendments that I wish to discuss in committee so that the adult parole board has at least a member who is a victim or represents the interests of victims, and also a proposed amendment to the prisoner parcels management to create a new offence for a prisoner to directly communicate or attempt to communicate via letter or parcel with the victim without the prior explicit consent of the victim, with a penalty of up to six months imprisonment. We think it is important to put that statutory provision in the bill to give the general manager of any prison the legislative clarity about what is expected before a prisoner can communicate or attempt to communicate with a victim. We want to make sure that that is only done with the prior explicit consent of that victim. Now may be an appropriate time to circulate my amendments.

Opposition amendments circulated by Mr O'DONOHUE pursuant to standing orders.

Mr O'DONOHUE: In concluding my contribution on the second-reading speech, I just want to emphasise again my thoughts on those prison officers that were involved in the Metropolitan Remand Centre riot on 30 June and 1 July 2015. I have previously raised the situation of Mr Matt Kent, who I have come to know well, but also many others who I dealt with after the event. The injuries that many of those prison officers suffered in that riot have been and will continue to be long-term injuries. We have seen a spate of violence in our justice system and also in our prison system that continues to see prison officers and youth justice workers injured in the line of work. That is simply an unacceptable outcome. I would ask the government to redouble their efforts to ensure that the workplace for those men and women is safe and secure. That starts with maintaining the good order of the prisons and the youth justice system.

Finally, I wish to acknowledge the service of His Honour Frank Shelton, who has been the deputy chair of the adult parole board since, I think, December 2013. I understand his period at the adult parole board will be concluding in the not-too-distant future. I want to congratulate him on his service to the adult parole board and through that to the safety of Victoria. He has been at the adult parole board during a very difficult period in the implementation phase of the Callinan reforms. This was a very difficult period and a very difficult process. But the proof of the pudding is in the eating, as they say, and the transparency that was required as a result of the Callinan reforms is demonstrated in the most recent annual report of the adult parole board. If you think of the number of crimes committed by parolees, going back many years to that now, it demonstrates that those reforms have been a significant benefit to community safety. But the reforms themselves are little without good and capable people to make sure they are implemented and implemented well, and to that I say congratulations to His Honour Frank Shelton and also to His Honour Peter Couzens, and I wish Frank and his family all the best for the future.

Dr KIEU (South Eastern Metropolitan) (15:02): I rise to speak in support of the Justice Legislation Amendment (Serious Offenders and Other Matters) Bill 2019. This bill is mainly to implement reform. The bill will amend the Corrections Act 1986, the Serious Offenders Act 2018 and the Children, Youth and Families Act 2005. Specifically this bill will improve the administration of prisons, in particular by excluding the application of emergency management days. This bill will also improve the protection of victims of crime from prisoners who may send correspondence that may be distressing, traumatic or intimidating or that places the receiver at risk of exploitation and/or manipulation.

The bill improves the operation of the parole system, including modernising the membership of the Adult Parole Board of Victoria. The bill will improve the operation of the post-sentence detention and supervision scheme for serious sex offenders and other serious violent offenders. This bill enables the publication of research on offending-related issues in order to further reduce the risk of reoffending. This bill also reforms the information sharing regimes in order to strengthen information sharing to manage offenders for a range of purposes.

I would like to go to some of the provisions of the bill as just summarised. First of all, I refer to the prison reforms. The Andrews Labor government has been and is committed to making sure that our prisons remain safe and secure. We are also taking action to break the cycle of reoffending in order to

keep the community safe and to create jobs in the process of doing so. This year's budget of 2019–20 included more than \$1.8 billion to meet the growing demand, including 1600 new beds and new prison infrastructure across the system and across the state. This project includes funding to expand the new Chisholm Road prison by 548 beds. It includes funding for the women's prison system in order for further development, with \$237 million for more than 100 new beds, and it upgrades infrastructure to keep staff and the community safe. This project will create thousands of local jobs, with apprentices, trainees and engineering cadets comprising 10 per cent of all new workers on the Chisholm Road prison build.

On the other hand, while we build and expand the prisons that grow to meet Victoria's needs, we also know that we must keep investing in programs to break the cycle of reoffending and keep people out of prison in the very first place. That is why we have provided a total of \$42.7 million for programs and services focused on keeping people out of our justice system, including women and Aboriginal people. Of the \$42.7 million, \$20 million is to reduce the incarceration rates of women and the other \$22.7 million is being invested for diversion, rehabilitation and reintegration programs.

Moving to the emergency management days, we strongly believe that prisoners should not get reduced sentences when they are the cause of significant security incidents while they are in custody. The Corrections Act currently provides that the length of a prisoner's sentence can be reduced by granting so-called emergency management days because they have demonstrated good behaviour during an emergency. This bill provides that emergency management days cannot be granted where emergencies, riots or other significant security incidents were caused by or contributed to by prisoners. This bill also operates retrospectively to ensure that emergency management days cannot be granted in relation to incidents during the 2015 prison riots at the Metropolitan Remand Centre.

In addition, the Andrews Labor government provided \$95 million to fortify the maximum security facility and make operational management improvements in the wake of the widespread damage which the rioters caused. These works were completed last year in August. Further to that, on the point of requests for delayed releases, this bill will make minor amendments to allow prisoners who are released, granted parole or granted bail to request to stay in prison until the next working day to ensure that they will have somewhere to go and they will have access to services and accommodation if they need. This is because in some cases prisoners are released on the weekend, when a lot of services are closed down, or late in the day if they are released on bail from remand and are unable to arrange accommodation or appropriate services. The Secretary of the Department of Justice and Community Safety will have the power to grant or refuse the request to ensure that these requests are not made frivolously. This is in agreement with other jurisdictions such as New South Wales and Western Australia.

Another point of the bill is about victims of crime. The Corrections Act establishes the Prisoner Compensation Quarantine Fund for the purpose of holding certain damages awarded to prisoners in trust to provide an opportunity for victims and creditors to make claims for compensation against those trust funds. When damages of \$10 000 or more are awarded to a prisoner following a successful civil claim against the state or a private prison operator, the money must be paid to the fund. The money is then quarantined for an initial period of 12 months so that victims and creditors can be notified and may commence legal proceedings against the prisoner to initiate a claim against the payment. Eligible registered victims are notified directly by the victims register. This bill will improve access to the Prisoners Compensation Quarantine Fund for victims of crime where an offender is on remand at the time of the incident and is subsequently convicted and sentenced to imprisonment.

Also under the Corrections Act there are protections that enable Corrections Victoria to control letters and parcels that come in and out of prison. It is a well-known phenomenon that prisoners sometimes receive unsolicited mail from members of the community who are seeking a penpal. The reform proposed in this bill will increase protections for members of the community that may not be aware

what the prisoner's offences are and may be manipulated as a result by the prisoner for material gain or for other purposes such as requesting that they contact the victims of their crimes.

In another context, given the rise of online shopping and delivery to prisons in society, there is an increased delivery of parcels into prisons, which is presenting challenges for Corrections Victoria in the management of prisoner property. This bill will enable these items to be managed as prisoner property, which can be stored until the prisoner is released, or inspected and disposed of if there are any security concerns.

In the last few minutes, in order to clear the floor for other contributors, I would like to touch on an issue raised by a member opposite about the Adult Parole Board of Victoria. This bill would reform the membership of the adult parole board. Under the Corrections Act, the current chairperson and deputy chairperson, must be a judge or a retired judge of the Supreme Court or the County Court. The bill would broaden the category of a person who can be appointed as chairperson and deputy chairperson to include Australian lawyers of at least 10 years experience. These changes will ensure that the roles attract a greater pool of senior, skilled and experienced contributors to the board.

In terms of the amendment put up by the opposition across the chamber, it is about the change to the correspondence offence. The Corrections Act currently includes protection for victims of crime or members of their families from being sent distressing or traumatic correspondence from prisoners. The coalition's amendment would make it an offence for prisoners to send correspondence to victims:

... if the prisoner knows, or ought reasonably to know, that the victim, or any other victim who might reasonably receive the letter or parcel, has not explicitly consented ...

In the view of the government, if any changes need to be made to the offence to ensure that it better protects victims, the government will consider this in consultation with the victims of crime consultative committee, the victims of crime commissioner and any other relevant agencies. In summary of my contribution, this bill makes minor and technical amendments to improve the operation of prisons, parole and the post-sentence scheme and to improve protection for victims of crime. I therefore commend this bill to the house.

The ACTING PRESIDENT (Mr Elasmarr): I call Senator Maxwell.

Ms MAXWELL (Northern Victoria) (15:16): I have been called many things, Acting President, but that is not one of them.

In my contribution on this bill I intend to concentrate mainly on a few very specific aspects, but as a starting point I will indicate that Derryn Hinch's Justice Party broadly supports this legislation. When reforms are proposed that genuinely strengthen and/or improve the administration of the justice system, we will support them. In this case that is true for the overwhelming majority of this bill, including elements such as those that tighten the sanctions in respect of prisoners who cause or contribute to emergencies, riots and/or other security incidents inside a custodial facility, or strengthen the powers relating to the monitoring of prison contraband, especially given the increasing number of parcels being sent to inmates, increasing protections for victims of crime, improving aspects of post-sentence supervision and detention, management of serious sex offenders and serious violent offenders and of course enabling greater information sharing and the provision of more publicly available research and data about crime and indeed crime management.

I am pleased to see such changes because, as a search of *Hansard* would show, I have spoken directly on all of those issues here in Parliament across the course of this year. I am very gratified that Minister Carroll, the government and its departments and I all seem to be on much the same wavelength on those kinds of reforms, and I can only hope that continues.

With that said, we in the Justice Party would still like to see further and continued movement on a number of these fronts and indeed much more widely across the whole justice system. We also note that there are still quite different approaches including in the way of penalties in some of the areas

covered by this bill between Victoria and some of the other states. In a reflection on that in the area of contraband, for example, South Australia enforces up to five years rather than two-year jail terms for trying to introduce contraband in a prison. Similarly, Queensland has put in place a potential 25-year rather than a two-year sentence for smuggling drugs into correctional centres, although I have to say I consider that to be an absolutely extreme measure.

Mr Grimley and I have also certainly spoken in here a number of times previously about the need in Victoria for additional parole and post-sentence management reforms that go well beyond the scope of this bill. Above all we have a very clear focus on the welfare and needs of victims of crime and would still like to see far more done to support them. Far too often over far too many years in this state there has been more emphasis placed on the so-called rights and considerations of offenders than on the rights of victims themselves. It is long past time that the balance changed. As one part of that, we certainly intend to hold the government to account if various recommendations from the Victorian Law Reform Commission's *Review of the Victims of Crime Assistance Act 1996* are not enacted.

Today it is also our intention to propose a small set of amendments to this bill which is now before us. We do so in the name of trying to make what we regard as very genuine improvements, improvements that were made in New South Wales over 14 years ago. Queensland also has this implemented, and South Australia is in the midst of making relevant changes similar to ours. I would ask if this is an appropriate time for the amendments to be circulated.

Derryn Hinch's Justice Party amendments circulated by Ms MAXWELL pursuant to standing orders.

Ms MAXWELL: These amendments are aimed especially at trying to deliver better outcomes for victims of crime in one very specific area. Specifically, we are suggesting that revisions be made to clause 38 of the bill, and through that clause ultimately to section 104 of the Corrections Act 1986. This is in some respects quite a technical area, and it is not an easy one to enlighten you all on in this short amount of time. However, perhaps the best way to begin explaining it is by taking the approach of quoting from the opening paragraphs of a *Herald Sun* article of 9 March 2019, which reads as follows:

A killer who opened fire in a university bar and a martial arts enthusiast who bashed a backpacker to death each stand to reap tens of thousands of dollars in compensation ...
... after they successfully claimed guards used undue force—

against them in prison. Please may I make it very clear that we in Derryn Hinch's Justice Party do not condone violence against anyone at any time.

Now, whilst that is not a perfect summary of all that is covered by our amendments and it only refers to two of a much larger number of these cases, it is a good short insight into this basic problem. The problem is that under the current operation of section 104 and particularly part 9C of the Corrections Act, some prisoners in Victoria, including the likes of murderers, are receiving very substantial compensation payouts from taxpayers for adverse incidents involving them, including injuries they sustained whilst in jail.

It happened for four separate prisoners in the first five months of 2019, for example. Where the compensation figure is ultimately less than \$10 000, they essentially get to keep it, but even where the figure is more than \$10 000, after any deductions for creditors and the like, they often get to keep all of that too. Indeed in the case of one of the two individuals identified in the *Herald Sun* article, a criminal by the name of Luke Wentholt, he was reportedly awarded a final payout of around \$140 000 after a physical clash with a guard. That settlement would have likely completely dwarfed any money that was made available by the state of Victoria to compensate the family of David Greene, the man he viciously bashed and killed.

Relating it to a situation in my own home town of Wangaratta, it is also more than a mother whose child was murdered received from the Victims of Crime Assistance Tribunal, or VOCAT as we know it. In fact the average amount of financial assistance paid to victims by VOCAT is currently less than \$8000. I imagine that the overwhelming majority of Victorians would agree with me when I say this is an outrageous situation and a completely perverse set of priorities.

To exacerbate the issue, the only obvious way that victims get to know about these compensation payments to prisoners, and therefore even get the opportunity to potentially make a claim for a share of the compensation themselves, is if they have proactively asked at some time before such a payment is made to be placed on the official victims register. However, that also poses real problems of its own because some victims perfectly understandably do not ever want to be on that register—that is, they do not want to be reminded or informed about things associated with that prisoner's time in incarceration or indeed details about their departure from incarceration.

The basic purpose of being on the victims register is to be notified of all these individual things. Unfortunately the way it operates now, the victims register works on a catch-all basis, so you either opt in and get all the notifications about a number of different matters to do with the perpetrator's time in and out of prison or you opt out and you get none of those notifications, including about the potential eligibility for significant financial payments. There is no real middle ground about that, and we argue that there should be.

We know that when a victim is traumatised, they find themselves in the position of having to make difficult choices and decisions which they may not fully comprehend at the time. Victims who have loved ones murdered find it difficult to move forward, let alone make serious decisions which could potentially impact the rest of their lives. Victims may not realise at the time of a tragedy what their entitlements are. With the minimum amount of compensation offered, we believe victims should have the right to access a perpetrator's compensation.

We believe in not retraumatising a victim and doing no further harm, but we also believe that reading on the front page of a newspaper about an offender's compensation retraumatizes that victim. To those who say these amendments do create further trauma, I disagree. I would say that we should allow victims to make that decision and be contacted regarding compensation. If they themselves do not want to be contacted, they should be allowed to nominate somebody who can be contacted on their behalf. I received a beautiful message back from a victim today when I told her what my amendments were. She wrote back to me and said, 'You are our angel. You are our voice. We support you'.

We say that notifying any victim of their potential eligibility to a single amount of financial compensation, or to put it in another way, the chance to recover a significant sum of money directly from the relevant prisoner, should be placed in quite a different category to being notified of many other things associated with someone's incarceration. By this I mean things like the notification of their earliest possible release date or information about whether they have been transferred to a prison across an interstate border and so on and so forth. If you have a potential claim on a \$140 000 payment, it is clearly quite a separate development to a run-of-the-mill event during a person's experience inside the prison system, and it should therefore be treated and communicated differently.

I return to the *Herald Sun* story to quote a relative of Leon Capraro, a man murdered by the other criminal identified in that story, 1999 La Trobe University shooter Jonathan Horrocks. The first that a relative of Mr Capraro knew of a compensation payout to Horrocks was when he was approached by the *Herald Sun*. Their reaction was reportedly one of shock, and they said, and I quote:

How does a prisoner in jail for murder apply for anything ... These people deserve nothing. The more I think about it, the more angry I get.

That is a direct quote from a victim's family. I would say that is a perfect encapsulation on its own of why our amendments should be supported by every person in this chamber and why this problem should be fixed once and for all.

If that is not enough, let me also quote the Victorian government's own immediate past victims of crime commissioner, Mr Greg Davies, who said the following:

You should be on the register unless you opt out ... All of these little-known benefits for victims of horrendous crimes should be made automatically available.

It is that very problem and that completely justifiable reaction from victims and from representatives of victims about this error in the current legislation that needs to be addressed immediately. That is at the heart of our amendments today. These amendments would simply change the current situation so that victims with a potential claim to large financial payouts made to criminals, and now people on remand, are proactively opted in and therefore informed by the government of it. We prefer that model to one where they are automatically opted out and therefore either never learn about it or have to learn about it later by chance for themselves.

I will close my contribution here. I congratulate the government on bringing this bill to the Parliament because it will make a number of important enhancements to the operation of the corrections system in this state. I also commend the Derryn Hinch's Justice Party amendments to the house, particularly in recognition of the principle that we should, in every justice-related bill that comes before us, always place the interests of victims and their families ahead of the interests of offenders.

Mr GEPP (Northern Victoria) (15:31): I did not get quite the warm welcome that my previous colleague got, but thank you anyway. Thank you, Ms Maxwell, for that contribution.

I am very pleased to rise to speak on the Justice Legislation Amendment (Serious Offenders and Other Matters) Bill 2019. I want to begin my contribution by congratulating the minister and member for Niddrie, Ben Carroll, in the other place, who is the Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support, for bringing this bill to the Parliament. And of course thanks to his hardworking staff and the department, who have a very, very difficult job. This is not a particularly easy area of public policy, and it is a very demanding area. All of those people involved take up the challenges of their particular tasks with a sense of great responsibility and expectation, both politically and from the community, and they do their level best to provide the system that Victorians would expect and certainly the sort of system that is demanded by this place.

My colleague Dr Kieu went through a number of aspects of the bill. I do not propose to go over all of that ground again, and I am conscious of the time. I understand that this bill will be going into the committee stage, so I will address just a few things. I did want to touch on a couple of things, particularly the investment that this government has made since it has been in office. We are committed to making sure that our prisons remain safe and secure, and we are taking a lot of action to break the cycle of reoffending to keep the community safe and to create jobs in the process.

Before I continue I want to thank Ms Maxwell for her contribution. I know that this area of public policy is something very near and dear to her politically. She and Mr Grimley both work tirelessly in this area of public policy, and it is important that this place puts on record its thanks for that work. We have all got particular interests in various bits of public policy, and yours in this area has certainly been very demonstrable since you have been here throughout 2019 following the election.

In recognising the contributions of Ms Maxwell and Mr Grimley in this area, I want to acknowledge the work that has been done by this government and the budget investments that we make. You do not just throw dollars at a problem; we know that. You can throw dollars at any problem, but unless you support it with a proper policy framework, that money can be very, very quickly wasted.

As I said at the beginning of my contribution, as the Andrews Labor government we are committed to making sure that our prisons remain safe and secure. Our budget investment supports that. This year's budget, for example, includes \$1.8 billion to meet the growing demand, including 1600 new beds and new prison infrastructure across the state. This includes funding to expand the new Chisholm Road

prison—I think Dr Kieu touched on this—by 548 beds. It will be the largest maximum security prison in the state. Our women’s prison system is also undergoing significant redevelopment, with \$237 million for more than 100 new beds and upgraded infrastructure, again to keep staff and the community safe. As a spin-off, there is also the added outcome that these projects will create local jobs as well, with apprentices, trainees and engineering cadets et cetera working on that new Chisholm Road prison build and providing locals with those opportunities.

While we build and expand the prisons that a growing Victoria needs—and we know that we do have population growth in this country—we know that we must be investing in programs that break the cycle of offending and keep people out of prisons in the first place. That is why we have provided \$42.7 million for programs and services focused on keeping people out of the justice system, including women and Aboriginal people. We know as a Parliament that Aboriginal people across the board are overrepresented in our prison systems, much more than anyone would welcome. It is a significant ongoing challenge for the government, for the Parliament and for the community in general. We are particularly focused on that. Of the \$42.7 million that I referred to, \$20 million of that investment will be to reduce the incarceration of women, including programs targeted at women in prison with a mental illness, intellectual disability or cognitive impairment. But it also goes towards reducing incarceration rates of Aboriginal women, who, as I say, remain way overrepresented in our justice system.

I want to touch briefly on parole before I come very quickly to a couple of the amendments that have been circulated. Again, we have strengthened our parole system with the objective of keeping our community safe, and we continue to stay vigilant to make sure that the system works. We engaged High Court Justice Ian Callinan to carry out a review. That was in 2013. The Callinan review made 23 recommendations, all of which have been implemented. Our reforms to the parole system in Victoria mean that we now have the toughest parole system of anywhere in this country. The number of prisoners on parole in Victoria has halved, demonstratively evident of the work that we have been doing over the past five years. It does not stop there, but it is important that we are recognising the advances that we are making in this particular area of public policy. Parole is now granted for shorter periods in this state than was previously on offer and more parolees are actually successfully completing their parole, again going back to that objective of trying to minimise and change behaviours and habits that would see people reoffending.

I refer to the Adult Parole Board of Victoria. Dr Kieu touched on this, and I think Mr O’Donohue also mentioned in his contribution that the opposition will be moving some amendments during the committee stage around this. I just want to very quickly say that what we are proposing are some changes to the parole board. Under the current act the chairperson and the deputy chairperson must be judges or retired judges of the Supreme Court or County Court. This bill broadens that category of persons who can be appointed as chairperson and deputy chairperson of the adult parole board to include Australian lawyers with at least 10 years experience. Importantly for the house, senior lawyers with at least 10 years experience are actually qualified to be judges. Therefore they can provide the board with the necessary skills, experience and leadership to undertake the task.

We think the coalition’s amendment would require a victim of crime to be a member of the parole board. In August 2018 there was a private members bill introduced in the Council. It would make a victim of crime or a representative of all victims of crime a required member of the board. Parliament is yet to debate that bill, so this precipitates that debate. We believe that during consultation earlier this year with the parole board their advice was that mandatory membership requirements for victims of crime are not necessary because the views of victims are already considered in the parole process, including the consideration of submissions from victims to the victims register, and there are already members of the board who are victims of crime.

Dr Kieu touched on the areas in relation to changes to the prisoner correspondence offence, and I understand that during the committee phase Ms Maxwell will in all probability pose a question to the

minister about notifying victims regarding the Prisoner Compensation Quarantine Fund. In the interests of time, I will wind up there. I am sure the minister will adequately respond to Ms Maxwell at that time. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:44)

Ms MAXWELL: I move:

1. Clause 1, page 2, after line 21 insert—
“(iva) to require the Secretary to notify victims of a crime committed by a prisoner after an award of damages is made to the prisoner; and”.

As I outlined in my speech earlier, the purpose here is really quite simple, I am merely seeking to ensure that the government takes the step of proactively advising the relevant victims of crime of their right, a right already enshrined in law, to receive a share of a compensation payout. That is, I am asking that a relevant victim or victims are notified by the government as soon as a compensation payment of \$10 000 or more is awarded to a particular current or former prisoner or person on remand. Under the way this presently operates, some victims are never told about such a thing at all.

Through this amendment I am not objecting to the reasons for these compensation payouts, nor am I seeking to disrupt or even amend the fundamentals of the government’s existing policy on the Prisoner Compensation Quarantine Fund itself. What I am doing is trying to improve the way it is administered. One thing that I did not do in my speech earlier, which may be appropriate for me to do now, is to quickly cite some of the words of the relevant Labor minister at the time when the relevant parts of the Corrections Act 1986 were first introduced into the Parliament in 2008. The then Minister for Corrections, Bob Cameron, said on 31 July 2008 that the Brumby government was:

... committed to empowering victims to exercise all of their available rights and remedies to seek compensation ...

He also spoke of the need to:

... address the situation where an offender receives an award of damages from the state and therefore has a much improved financial situation. Victims can then choose to take advantage of that improved financial situation ...

And he spoke of:

... the perceived inequity when offenders are seen to use the law for their own purposes through pursuing compensation arising from their circumstances in custody.

In many respects I could not put it better myself, given that I think those sentiments would be best honoured in practice by making sure that victims know of this entitlement each time it arises. I commend this amendment to the house.

Mr O’DONOHUE: The opposition will be supporting Ms Maxwell’s amendment.

Mr GRIMLEY: I rise to speak on Ms Maxwell’s amendment to the Justice Legislation Amendment (Serious Offenders and Other Matters) Bill 2019, which makes a number of necessary amendments to the corrections system. Derryn Hinch’s Justice Party prides itself on taking a commonsense approach to decision-making, and I believe this amendment is simply common sense.

Most Victorians would agree that, when a prisoner receives compensation from the state, that compensation should initially be used to pay off genuine existing debts and then be distributed amongst the perpetrator's victims. This may sound like a very specific set of circumstances which lead to this situation; however, Ms Maxwell accurately cited four separate prisoners in the first five months of this year who have been awarded compensation from the state. In the interests of an efficient debate, I will not recount those individual examples.

This proposed amendment ensures that all victims, regardless of their status on the victims register, receive a notification if their perpetrator has been awarded compensation from the state. I note that money alone cannot compensate for the crimes which have been committed. However, all victims should at least be empowered to make that decision. It is victims who have to relive traumatic experiences time and time again, while their perpetrator resides in prison and receives compensation from the taxpayer.

I understand that the government argues that some victims do not want any interaction with their perpetrator under any circumstances once they have been convicted. This is understandable, but the corrections system should become somewhat flexible in terms of allowing victims to be notified of some matters and not others.

I have discussed many times in this place that the justice system should not be viewed purely as a legal system; the rights of genuine victims must continue to be prioritised over the rights of criminals. I believe this bill addresses a lot of existing issues in our prison system, and it is definitely a step in the right direction. However, I hope that all sides of the chamber will support Ms Maxwell's amendment, which aims to bring our corrections system into line with community expectations.

Ms SYMES: I thank Ms Maxwell for bringing this matter to the attention of the house. The government is not in a position to support the amendment. I would like to put some comments on the record in relation to that.

In relation to how we currently notify victims, as well as directly notifying any victims of the prisoner who may be on the victims register, the Secretary of the Department of Justice and Community Safety also publishes a notice advising of an award of damages to the prisoner. This is published in the *Victoria Government Gazette*, and the *Herald Sun* and the *Australian* newspapers. The notice is also on the Victims of Crime website for the duration of the quarantine period. It is possible that enhancing public notification would ensure more eligible victims know about a payment, whilst still allowing them to retain control over being contacted.

I think what is also important to note is that any payment under the Prisoner Compensation Quarantine Fund does not automatically entitle victims to a payment. Rather, it quarantines the compensation. Victims still need to go to court and make their civil claims. So it is not just an opt-in for an opportunity to obtain money just because your perpetrator may get a windfall in prison and the like.

Of course, this government is committed to putting victims first, and it provides trauma-informed support to victims of crime that prioritises their needs. In Victoria the victims register manages communications with victims regarding the Prisoner Compensation Quarantine Fund and a range of other matters—for example, the parole hearings of the perpetrator. The victims register uses a trauma-informed case management approach to contacting victims and does not contact victims without their consent. Victims opt in to the register, as not all victims wish to be contacted. This is in line with best practice standards that seek to maximise victim involvement in decision-making, and it recognises that some victims may not wish to be informed about an offender as this can be distressing and cause further harm.

While we certainly acknowledge the importance of maximising access to the Prisoner Compensation Quarantine Fund, we do not support this amendment, which will ultimately remove the victim's right to consent to be contacted. Under the proposed amendment that Ms Maxwell has put forward, there is

no way of checking for consent before contact. This means that victims would receive an unsolicited letter about a potential opportunity to pursue a payment.

The proposed amendment purports to enable victims to object to being notified. However, in reality victims would not have the opportunity to request that they not be contacted unless they are on the victims register. Rather, we support improving victims' awareness of a prisoner receiving compensation through the Prisoner Compensation Quarantine Fund through improving public notification—for example, through the use of social media.

Also I would note that the victim support services are being reviewed. Some of the notification provisions that Ms Maxwell is ultimately trying to get to may perhaps be a matter for that review and not require legislative change, but mainly for the reason of not wanting to remove a victim's right to not be contacted, we are not in a position to support Ms Maxwell's amendment today.

Ms MAXWELL: Before I ask my questions, Minister, I would just like to place on the record my genuine thanks to Minister Carroll and his office, particularly to Lara Freidin, for providing me, in the lead-up to consideration of this bill, with the opportunity to ask numerous questions and to clarify a range of details related to it. It has been sincerely appreciated, and it has certainly considerably reduced the list of questions I was originally intending to ask at this point.

That said, I still have a few things to ask, starting with this: Minister, the corrections minister in his second-reading speech referred to section 77(3) of the Corrections Act 1986. I realise it has been in that section for quite a few years now, but I am keen to know why there is still a provision in there that allows for the possibility that a serious violent offender charged with a sexual offence, violent offence, terrorism or foreign incursion offence can remain on parole—that is, it still allows the parole board to keep that person on parole if it is satisfied that—

The DEPUTY PRESIDENT: Ms Maxwell, is this on your amendment or something separate?

Ms MAXWELL: Actually, no, these are just committee questions.

The DEPUTY PRESIDENT: We will put your amendment first and then go to general questions on clause 1.

Committee divided on amendment:

Ayes, 19

Atkinson, Mr
Barton, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Cumming, Dr
Davis, Mr

Finn, Mr (Teller)
Grimley, Mr
Hayes, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms

O'Donohue, Mr
Ondarchie, Mr
Patten, Ms (Teller)
Quilty, Mr
Rich-Phillips, Mr
Wooldridge, Ms

Noes, 20

Elasmar, Mr
Erdogan, Mr
Garrett, Ms
Gepp, Mr
Jennings, Mr (Teller)
Kieu, Dr
Leane, Mr

Meddick, Mr
Melhem, Mr
Mikakos, Ms
Pulford, Ms (Teller)
Ratnam, Dr
Shing, Ms
Somyurek, Mr

Stitt, Ms
Symes, Ms
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms

Amendment negatived.

Ms MAXWELL: Minister, the corrections minister in his second-reading speech referred to section 77(3) of the Corrections Act. I realise this has been in that section for quite a few years now, but I am keen to know why there is still a provision in there that allows for the possibility of a serious

violent offender charged with a sexual offence, violent offence or terrorism or foreign incursion offence remaining on parole. That is, it still allows the Adult Parole Board of Victoria to keep the person on parole if it is satisfied that circumstances exist to justify the continuation of the parole. Are you able to tell me how many times the parole board has been satisfied that there have in fact been such circumstances and why even as a basic precaution parole would not be cancelled in every such case?

Ms SYMES: Thank you, Ms Maxwell, for your question. My advice is that in almost all cases where a sex or violent or terrorism offender is charged with a sexual offence, violent offence or terrorism or foreign incursion offence parole is cancelled by the Adult Parole Board of Victoria. Section 77(3) recognises that while a serious violent offender or sex offender being charged with a sexual offence, violent offence or terrorism or foreign incursion offence is a serious allegation, it is not yet a conviction. Charges may be changed during a case, including being downgraded or withdrawn. The adult parole board may exercise its discretion if it is satisfied that circumstances exist to justify the continuation of parole, such as in cases when charges are withdrawn.

Ms MAXWELL: Thank you, Minister. Minister, there are overall figures, rather than case-by-case figures, provided in the Department of Justice and Regulation annual report each year about the Prisoner Compensation Quarantine Fund. Are those numbers reflected in real time or does there tend to be a lag—that is, do all of the cases for which there is a payout during a particular calendar year always correspond with the annual report figures for that calendar year?

Ms SYMES: I will just seek some advice.

Ms Maxwell, there may very well be a lag because often the reason for compensation might be subject to a court case in itself. There are often two proceedings that have to take place, so it is not always real time because it has not been proven yet.

Ms MAXWELL: Thank you, Minister. Minister, I realise you and the advisers may not have these numbers at your immediate disposal, but even if it is on notice, are you potentially able to give me any figures on how many people in prison in total—that is, for both successful and unsuccessful cases—have launched legal action against the state in each of the calendar years since 2015 inclusive? Further to that, what has been the accumulated cost to Victorian taxpayers of all of those actions in total?

Ms SYMES: I do note that you looked squarely at the box when you asked that question, so let me go over and check with them.

Ms Maxwell, there is certainly a willingness to attempt to try and get you that information, but we will have to take it on notice at this stage.

Ms MAXWELL: Thank you, Minister. I would appreciate that. Does the government have a position on the potential merits of widening the scope of the relevant parts of section 104 of the Corrections Act to enable recovery of some or all of these compensation amounts of more than \$10 000 that are paid to prisoners or people on remand in those cases where there is no immediately identifiable victim or creditor to make claims against the amount? As you would know, Minister, the South Australian government announced in late September that it was planning to pursue changes there, particularly in relation to crimes such as drug trafficking that do not have directly affected victims who are able to make claims against any compensation paid to an offender.

Ms SYMES: I thank Ms Maxwell for her question. I am advised that to achieve the purpose of the proposed South Australian amendment the following issues would need to be considered: a quarantine period to enable any creditors or individual victims to make a claim against a compensation payment; the establishment of a mechanism for transferring the relevant Prisoner Compensation Quarantine Fund funds to victims services; and the types of offences to which the scheme may apply. Such a proposal is unlikely to provide a substantial funding stream given the low amount of funds currently in the Victorian Prisoner Compensation Quarantine Fund.

Ms MAXWELL: Thank you, Minister. Section 104Y(4) relates to the secretary of the department publishing details on the internet of the awarding of damages to a prisoner. Firstly, who is responsible for actually publishing those details on the internet? I assume it is a web team of some kind in the department.

Ms SYMES: I will find out.

Ms Maxwell, I am advised that the victim support services staff are responsible for that and they are delegated the power to do so.

Ms MAXWELL: Thank you, Minister. My next question is still in relation to that answer. Why are just two cases of these payouts published on the internet when there have been many more cases than that in total in the past 12 months?

Ms SYMES: Ms Maxwell, I am advised that any discrepancies that you may perceive may be a result of cases that have not met the \$10 000 threshold. Also, one of the things that this bill is seeking to remedy is the fact that those cases that have impacted prisoners while on remand would not be captured either.

Ms MAXWELL: Thank you, Minister. Minister, since the Andrews government was first elected in late 2014, how many cases in total—and I understand that you do not like to give individual cases, and that is not what I am asking—have there been of people on remand receiving compensation payments of more than \$10 000?

Ms SYMES: I will see if they can get an answer for that.

Ms Maxwell, in the time frame that you have outlined there have been approximately six cases of compensation payments made to prisoners for injuries while on remand. The details of compensation of more than \$10 000 paid to prisoners on remand at the time of the incidents are not available as these compensation payments are outside the current scope of the legislation and administration of the scheme. But obviously, as we have just discussed, this bill will address those concerns by extending the operation of the fund to those that are on remand.

Ms MAXWELL: Thank you, Minister. Since the Andrews government was first elected in late 2014, how many cases in total have been of people on remand launching legal action against the state?

Ms SYMES: I will see if I can find out.

Ms Maxwell, we do not have those figures on hand, but we are happy to take that on notice for you.

Ms MAXWELL: Thank you, Minister. Minister, I have been asked if you could please simply provide a basic outline to the house, so it is therefore on the public record, of the process that occurs when a victim of crime has their first interaction with the department or anyone else representing the government about potentially being placed on the victims register, including what is generally discussed in those conversations and their timing—for example, how long after the crime has been committed would the conversations typically occur?

Ms SYMES: I used to be across this as an adviser. Let me go find out if the practices have changed.

In relation to how the victims register operates, there are quite a few ways or avenues to get referred to it. The Office of Public Prosecutions has a victims assistance service that will be able to connect you. There is the Victims of Crime Helpline, which would also be able to connect you to the victims register. It is on conviction, so obviously you are not eligible to be on a victims register until there is a guilty offender and you are alerted to the personal issues. As you would be aware, the victims register is managed by the Victims Support Agency and there are case managers within that unit to deal with individuals who wish to either be on the register or seek information about being placed on the register.

Ms MAXWELL: Thank you, Minister. If I can just go back briefly, you stated that since the government was elected in 2014 there were actually six cases in total of offenders receiving compensation of more than \$10 000. Of those six cases, Minister, how many victims received money from those six cases?

Ms SYMES: My advice is that those are six cases of compensation payments.

Clause agreed to; clauses 2 to 26 agreed to.

Clause 27 (16:17)

Mr O'DONOHUE: I invite members to vote against clause 27. This will be a test for my amendment 2 to insert a new clause to provide that it be an offence for prisoners to send letters or parcels to a victim without their consent. Again, we have had multiple changes to the Corrections Act in recent years that have sought to provide legislative clarity for general managers of prisons about their powers. We see this as an opportunity to improve this bill by providing that clarity to prison general managers and to provide protection to victims of crime by ensuring they cannot be contacted by a prisoner without their consent.

Ms SYMES: I thank Mr O'Donohue for his proposed amendments. Whilst well intended, it is not the government's intention to support those amendments at this time. The Corrections Act currently includes protections for victims of crime and members of their families from being sent distressing or traumatic correspondence by prisoners. It is currently an offence, with a maximum penalty of six months imprisonment, for a prisoner to send a letter to a victim that may be regarded as distressing or traumatic by the victim or any other victim who might reasonably receive it.

The coalition's amendment would make it an offence for a prisoner to send correspondence to a victim if the prisoner knows or ought reasonably to know that the victim or any other victim who might reasonably receive it has not explicitly consented. We are always continually consulting with victims groups, the Victims of Crime Consultative Committee, the victims of crime commissioner and relevant agencies about areas of improvement in the system, and I note that these bodies have not identified any current changes to the prisoner correspondence practices as suggested by Mr O'Donohue.

The DEPUTY PRESIDENT: The question is that clause 27 stand part of the bill. To explain to the house, Mr O'Donohue is voting against the clause. If this is carried and the clause is omitted from the bill, we will then consider a new clause, Mr O'Donohue's amendment 2. Amendment 1 is a test for amendment 2, and anyone supporting Mr O'Donohue should vote no at this stage.

Committee divided on clause:

Ayes, 25

Barton, Mr
Cumming, Dr
Elasmar, Mr
Erdogan, Mr
Garrett, Ms (Teller)
Gepp, Mr
Jennings, Mr
Kieu, Dr
Leane, Mr

Limbrick, Mr
Meddick, Mr
Melhem, Mr (Teller)
Mikakos, Ms
Patten, Ms
Pulford, Ms
Quilty, Mr
Ratnam, Dr

Shing, Ms
Somyurek, Mr
Stitt, Ms
Symes, Ms
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms

Noes, 14

Atkinson, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Davis, Mr

Finn, Mr
Grimley, Mr (Teller)
Hayes, Mr
Lovell, Ms
Maxwell, Ms (Teller)

O'Donohue, Mr
Ondarchie, Mr
Rich-Phillips, Mr
Wooldridge, Ms

Clause agreed to.

Clauses 28 to 30 agreed to.**Clause 31 (16:27)****Mr O'DONOHUE:** I move:

3. Clause 31, page 22, after line 10 insert—

“(5A) Before section 61(3) of the **Corrections Act 1986** insert—“(2B) At least **one** of the members of the Board appointed under paragraph (2)(d) must be a person representing the interests of victims.”.”

I am happy to speak briefly on my amendment as I addressed this issue in my second-reading contribution. Mr Gepp referred to the private members bill that I moved in the last Parliament that also sought to do the same thing—that is, to have victims of crime represented on the Adult Parole Board of Victoria as a legislated requirement. Currently it is a matter for the minister to determine the composition of the board, and victims from time to time are appointed. We believe that victims should be there as a legislated guarantee that their voices are heard, notwithstanding the fact that victims obviously are part of the parole process. Mr Gepp says he has been waiting for me to debate the bill. For his information, when the Parliament was prorogued last year the bill lapsed.

Ms SYMES: I thank Mr O'Donohue for his amendment. We will not be supporting the amendment. Matters such as these were considered in the development of the bill. Victims and representatives of victims of crime have already been appointed as community members of the adult parole board as recently as 2017. During consultation this year the adult parole board advised that mandatory membership requirements for victims of crime were not necessary because the views of victims are already considered in the parole process, including the consideration of submissions from victims on the victims register and there are already members of the board who are victims of crime or representatives of victims of crime. They suggested that flexibility is best in this instance as requiring a mandatory requirement—putting pressure on victims to be involved—is not something that they view as an ideal situation.

Committee divided on amendment:*Ayes, 17*

Atkinson, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Cumming, Dr (Teller)
Davis, Mr

Finn, Mr
Grimley, Mr
Hayes, Mr
Limbrick, Mr (Teller)
Lovell, Ms
Maxwell, Ms

O'Donohue, Mr
Ondarchie, Mr
Quilty, Mr
Rich-Phillips, Mr
Wooldridge, Ms

Noes, 22

Barton, Mr
Elasmar, Mr
Erdogan, Mr
Garrett, Ms
Gepp, Mr
Jennings, Mr
Kieu, Dr
Leane, Mr

Meddick, Mr (Teller)
Melhem, Mr
Mikakos, Ms
Patten, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms

Somyurek, Mr
Stitt, Ms
Symes, Ms
Taylor, Ms
Terpstra, Ms (Teller)
Tierney, Ms
Vaghela, Ms

Amendment negatived.**Clause agreed to; clauses 32 to 51 agreed to.****Reported to house without amendment.**

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (16:34): I move:

That the report now be adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (16:34): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

JUSTICE LEGISLATION AMENDMENT (CRIMINAL APPEALS) BILL 2019

Second reading

Debate resumed on motion of Ms PULFORD:

That the bill be now read a second time.

Mr O'DONOHUE (Eastern Victoria) (16:35): I am pleased to rise on behalf of the opposition and indicate the opposition will not be opposing the Justice Legislation Amendment (Criminal Appeals) Bill 2019. The de novo appeals section in this bill is virtually identical to the bill that was before the Parliament before it was prorogued last year. The government has split that bill and brought back the de novo appeals section of that bill in this Justice Legislation Amendment (Criminal Appeals) Bill.

The bill amends the Children, Youth and Families Act 2005, the Criminal Procedure Act 2009 and the Supreme Court Act 1986. It abolishes de novo appeals—that is, as-of-right appeals—against final orders made by the family division of the Children's Court. It abolishes de novo appeals against convictions recorded in summary proceedings and provides instead for those to be by way of rehearing. It abolishes de novo appeals against sentences imposed in summary proceedings and provides instead for a different kind of appeal against those sentences and it abolishes appeals against sentences of imprisonment imposed on appeal from the Magistrates Court or the Children's Court.

The notion of abolishing de novo appeals is on its face something which I think, from the consultation I have undertaken as Shadow Attorney-General, has been generally welcomed as something which will make the justice system work in a more efficient manner. And that is the principal reason that the Attorney-General, in her second-reading speech, cited for this move.

As I say, the abolition of de novo appeals is something that was before the Parliament last year, but I just want to record the view of the Law Institute of Victoria (LIV). As part of the consultation process on the bill I communicated with the law institute, and they write:

The LIV wishes to convey our members' serious concerns regarding the Bill's intention to abolish de novo appeals.

The LIV was disappointed that this Bill was tabled without any prior meaningful consultation with the LIV or to our knowledge, with the legal profession more broadly.

It goes on to say:

In 2006, when the Bracks Government considered abolishing de novo appeals, the Governor in Council requested the Law Reform Committee of Parliament ... conduct an inquiry into, and report to Parliament on, de novo appeals to the County Court. The Committee received 13 written submissions which included the LIV ...

and others. It says:

Following this consultation with legal experts and upon consideration of the evidence indicating that abolishing de novo appeals would severely impact on the efficiency and costs in the Magistrates' Courts, the Committee recommended that de novo appeals be retained. The LIV is concerned that the Bill currently before Parliament was drafted without performing any such consultation and therefore fails to consider the reasoning behind the Committee recommending against their abolition in 2006; which remains as relevant in 2019 as it was then.

Now, as I say, one of the main reasons cited by the minister and the government in abolishing de novo appeals is it will make the court system more efficient because there will not be an as-of-right appeal for those in the Magistrates Court, and on its face that would appear to have some logic. But the LIV continue in their correspondence to me and say:

Presently, a matter can be heard efficiently in the Magistrates' Court. The efficiency is a result of not all materials being introduced as de novo's act as a safety net, where they can subsequently be introduced on appeal to the County Court. The scope of the matters in contention are then typically narrow on appeal as the non-contentious issues are resolved in the summary jurisdiction. De novo appeals therefore create a symbiotic relationship between the Magistrates' Court and the County Court to deal with matters as efficiently as is practicable.

The LIV submits that the abolition of de novo appeals will void these efficiencies and place significant additional burdens upon the Magistrates' Court. Whilst there are a number of factors that will contribute to this, the primary consideration is how counsel will need to adapt to the Magistrates' Court rulings having considerably more weight. Our members advise that for matters they could currently have heard and completed in less than an hour at the Magistrates' Court they would first seek to have the matter adjourned. This is because the Magistrates' Court hearings will have the same weight as a County Court trial, practitioners will therefore require the same level of preparation for matters in the summary jurisdiction as they would for a County Court trial. An increase in adjournments results in further delays in the Court and an increase in the amount of time defendants will be held on remand, unsentenced.

Those concerns raised by the law institute need to be addressed by government speakers during second-reading debate because they are at odds with the assertions made by the minister.

Currently I am advised that there are around 3200 de novo appeals in which the County Court must hear all evidence again and reach a new decision, which can impose a burden on the County Court. I think the question for the Parliament is: how does that sit with the contention of the law institute that the Magistrates Court proceedings will be more complex and more fulsome because there will not be that de novo opportunity? I think that is something which government speakers need to address during the second-reading debate to give this place some comfort that those benefits will be achieved.

I think it is worth noting, however, that de novo appeals have been removed in many other jurisdictions and their origin dates back to a time when magistrates were laypeople, not legally trained, and therefore a de novo process was considered a safety net. We obviously have moved a long way since then and we have professional magistrates, legally trained, who are highly trained in the ways of the court. As I say, there is that conflicting perspective from the law institute which I call on the government speaker who follows me to clarify.

The second issue that is pointed to in favour of the abolition of de novo appeals is that it provides clarity for victims and removes the requirement to have evidence heard again. That is a point which the opposition accepts, although I again note the points made by the law institute to me in their correspondence that on many occasions and in many situations there are opportunities to avoid hearing evidence again from a victim or someone who is a vulnerable witness. But we accept the general

premise that the abolition of de novo appeals will have some impact and some benefit for victims and others by avoiding them having to provide evidence a second time. That is a significant factor in the opposition's determination not to oppose the bill.

The second main thing that this bill does is to codify the current processes for a second or subsequent appeal against a conviction in certain circumstances. Currently application needs to be made to the Attorney and there are what I would call oblique processes or uncertain processes that follow, not uncertain in a derogatory sense but simply they are out of the public view, whereby a petition for mercy must be drafted and made.

Soon after I was elected in 2006 I had engagement with a constituent who was seeking to lodge a petition for mercy for consideration. My correspondence with the then Attorney-General reinforced to me that it is a process that is not subject to the same scrutiny or the same processes in a public sense that a court hearing is. Therefore bringing that process before the courts as opposed to the Attorney-General I think is a good thing. It is something which will give greater transparency and greater clarity to what was the petition for mercy process.

Of course it is worth noting that this process unfortunately could be used with more regularity in the coming period given the revelations through the Royal Commission into the Management of Police Informants and the most recent successful petition for mercy, that of Mr Faruk Orman, which was referred to the Court of Appeal as a result of the Lawyer X royal commission. Without second-guessing the Attorney, I am sure the revelations in the royal commission and some of those issues that have been aired have been part of the government's thinking in codifying this process and removing it from the purview of the Attorney and placing it before the courts. Having said that, we do support it.

But noting the role of the royal commission in that point, I just want to make a few comments about the royal commission. The Royal Commission into the Management of Police Informants has been hampered by problems and lack of resources from day one, with one of the original two commissioners having to stand down and subsequently not having been replaced; the scope and timelines of the investigatory period blowing out after revelations that Lawyer X, Nicola Gobbo, had been acting as a police informant for twice as long as originally thought; and the commission being grossly under-resourced, with the initial budget of only \$7.5 million being far too low for the level of inquiry needed.

The bottom line is the government has nobbled the royal commission from the very start, placing serious doubts on the ability of the commission to be any more than a Clayton's commission—the commission you have when you do not have a commission. Commissioner McMurdo is to be admired for her dedication and preparedness to hold accountable those who seek to stymie the commission's processes. The revelations of the continuous stonewalling by Victoria Police in supplying in a timely manner documents requested by the Royal Commission into the Management of Police Informants is totally unacceptable.

This is particularly so given the royal commission was created to inquire into the practices and processes of Victoria Police with regard to their handling of police informants. Her Honour Commissioner McMurdo has on multiple occasions during the course of the hearings to date lambasted Victoria Police for its failure to comply with the directions of the royal commission. Earlier this year she stated that 'moving this commission forward in public' is:

... akin to a boxer in a fighting match with one hand tied behind his back and the other bruised and bleeding.

She further stated:

Delays in the provision of this material in a form that can be made public have hampered the Commission's progress, a concern I have raised expressly with Victoria Police in public hearings.

Only this week it has been revealed that many priority witness statements requested to be filed in March, with some having been requested more than a dozen times, still have not been lodged with the commission. It is reported that there are 11 priority statements as well as 35 other statements critical

to the royal commission which are still outstanding, leading Commissioner McMurdo to again rebuke the Victoria Police barrister by saying:

Even you and your great advocacy can't turn a sow's ear into a silk purse.

This commission is different to most in that Victoria Police is the holder of almost all the relevant information. Therefore their failure to comply with the commission's directions is clearly having a significant impact on its ability to get to the bottom of this murky saga that goes to the very heart of our justice system. It is untenable for this behaviour to continue, for to do so shows flagrant disrespect for the commission and everything it represents and stands for. Further, this behaviour raises the obvious question of what is motivating Victoria Police to act so slowly in providing the necessary documentation requested. Some are questioning whether some individuals are more concerned about protecting the reputation of Victoria Police and some members.

If this is true, what these people do not appreciate is that the reputation of Victoria Police is being damaged by this failure to comply with the directions of the commission. I noted with interest the reported submission from Victoria Police's counsel, who stated that:

... police had prepared 100 statements in 12 months, some more than 50 pages long.

To which Commissioner McMurdo replied:

It doesn't seem to me a lot of statements to be prepared in the course of 12 months.

Whilst I appreciate that every advocate has to act on their instructions, it is nothing short of pathetic and laughable as an argument for an organisation with a budget of \$3 billion per annum, over 17 000 members and other employees whose core function includes producing thousands of statements per annum. It is a farce, and the Chief Commissioner of Police needs to show some leadership on this issue and urgently fix this mess in the interests of justice and the long-term reputation of Victoria Police.

Daniel Andrews also has a role to play in fixing this fiasco. As the interim report of Commissioner McMurdo notes, a protocol between the commission, Victoria Police and the state of Victoria to deal with ongoing public interest immunity claims and the timely production of documents has been developed. So the question for Daniel Andrews is: why isn't this protocol working, and what will he do to ensure that the truth is revealed?

Finally, it is alarming that there is a prospect that Nicola Gobbo, a key and integral player in the circumstances that led to the establishment of the royal commission, may not provide a witness statement nor appear before the commission. For the commission to have credibility, what she knew and when must be revealed. With those words, the opposition will not be opposing the bill.

Mr ELASMAR (Northern Metropolitan) (16:52): I rise to speak to the Justice Legislation Amendment (Criminal Appeals) Bill 2019. The purpose of this bill is to make changes that will modernise and enhance Victoria's appeals processes. It proposes a number of important changes.

The abolition of de novo appeals is central to this legislation. A de novo appeal means literally a new trial. In Victoria it is an appeal from the Magistrates Court to the County Court where the County Court looks at the matter afresh as if there was never a previous decision. This practice, over the years, has been found to be ineffective, time-consuming and costly to the taxpayers of our community. More importantly, witnesses and victims have had to suffer through another trial, literally starting from scratch, and their trauma and distress cannot be valued in dollars.

In the past a de novo appeal has been considered an automatic right which has not required the County Court to find that there was an error in the summary proceeding for the appeal to take place. It effectively allowed an accused another chance to dispute their charges, regardless of whether there were any mistakes made during the original hearing, and it could occur even when the appellant

pleaded guilty in the summary court. The proposed reforms protect the innocent, and in most cases they will not require victims and witnesses to give evidence again.

This legislation replaces de novo appeals with a rehearing process that requires the County Court to have regard to the magistrate's reasons for a decision, which is currently not required. In effect it would provide magistrates with far more guidance than they currently receive, leading to better outcomes that are more consistent. In most cases both conviction and sentence appeals would also be dealt with by the County Court on the papers instead of a full rehearing of the matter. Appeal judges will be able to utilise court transcripts and evidence provided at the original trial.

The bill proposes to abolish de novo appeals from criminal matters in the summary jurisdiction and replace them with new appeal processes. It also abolishes de novo appeals against final orders made by the family division of the Children's Court and introduces a new second appeal right in indictable matters in narrow and rare circumstances where the Court of Appeal is satisfied that fresh and compelling evidence exists and that there was a substantial miscarriage of justice.

Finally, the bill empowers the Court of Appeal to refer an issue or a matter in an appeal to a trial court for determination. These are fundamentally important changes to the appeals process in Victoria. I am delighted the opposition are supporting this bill, because the reforms will modernise the appeals process—

Mr Finn: We're not supporting it, are we?

Mr ELASMAR: You're not opposing it. It will make for a much better appeals process and will protect the most vulnerable within our legal system, particularly children, witnesses and victims, who need not go through the ordeal of having to give evidence again in a higher court. I commend the bill to the house.

Mr GRIMLEY (Western Victoria) (16:57): I rise to speak on the Justice Legislation Amendment (Criminal Appeals) Bill 2019, which is being debated today, and I applaud the government for bringing this to the house as this is something that our party and party leader Derryn Hinch have always argued for. A justice system should not simply be a legal system. We must always prioritise the rights of victims. This bill will improve Victoria's criminal appeals in summary cases so that in most situations victims and witnesses are relieved of the trauma of a second trial or being made to give evidence again when they do not need to. Our party believes this is common sense and supports the right of the victim over the right of the offender. Further, it is efficient; courts will not need to call on the same witnesses and assemble the same supportive evidence but rather it will be available from the original trial. Hopefully this will relieve the enormous pressures put on our court systems.

I know in places in my electorate such as Geelong and Colac there is a feeling of delay, delay, delay. This can often have profound effects on victims of crime. We are looking at years before some criminal trials are able to even take place. I hope our courts will become more efficient as a result of this legislation passing.

This bill abolishes de novo appeals from criminal matters in the summary jurisdiction and replaces them with a new appeals process that in most cases will not require victims and witnesses to give evidence again. As we know, a de novo appeal is one where the entire case is heard afresh as a new trial. Currently within the appeals process witnesses are called again to give evidence for a second time, and this allows for cross-examination, intimidation and harassment of the victim who is already required to recount their personal story multiple times, sometimes in front of a packed court, where the perpetrator and their lawyers rely on cumulative trauma to cause the victim to delay and at times abort proceedings. Where is the justice for these victims?

Victims of crime have a critical role to play within our justice system, and without their willingness to report crime, to cooperate with investigators and prosecutors and to testify in court, it is likely that

society would be far worse off. We need to provide them with protection to minimise pain and suffering, and this legislation makes positive steps towards that.

Parts of western Victoria are unfortunately renowned for their history of covering up abuse, particularly sexual abuse. If this bill helps one person to not have to relive their traumatic story again and again in the courts, then it is worth supporting. Considering 3200 de novo cases go through our system each year, I think the benefits of the bill will be much farther felt.

Recently I was contacted by a constituent from Ballarat. With her permission, I have her consent to raise this in the chamber. When she was 13 years of age, she was sexually assaulted by an adult. Three decades later she won the case against her perpetrator; however, on appeal her case lost. She believes that this was due to her having to repeat her assault statement, detailing the harrowing and emotionally traumatic events in front of her perpetrator in a courtroom once again, all this whilst trying to manage her culminating complex post-traumatic stress injury. This example demonstrates how this legislation would have significantly helped and may have also resulted in a more positive outcome for this victim. Although it is being addressed now after many of these victims have felt unnecessary trauma, I have to say, 'Better late than never', and I am sure they would say the same too.

In particular I would like to draw attention to the importance of dissolving de novo appeals from final orders of the family division of the Children's Court. Children's safety and stability should be in the forefront of all of our minds and should be prioritised wholeheartedly. I echo the importance of creating transparency around wrongful convictions. If successfully introduced, this bill will allow a second or subsequent right of appeal if compelling evidence emerges and identifies a failure of justice. It is imperative that we get the balance right between protecting the rights of the wrongly accused whilst minimising negative impacts on the victim. In summary, I support this bill and I support the work this government is doing to assist victims of crime, especially victims of sexual offences.

Ms GARRETT (Eastern Victoria) (17:01): I am really pleased to make a contribution on this piece of legislation. This is a really important piece of legislation, and I am pleased to follow on from Mr Grimley highlighting just how significant these changes are going to be, particularly for victims of crime and people who are forced to be witnesses in trial matters. It will be about making those trials as streamlined and timely as possible, because we know the stressful impact that this can have on those involved.

The first aspect of the legislation abolishes de novo appeals. This was legislation that passed the Assembly but lapsed before passing the Council last year. As has been highlighted by previous speakers, the current situation in Victoria is that any outcome of a Magistrates Court hearing can be appealed to the County Court as of right, without needing particular grounds to do so. Then those appeals must be heard de novo, which means that they are basically run again with all of the evidence heard afresh and with sentencing afresh and not taking into account decisions of the lower court with respect to criminal matters.

There have been a number of unfortunate by-products of this situation in Victoria. It is highly inefficient, and we know that the costs of the justice system are significant. It is an essential cost to the state, of course, but it is significant. Where we can streamline them and put those costs into victim services, the efficient running of courts, not wasting witnesses' time and not putting them through ordeals, then of course that should be the case. There are in excess of 3000 such appeals run every year.

I think a really important point in this respect is that at present defence counsel can treat the Magistrates Court hearing as a bit of a dry run, a bit of a trial run, to see how it goes and to then kick it upstairs without any particular hurdles to be cleared. Of course this adds a huge amount of delays and costs to the parties involved. In particular, and as highlighted by previous speakers, it requires victims and witnesses to give evidence in court and, crucially, to be cross-examined all over again. We know from study after study, discussion paper after discussion paper and oral evidence after oral evidence that the process of going through cross-examination for victims of crime, particularly for sexual assault

offences and child victims, to name but a few, is hard. For any victim of crime to go through that whole process, where there is intimidation and they are suffering the effects of the crime—you then have the whole intimidatory process of the court system, which is at the best of times overwhelming but particularly hard when you are suffering the scars of crime—and to then go through what is an inherently adversarial process in which they are being cross-examined by defence counsel can be a highly traumatic and stressful experience. To get up and then have to do all of that again in an even bigger and more intimidating court environment is not something that in modern Victoria we want to be putting our victims through.

We know that de novo appeals date back to the 17th century. We are well past the time of them needing to be addressed. Quite notably, Victoria is the last jurisdiction in Australia to still have them. This is a very significant piece of legislation, because it will modernise our court system, allowing for its more efficient operation and, crucially, protecting the interests and the court experience of those people who have been the victims of crime.

The bill before the house naturally recognises, though, that we do need appeal processes and we do need a robust appeals process to protect and safeguard the rights of all participants in the justice system. So very sensibly the bill states that these de novo appeals will now be replaced by appeals which are conducted, essentially, on the papers, which is a common manner in which appeals are run in jurisdictions throughout the land. The County Court reviews the transcripts of the original hearing and will only admit—this is very significant—further evidence in very narrow circumstances under an interests of justice test. Rather than the whole appeal commencing and kicking off as if the trial in the lower court never occurred, this will now be a system in which the County Court powers will be very much narrowed regarding how it assesses the evidence before it. It will not be obtaining new evidence, except in very limited circumstances.

With respect to sentencing—this is another significant reform—the County Court will only allow an appeal of a sentence, where a sentence is being appealed, if there is a substantial reason why a different sentence should be imposed. That is a large threshold to cross. The appellant, who has been given a sentence by the Magistrates Court, will have to show that the sentence was too severe before an appeal will be accepted. There is not just an automatic right to go back and try everything all over again.

As I mentioned before with respect to de novo appeals being used in ways that are less than desirable, including defence counsel maybe having a dry run at the Magistrates Court level, similarly these provisions will act as a deterrent to offenders who may seek to just have a go, have a crack, at getting some time shaved of their sentence, particularly if the sentence imposed is in the higher order of what is provided for by statute. That itself is a waste of the court's time; it is a waste of the justice system's time. Most importantly, as has been emphasised throughout the contributions to the debate, it is further anguish for the victims of crime, because we know from talking to victims and from hearing their stories that to go through those processes and see an offender be convicted of that crime and sentenced for that crime and to then have that offender appeal that just to see whether he or she can get a bit of a better roll of the dice, a bit of a better outcome, all of that trauma is then relived by the victim.

These things will add time to our justice system. They are delays to our justice system, so a victim can be stuck in the sausage machine of the justice system for far longer than they ever should be. This is going to make, I believe, very practical changes and differences to victims who have to tell their stories and pursue justice throughout our courts.

These reforms are absolutely anticipated to dramatically cut the number of appeals going from the Magistrates Court. From the current 3200 de novo appeals they are going to dramatically cut that number. The practical outcome of that is that victims and witnesses, including those who were not directly the victim but who saw the offences and have to live through that trauma, are spared the whole process of having to kickstart that again.

Similarly, this legislation not only abolishes de novo appeals from the summary criminal matters but also introduces the reform to establish de novo appeals from final orders made by the family division of the Children's Court. These will again spare children months of uncertainty and instability waiting for a full rehearing of a case. We know just how important it is to protect our children through what can be highly stressful, highly adversarial processes. They can involve protection orders, treatment orders and permanent care orders. It is burnt in legislation that the child's interest must always be paramount, but this legislation takes another very important step in making sure that that is an actual reality—that the kids' interests are paramount and they are not forced to relive these matters over and over again. It has its own safeguards in the legislation. We always have to make sure that that balance is kept so miscarriages of justice do not occur. With respect to the family division of the Children's Court, appeals to the Supreme Court on questions of law will still be possible, and the bill does not interfere with appeals from interim orders of the family division. It also continues that important capacity for the Secretary of the Department of Health and Human Services to be able to apply to vary orders at any time.

Finally, the next part of the legislation is the second or subsequent right of appeal. This again is about modernising Victoria's legal system and strengthening safeguards against wrongful conviction. We know that these cases are incredibly rare, but on occasion, as we know all too painfully, sometimes new evidence is discovered that shows people have been wrongfully convicted. These cases are currently dealt with behind closed doors through a very antiquated petition for mercy process which involves the affected individual having to write to the Attorney-General and present evidence, and Department of Justice and Community Safety advice is sought. We are wanting to take that antiquated process and bring it into modern Victoria, making the process much more transparent and allowing, where there is fresh and compelling evidence which shows a substantial miscarriage of justice, for that to be considered by the court. Again, this is another way in which this legislation is really modernising Victoria's justice system, as it should.

This test will be a rigorous one. It does not mean that the offender can simply try again where they have failed. Fresh and compelling evidence absolutely would have to be discovered. That does not include mere technicalities. It has to demonstrate that there has been a substantial miscarriage of justice shown. With those comments, I know that there are other people who wish to speak on this legislation, so I do commend this bill to the house.

Ms PATTEN (Northern Metropolitan) (17:14): I rise to speak on the Justice Legislation Amendment (Criminal Appeals) Bill 2019. As other speakers have said, this bill abolishes de novo appeals from the Magistrates Court of Victoria and the family division of the Children's Court, amongst other things. As many of the speakers have said, this is said to modernise Victoria's criminal appeals so that victims and witnesses are not put through the trauma of a second trial or made to give evidence again when they do not need to. This has been reiterated by a number of the speakers. I do not think there would be anyone who would not agree that if we can minimise the harm to victims, then that is a very fair objective. But I think it is also an objective that could be achieved through more judicious ways.

Unfortunately I feel that this legislation actually has the potential to create a bigger problem than it seeks to resolve. To give some context to that and to some of the comments made by previous speakers, the Magistrates Court of Victoria deals with 90 per cent of criminal matters in this state. It is also the place where all criminal matters, even those destined for County or Supreme courts, commence. The volume of matters dealt with in the Magistrates Court is massive—around 713 000 total hearings per year. Victoria has about 106 magistrates, meaning they actually hear about 6272 hearings per magistrate per year, which means they are listening to and hearing 125 matters every week. The court finalises around 197 000 cases each year.

In relation to appeals, which is where this legislation goes to, of those 197 000 cases that are finalised, as other speakers have said, 3200 or so are appealed to the County Court. That is 1.6 per cent. Of those

1.6 per cent that are appealed, only 18 per cent are conviction appeals where witnesses or victims would be involved. So that is around 540 per year on average to March 2018. The vast majority of the cases are sentence appeals. Far fewer actually proceed to hearing where witnesses are required to give evidence. In percentage terms that is 0.0029 per cent of Magistrates Court cases that result in an appeal against conviction. So this legislation is to capture 0.0029 per cent of convictions that do go to appeal, or in other words this is a policy designed to address an issue with, as I say, 0.0029 per cent of matters. But, unfortunately, it will bear very heavily on the 99.9971 per cent of cases before the court, because these changes affect not only conviction appeals but also appeals against sentencing.

The Magistrates Court, as I said, is a high-volume environment that relies on rapid turnover to function. We are talking about over 700 000 cases each year in the Magistrates Court. Decisions are often made without detailed materials being presented to the court, but it has to function in that way to accommodate the sheer volume that it is required to deal with. Speed and brevity are necessary by-products that carry with them a big trade-off in terms of the risk of an unfair or unjust outcome. Decisions are made quickly and with a degree of informality, in contrast to the higher courts. Decisions are often made without comprehensive materials or even sworn evidence. De novo appeals against sentence represent the fundamental safety net that offsets this risk. As the Law Institute of Victoria explains, the abolition of de novo appeals will void these efficiencies and place significant additional burdens on the Magistrates Court.

We would probably take no issue with this if the government was just seeking to change conviction appeals, but by affecting sentencing appeals as part of this reform the fundamental safety net that underpins the efficient operation of the Magistrates Court is lost. Taking away that safety net means that every single Magistrates Court matter must be prepared with the degree of thoroughness of a County Court appeal, not just the 1.6 per cent of matters that are actually appealed.

This is because up until now new evidence in mitigation could be admitted on appeal, but in contrast will be heavily constrained under this bill. In lay terms, you no longer have a chance to do a better job the second time. I note Ms Garrett said, 'Have another crack at it'. This is not it. This is 700 000 cases. The Magistrates Court must act with speed and does act with brevity. It is not about having another crack. The consequences could easily mean that we will see far more adjournments, more delays, more medical and psychological reports, more plea materials, longer submissions, longer hearings, greater legal costs, greater burdens on legal aid, a bigger public purse for legal aid matters, lengthier reasons for sentence and more time on remand. Given the remand populations of our prisons, both men and women, that is the last thing I think the state should be enabling.

The Law Institute of Victoria estimates that these changes will move a Magistrates Court case from 1 hour to 6 or 7 hours, and this obviously adds up to increased costs. The greater risk is that a Magistrates Court, already operating close to capacity, could literally have its operation strangled and with it the criminal justice system as a whole. I share the concerns of the Law Institute of Victoria, who were disappointed that the bill was tabled without any meaningful consultation with them or the legal profession more broadly.

In 2006 the Bracks government considered abolishing de novo appeals. That was 13 years ago. A Law Reform Committee inquiry was established into the issue. Categorically that inquiry recommended against abolishing de novo appeals, which if anything is more relevant now than it even was then. That inquiry found that hearing appeals de novo maximises both the fairness and the efficiency of the Victorian criminal justice system as a holistic system of justice. In examining alternatives to the Victorian approach, the Law Reform Committee gave particular consideration to the system of appeals that operates in New South Wales and upon which this proposal before us is based. I quote from the report:

On balance, the Committee was persuaded by this evidence that the 1999 changes in NSW have detracted from the accessibility, and therefore the fairness, of the right to appeal against conviction in that state.

And further that:

... Victoria's system of de novo appeal achieves a remarkable synthesis of justice and value for money.

It is a shame that an evidence-based inquiry such as this was not undertaken by the government before moving away from that recommendation, and against well-considered recommendations from organisations that many members would have received from Liberty Victoria.

My office and I raised this issue with the Attorney-General back in February, well before this legislation was reintroduced, and we suggested a series of compromise positions. The easiest fix in our view would be to reform conviction appeals but not sentence appeals, so that the object of the bill, which is to protect victims and witnesses, is achieved, and the safety net for sentence appeals are retained. Alternately the bill could be amended to permit new material in mitigation to be more easily admitted on an appeal against sentence. At a minimum we have suggested that the government could send a clear message today that the courts should apply a broad interpretation of new section 256B(3)(a). That section looks at what evidence the appellate court can consider. We would certainly argue that that consideration should be a very broad view of that section. I thank the minister for agreeing to address this issue in her summing up.

My suggestion is that a psychological report, neuropsychological report, psychiatric report, medical report or compelling evidence in mitigation that came into existence after the Magistrates Court sentenced the appellant, and which may pertain to the circumstances of the appellant including those precedent to that sentence, will be considered to relate to matters that occurred after the Magistrates Court sentenced the appellant for the purposes of subsection (3)(a)(i), with an equivalent amendment in the Children's Court.

That would mean there is still some sort of net, so the efficient operation of the Magistrates Court is not affected. I thank in advance the minister for her preparedness to open this type of door and to address this for me. It simply makes no sense that in trying to fix one problem, you would knowingly cause a larger one. I really hope today, and the Reason Party hopes today, that reason and common sense will prevail. I certainly think that while there is well-meaning behind this legislation, as we so often say in this house, there are unintended consequences from it. Again, I am talking about a tiny, small number of appeal cases: 0.0029 per cent. For justice and fairness I look forward to hearing the minister's summing up on enabling a broad range and broad interpretation of the evidence that an appellate court may also consider.

Mr QUILTY (Northern Victoria) (17:27): I think Ms Patten may have been operating with the same source material as I was, so you might get some repetition here. The Liberal Democrats will not support this bill. We will not support this bill for three reasons. First, it seriously undermines the right of appeal. Second, it will make the court system less efficient and increase the caseload of the County Court. Third, all existing evidence tells us that de novo appeals are not even part of the reason the court system is struggling and that they are not causing harm to victims, so these reforms are not addressing the real cause of the problems in the legal system. Finally, once I have talked about those three things, I will explain what the real problem is and how it can be easily fixed.

Firstly, this bill undermines the right of appeal by eliminating full retrials for appeals made from summary courts. The right of appeal is important because courts make mistakes of fact and mistakes of law. Summary courts and magistrates make these at a higher rate than other courts because they deal with more cases and so move more quickly, with more reliance on fast individual judgements on the spot by magistrates. Removing de novo appeals exposes innocent people to the risk of mistakes of fact not being detected during retrial and re-examination of witnesses. This is a bad thing because our legal system is based on ensuring that an innocent person is never punished. In this case it is not even morally hard since we are just weighing the costs of running a proper appeals system against the harm of punishing innocent people. Every single informed Victorian you could care to ask would strongly agree that any reasonable costs of running a proper appeals system are far lower than the harm of the

state punishing the innocent. Removing de novo appeals exposes people to the risk of a mistake in their defence or by the judiciary leading to a wrongful judgement on matters of fact and having no way to appeal it.

Secondly, this bill is going to do the opposite of what it is meant to do and make the court system less efficient. A quick history lesson on why we have summary courts and why they work: when many new statutory offences were added in 17th-century England, it was not possible to keep up with the ballooning numbers of cases before the courts using slow and deliberate trials by jury. As a result, summary courts were added to the legal system so they could hear these less serious cases more quickly. But it was known that people would not give up their right to a fair trial by their peers and elect to have their cases heard in a summary jurisdiction unless they knew they could appeal for a proper trial by jury if they felt their case was unjustly heard. To ensure sufficient faith in the legal system necessary for summary jurisdictions to work, de novo appeals were added.

The last time de novo appeals were reviewed in Victoria, by the Law Reform Committee of the Parliament of Victoria in 2006, the committee found that nothing had changed to make this trade-off any less practically or morally important and that it should be retained. If you remove de novo appeals it will ultimately cause legislative reform to have more cases heard in the County Court or to give more options for accused to elect to be heard in the County Court. At the moment indictable offences triable by summary authority require the consent of the accused to be heard in the Magistrates Court. Many of these people will simply withdraw consent and the cases will be heard in the County Court. If this bill passes, many more people will ultimately elect to do this than currently elect to appeal to the County Court, because rates of appeal tend to be low. People generally accept the judgement of the Magistrates Court once their case is heard and rulings are made.

Magistrates and lawyers in summary courts are also able to deal with the cases that they have as quickly as they do because they know that if they make a mistake there is a robust safety net to fix it. If the safety net is shredded, as this bill proposes, then they will work more slowly and deliberately and so will address their cases less efficiently. We know this because this is what they told the 2006 review. We also know this because this is what happened in South Australia when they passed similar reforms. According to the same review, South Australia has more than one and a half times the percentage of cases backlogged for more than six months in the Magistrates Courts and more than three times the percentage of cases backlogged for more than 12 months. All evidence screams that this bill will have exactly the opposite of the desired effect of making the court system efficient. This bill will make courts slower and more expensive.

This brings me to my third point. We know that de novo appeals are not causing problems in the legal system and are not even making much of a contribution to the problems of the court system because, according to the annual reports of the Magistrates Court for the last few decades, only between 1 per cent and 1.5 per cent of cases are appealed. The rate of appeals against conviction is only 0.3 per cent, and 51 per cent of de novo appeals are upheld. These numbers are all important and they tell us different important things.

The first number, 1 per cent, tells us that an absolutely tiny fraction of cases are appealed, so even if eliminating de novo appeals would reduce the total caseload, which it will not, it would reduce it by an absolutely tiny amount. The first number is also important because it has not changed much in decades, so this is not a growing problem, while the issue of magistrates hearing 80 to 100 cases a day is a new and growing problem. We also know from County Court reports that only 6 per cent of County Court work is hearing appeals.

The second number, 0.3 per cent, is important because these are the cases that require witnesses to give evidence again, so it tells us the number of appeals where witnesses need to give their evidence again is really, really low. We have been told that reducing de novo appeals is important to reduce the harm that victims and witnesses might incur from being dragged back into court, but there is no

evidence to support this—certainly none put forward by the Attorney-General. The number of appeals where victims and witnesses are dragged back into court is absolutely tiny, at less than one in 300 cases.

The third number, 51 per cent, is important because it tells us that de novo appeals actually really are important for preventing miscarriages of justice. A little bit more than half of the cases that are appealed are upheld. This is not a tiny number, like 1 per cent or 0.3 per cent—it is a big number. If you are in the 51 per cent of people who think they were dealt with unjustly, who were dealt with unjustly or would be found to have been dealt with unjustly today, that is a bigger deal than any number could express.

Finally, we can talk about why the court system is struggling with the caseload. In the 17th century we had to downgrade our legal system from one where everyone was guaranteed a trial by jury because we created lots of new statutory offences that just made more people guilty of more things, and the courts were overwhelmed. In the 21st century we have had a renaissance of new statutory offences and policing, so now we want to downgrade our legal system again—this time to eliminate a robust appeals system.

Put simply, we in this place are just making too many things illegal, and the obvious result of this is that more people end up in court. Don't believe me? In the last 10 years alone the Victorian general offence rate has grown from 6.95 per cent to 7.8 per cent, while the population has also grown, from 5.5 million to 6.5 million. We have more people, and we are sending a higher proportion of these people to court under stricter laws that cover more things. Policing many of these things is just a waste of police and court time, and it all adds to clogging the legal system with pointless cases.

In 2010, 9600 people were convicted of drug possession, and it was the 10th most numerous crime, but in 2019 it is now the sixth most numerous crime, with 25 000 convictions. Even accounting for population growth, that is more than twice the percentage of Victorians being convicted for a victimless crime. In 2019 we made 72 000 more people guilty than we did in 2010. At the current rate of population and law growth, we will make about 90 000 more Victorians guilty each year by 2029 than we did in 2019. That is 160 000 more guilty people each year by 2029 than in 2010—160 000 more cases for police to process and courts to hear. Laws have become stricter, laws are more strictly enforced and laws have expanded to cover more things. The story is repeated across the board with almost every category of non-serious offence gaining new laws over time and the laws becoming stricter, resulting in a steady but inexorable growth in the number of cases courts need to hear. That is the real problem.

I suspect that many of those on the government benches who are lawyers by trade know that these laws are bad for justice and bad for the court system, and I cannot begin to fathom why they are supporting these reforms. I do not think that anyone should support this bill, no matter what you generally think of appeals, because it is going to make the problems it is trying to address worse, while exclusively disadvantaging people who are unjustly heard by the courts. Nobody benefits from these changes, but a lot of people suffer.

Laws are like trees and in this place we are the gardeners. With only a few plants, you can establish and maintain a beautiful garden with fruits and flowers, that you can move through and enjoy. These are the few laws that serve valid and useful purposes and there are few enough of them that they can be policed and legislated properly. But if you sow too many plants too close to each other, each one will be ill formed and sickly and they will combine to form a thicket. Worse still, the really important trees will not produce flowers or fruits, because they are starved for water and light by the many weeds and pointless plants. These are the many pointless laws that we have permitted to accumulate over the years—a thorny thicket that impedes progress and traps people in our court system. We in this place have let this thicket grow beyond our ability to adequately maintain it or to police it without excessive coercion. It reminds me of our national parks, and like our parks, one day it is going to catch fire and burn, with great loss to all Victorians. What we need to do to address the problem of overworked

courts is not to trash our appeals system. We need to take a chainsaw to the existing thicket of laws and stop sowing new weeds.

Dr RATNAM (Northern Metropolitan) (17:38): The Justice Legislation Amendment (Criminal Appeals) Bill 2019 seeks to make two changes to the criminal justice system: the abolition of de novo appeals in criminal matters in the summary jurisdiction and the introduction of a second appeal right to the Court of Appeal in the rare circumstances where convicted persons can demonstrate that there has been a substantial miscarriage of justice.

These are significant reforms. In the case of the former, the abolition of de novo appeals, it will be a fundamental change in the functioning of criminal law in our courts. Such reforms should not be made lightly and without strong evidence. An example of strong evidence is the report of the incredibly comprehensive non-partisan parliamentary inquiry examining de novo appeals tabled in the Victorian Parliament in 2006. This inquiry strongly recommended the retention of the de novo system. Compared to the level of analysis back then, this time around the government has presented only superficial assertions, essentially some dot points containing no new evidence or reasons as to why suddenly now we need to take the opposite approach and abolish de novo appeals. De novo appeals are no less an important part of the justice system now than they were in 2006. In fact there are good arguments that they are even more important.

Not for the first time in the justice portfolio, the government's proposed reforms appear to be an affront to evidence-based policy. The Greens are therefore obliged to oppose this bill. Currently the weight of evidence is in favour of retaining de novo appeals. Along with the parliamentary inquiry I mentioned, the Law Institute of Victoria, Liberty Victoria and the Criminal Bar Association are all in support of de novo appeals. The Greens do acknowledge that there are informed counterarguments and opinions on the issue, and therefore we would support a review of de novo appeals by the Victorian Law Reform Commission, as has been the case with areas of equal legal significance—a recent example being the current review of the committal and pre-trial hearings for indictable offences.

The Greens do not hide from contested issues or from progress when presented with compelling reasons, but at the very least we demand that these reasons be presented. Because these reforms have been proposed without any evidence, we are concerned that once again the government is looking for political quick fixes to problems in the justice system that are largely of their own making. Toxic law and order politics has meant that for over a decade we have been lacking any credible leadership on justice policy in Victoria. As a result we have parts of the justice system, particularly criminal justice, where ill-thought-out ideas and legislated knee-jerk reactions are being piled layer upon layer on top of political quick fixes. It is an endless death spiral, where deteriorating performance in the sector is promoting ever-worsening policy initiatives.

So I am going to talk today about why evidence-based policy is important. Five hundred years after the Magna Carta, it is truly embarrassing that the level of the justice debate in Victoria has regressed to a series of macho partisan fights over who is the toughest on crime. How, in this age, can we justify investing multiple billions of dollars in policies that have been shown again and again to make a problem worse? Would a health minister propose building a new multibillion-dollar project—and I should point out here that the actual spending growth on prisons in Victoria is around twice that of public hospitals—if there was no evidence that it would improve community health and if in fact there was very strong evidence that it would actually increase the rate of death and disease in the long term? Imagine further still, if confronted with these facts from doctors and health professionals, experts from overseas, a visiting Republican or Democrat or our own Indigenous community, that the minister said that they would make no apologies for their actions. Only in the area of justice policy are Victorians asked to accept this reality.

How many more times are Victorians going to have to hear expressions such as 'We make no apologies for having the toughest bail. We make no apologies for tougher sentencing. We make no apologies for imprisoning more people'. We should see these statements for what they really are: they

are excuses for failure. Ministers may consider not apologising for failure as tough, but it does not improve public safety, social outcomes or the budget bottom line.

We do not gauge the government's performance in these areas by measures of its toughness. What is measured in the annual reports of our justice agencies and courts and in the budget papers are things like criminal offending rates, court case loads and finalisations, and the level of imprisonment and recidivism. We measure these things because they actually affect the quality of life of Victorians. And the government is failing Victorians based on these measures.

Consider that while the rate of incarceration has almost doubled in the last 10 years, according to the Crime Statistics Agency the rate of victims reports and offending per 100 000 of the population remains higher than when Labor took office and well above what it was a decade ago. Recidivism rates for prisoners have not significantly moved from around 43 per cent, and for some cohorts, like children, they are rapidly increasing. Given the massive increases in prisoner numbers and churn, this equates to a much higher overall level of reoffending. Examining this data, the absolute best you could argue is that the current tough-on-crime approach has had no observable relationship to criminal behaviour, the level of offending or public safety. This is not surprising. It replicates data from jurisdictions around the world and the opinion of our own Sentencing Advisory Council.

On the other hand, the major reforms, including more arbitrary remand and less non-custodial sentencing options, have had a major effect on the lives of the most vulnerable Victorians. To quote Victoria Legal Aid:

More often we are seeing children, women, people experiencing homelessness, and people with mental health issues remanded in custody.

The public advocate also raised concerns this year that more people with severe cognitive disabilities are being held in custody on remand. Shocking examples of this continue to emerge.

Shamefully, this government also now boasts the record for imprisoning more Aboriginals and Torres Strait Islanders as a proportion of all prisoners than at any time since accurate data started to be kept. This government is also breaking records in the incarceration of women. The Crime Statistics Agency recently reported that the number of women entering prisons in Victoria in 2018 is more than double the number in 2012. More of these vulnerable people are being criminalised because the real effect of law and order politics has been to penalise minor offenders experiencing issues such as homelessness, family violence, mental health issues, disability, drug and alcohol misuse, isolation, poverty, trauma, abuse and crime, low education attainment and poor employment prospects.

The legal fraternity uses the euphemism 'complex cases' to describe these groups, and it is a term being used with increasing frequency every year because of a deterioration in the underlying social factors that influence criminal behaviour. In large part this is because the billions that should be spent on preventing social problems are instead being used to temporarily house the symptomatic in very expensive and ineffective prisons. Suffice to say, holding vulnerable people for days, weeks or months does not make the community any safer in the long term.

And because people on remand have very limited, if any, access to the targeted programs and services that they need to address their problems, imprisonment actually entrenches criminal behaviours and reoffending. Contrary to the government's logic, it is not a sign of toughness to punish the most vulnerable in our society. In fact it is a sign of weakness and insecurity.

The effect on the courts of this tough-on-crime, low-on-evidence justice policy has been disastrous, particularly for the criminal division of the Magistrates Court, which is facing unprecedented demand pressures and having difficulty finalising cases involving these extremely complex cases. I have already spoken in this Parliament on the Magistrates Court of Victoria's annual report for 2016–17. It is a report that is so bad that the government decided not to table it for almost two years. Equal pressure has flowed on to the criminal justice division of legal aid, particularly in the summary jurisdiction

where, like in the courts, court advocacy services are overburdened by the increase in the number of cases as well as their complexity.

I recognise the government has made some increases to funding for legal services, but these increases have not kept up with the demand pressures. Victoria Legal Aid last financial year again recorded what was effectively an operating deficit and it is forecasting yet more deficits in the future. As a result of this, and contrary to their fundamental rights, more and more Victorians do not have access to justice and are appearing in court without adequate legal representation.

Given all of this, I was amazed that some government MPs' contributions on this bill referenced the criminal caseload of the Magistrates Court as a good reason for the abolition of de novo appeals. Nearly every submission I have read said, and the parliamentary Law Reform Committee's report found, that abolition of de novo appeals would:

... almost certainly reduce the efficiency of, and increase costs for, the Magistrates' Court—

and would make hearings in the Magistrates Court 'longer and more complex', therefore imposing an additional burden on legal advocates.

As I indicated earlier, I am not going to outline all of the well-documented arguments with regard to de novo appeals, but I think it is important to raise this one as an example of the need for greater examination of the true impacts of these significant reforms rather than taking on face value the speaking points that have been presented to us in this debate. I say this despite the fact that most MPs did little more than repeat the point that de novo appeals originate from 17th-century England and are old-fashioned and, as such, it is high time we modernised the system. We should all be very wary when the best adjective to describe legislation, as judged by its repetition, is 'modernising'. It is up there with 'promoting innovation' and is usually only uttered when the government plans to sell off an asset.

In this case especially, and in the absence of actual evidence, can we really accept an 'old equals bad, modernised equals good' argument? We are not deciding whether to upgrade to the new iPhone, we are deciding about changes to a complex system of criminal justice that has been carefully refined over many centuries. What we decide to support will have very serious impacts on real people's lives and in some cases may mean the loss of their liberty. In other words, we need to do the work, the hard work, and get these reforms right.

I will conclude by pointing out that while there is much talk around about the declining standards of politics, very rarely does a tangible example of such a decline emerge. I put forward that this bill is such a time. It is because of the failures of successive governments that the Greens want to see a return to evidence-based justice policy. This means we want to see real evidence on the impacts of the abolition of de novo appeals on the operation and efficiency of the courts. This includes data on the likely effects in terms of access to justice, the effects on victims of crime and, perhaps most importantly, whether abolishing de novo appeals will impact the delivery of fair and just sentencing outcomes in Victoria.

This was the standard of evidence that was required by MPs from all sides of politics in this house when the issue was last considered by the Parliament. It was the minimum standard required by government ministers that currently sit in this chamber. The Greens are committed to upholding this standard and, given the failures of justice policy over the last decade, now more than ever we should not be lowering them. For this reason, we oppose this bill.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:50): I will try to be fairly quick with this, in responding to comments that have been made. In addressing this matter, firstly, I wish to indicate that I do have some answers to a number of questions that have been raised.

There were four questions raised by Mr O'Donohue. The first related to the reason the government has made the decision to abolish de novo appeals. Essentially appeals play an important role in the justice system, offering an important safeguard to correct errors and, in rare cases, avoid a miscarriage of justice. However, appeals can have a significant impact on the justice system and those involved, particularly victims and witnesses. It is therefore important that our appeals processes are modern and fit for purpose to ensure appeals are not considered needlessly or in a manner that is unduly burdensome on the system or vulnerable individuals. Victoria is the only Australian jurisdiction that continues to have 'as of right' de novo appeals for all appeals from decisions of magistrates in criminal matters, including against conviction and sentence. De novo hearings have considerable impacts on the criminal justice system, including on the wellbeing of victims and witnesses who may be required to give evidence twice—first in the original hearing and then again on appeal. A de novo hearing has no regard to the work completed by magistrates, undermines the finality of their decisions and creates inefficiencies through the duplication of proceedings in the higher courts.

The second matter was around the number of de novo appeals, their respective outcomes and the sentencing impacts of those. With respect to those points, I will undertake to come back to the member with as much information as possible. In trying to assist with that, Mr O'Donohue, I have been advised that the courts have some concerns with respect to the release of some of these numbers. As such, the government can commit, though, to seek information and provide as much information as possible to you.

In respect to the third question—it related to the extent to which victims will have a reduced exposure to trauma as a result of these changes—I would say that while it is true that sentence appeals have less impact on victims and witnesses than appeals against conviction, victims are still required to resubmit victim impact statements and victims or witnesses may also be required to give evidence again if the facts are disputed.

The final point related to public confidence in the administration of justice as it relates to de novo appeals. To that I say the issue of undermining the Magistrates Court is not one of volume but rather one of process. Because a de novo appeal is run afresh, it is as if the magistrate's hearing never happened. No acknowledgement is given to the decisions made by that court and no reasons need to be given for a new decision which is different. The new system will give recognition to the original decisions and explain why they are being changed at appeal. This will make them much more understandable for victims and all involved, I would argue.

Ms Patten had a number of points. She questioned whether offenders will be able to submit new material at sentence appeal. That, I can say, will depend on whether the material could have been presented at the original hearing. An appellant will be able to present, as of right, new material which relates to matters that occurred after the sentence was imposed and which concerns the circumstances of the appellant. That might include, for example, a new report showing a new diagnosis or that the offender has just entered treatment. The court will also be able to consider submissions made during the appeal hearing, which may be broad. They could address any matter that the court considers relevant and necessary to determining the appeal—for example, if the appellant did not provide the original court with information about their circumstances, such as, for example, a longstanding illness in respect of which reports had not been previously provided.

Of course submissions could also be made by the prosecution—for example, evidence that the offender had not complied with bail conditions when waiting on an appeal or regarding victim impact. The court will take all information into account when considering whether there are substantial reasons to impose a different sentence.

I also note that some members have referenced the 2006 parliamentary Law Reform Committee report on this issue and its conclusion that on balance de novo appeals should be retained. It is important to recognise that the 2006 report placed less emphasis on the impact of de novo appeals on victims and witnesses than other considerations. Things have changed since 2006. There is now significantly better

recognition of victims rights across our justice system and a recognition that the system ought to avoid retraumatising victims.

The Magistrates Court now routinely hears serious matters involving victims, including family violence, burglaries, recklessly causing serious injury and carjacking. The number of de novo appeals has grown by 45 per cent since 2006. For these reasons we think that the new appeals process outlined in the bill strikes a more appropriate balance by maintaining appeal rights, which is important, and will continue to be accessible without retraumatising victims. We believe the appropriate balance has been struck in this bill. I trust these comments have been of assistance. I commend the bill to the house.

House divided on motion:

Ayes, 34

Atkinson, Mr
Barton, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Cumming, Dr
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr
Garrett, Ms
Gepp, Mr

Grimley, Mr
Jennings, Mr
Kieu, Dr (Teller)
Leane, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Meddick, Mr
Melhem, Mr
Mikakos, Ms
O'Donohue, Mr

Ondarchie, Mr
Pulford, Ms
Rich-Phillips, Mr (Teller)
Shing, Ms
Somyurek, Mr
Stitt, Ms
Symes, Ms
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms

Noes, 5

Hayes, Mr (Teller)
Limbrick, Mr

Patten, Ms
Quilty, Mr

Ratnam, Dr (Teller)

Motion agreed to.

Read second time.

Third reading

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (18:04): I move, by leave:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE MANSLAUGHTER AND OTHER MATTERS) BILL 2019

Introduction and first reading

The PRESIDENT (18:05): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Occupational Health and Safety Act 2004** to provide for offences of workplace manslaughter and to provide for the establishment of the Workplace Incidents Consultative Committee, to amend the **Workplace Injury Rehabilitation and Compensation Act 2013** in relation to the Board of Management of the Victorian WorkCover Authority and to make consequential amendments to certain other Acts and for other purposes'.

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:06): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr SOMYUREK: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:07): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I make this Statement of Compatibility with respect to the Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill 2019 (Bill).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Occupational Health and Safety Act 2004* (Act) to introduce new criminal offences of workplace manslaughter. The Bill aims to hold organisations and individual officers to account where they engage in negligent conduct causing the death of a worker or member of the public.

The Bill implements the government's election commitment to introduce workplace manslaughter as an offence, and sends a clear message that putting lives at risk in the workplace will not be tolerated.

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill are:

- The right to liberty and security (section 21)
- The right to be presumed innocent (section 25(1)); and
- The right to protection against self-incrimination (section 25(2)(k)).

Right to liberty and security

Section 21 of the Charter provides that every person has the right to liberty, and that a person must not be deprived of his or her liberty arbitrarily and except on grounds, and in accordance with procedures, established by law. Section 21 also provides that every person has the right to security, which includes safety of the person.

The purpose of this provision is to ensure that a person is not arbitrarily arrested or detained and that the circumstances of any such detention are sufficiently circumscribed and subject to the independent scrutiny of the courts. Clause 4 will insert new section 39G(2) into the Act, which creates an indictable offence where an officer of an applicable entity engages in conduct that is criminally negligent, constitutes a breach of an existing duty under Part 3 of the OHS Act, and causes the death of a worker or a member of the public to whom the duty is owed. This offence carries a maximum penalty of 20 years' imprisonment for individual officers or self-employed persons.

Although conviction for the new offence may result in the deprivation of liberty, it will only arise as a result of a sentence imposed after conviction by an independent court after a fair hearing. Further, the requirement for conduct to amount to criminal negligence ensures that the right to liberty is only limited where a sufficiently high threshold is met. In my opinion, interferences with the right to liberty under this Bill are neither arbitrary nor unlawful and are compatible with section 21 of the Charter.

This Bill promotes the right to security and right to life of workers and members of the public by providing a deterrent to poor safety practices, and encouraging organisations and their officers to dedicate sufficient resources and training to workplace safety.

Right to be presumed innocent

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. Section 25(1) is relevant in relation to the workplace manslaughter offence for an individual officer.

The Bill applies to officers, which is consistent with the Act's obligations and definitions. The Act adopts the definition of an officer in the *Corporations Act 2001* (Cth). Officers include people at the highest level of the organisation (for example, directors). It also includes people who participate in making decisions that affect a substantial part of the organisation's business, or who have the capacity to affect significantly the organisation's financial standing, regardless of their position title within the organisation.

Officers currently owe duties to their employees and members of the public under Part 3 of the Act. The Bill is not amending these duties, but is introducing a substantial consequence where an officer engages in negligent conduct causing the death of an employee or member of the public. An officer cannot be convicted for the offence of workplace manslaughter unless they have been personally criminally negligent in the discharge of their duties, and this causes the workplace fatality, or negligent conduct is attributed to them under the OHS Act for failing to take reasonable care.

The prosecution bears the legal and evidential burdens of proof for each element of the offence, including that the officer's conduct amounted to criminal negligence and caused the death. These elements require a high threshold to be met before an officer is found individually liable. As a further safeguard, no limits are placed on the defences that would apply in relation to manslaughter offences under the common law or legislation, and these would be available to officers accused of committing workplace manslaughter. If the defendant raises a defence, they would bear an evidential burden in relation to the matter but the legal burden would ultimately remain with the prosecution. This would not limit the right to be presumed innocent.

While the penalty for this offence is substantial, it is justified where an officer's negligent conduct causes a workplace fatality, consistent with other manslaughter offences.

In my opinion, this Bill does not limit the right to be presumed innocent.

Right against self-incrimination (section 25(2)(k))

Section 25(2)(k) of the Charter provides that a person who has been charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt. It is also an aspect of the right to a fair trial protected by section 24 of the Charter. This right under the Charter is at least as broad as the privilege against self-incrimination protected by the common law. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion.

The right in section 25(2)(k) of the Charter is relevant to clause 4, which introduces an indictable offence into the Act with a maximum penalty of 20 years' imprisonment for officers or self-employed persons. The Bill does not introduce new investigation powers into the Act, and therefore the existing regime applies to the offence.

Section 100 of the Act provides inspectors with the power to require a person to produce a document or answer a question, and allows inspectors to examine a document. In the event that a person raises the existing defence of reasonable excuse under section 100(2) of the Act, they bear the evidential burden. This does not limit the right to be presumed innocent.

Section 154 of the Act preserves the privilege against self-incrimination in relation to questions, but abrogates the privilege in relation to the production of documents. The Act does not contain a use immunity provision. Therefore, a limited abrogation of the privilege against self-incrimination exists because a document required to be produced may contain evidence that would tend to incriminate the person with respect of the offences in the Act. The Bill does not amend the current limited abrogation in the Act for the purposes of the new offence.

The right to protection against self-incrimination generally covers the compulsion of documents or things which might incriminate a person. However, at common law the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents that are brought into existence to comply with a request for information. I note that some jurisdictions have regarded an order to hand over existing documents as not engaging the privilege against self-incrimination.

The primary purpose of maintaining the limited abrogation in relation to documents is to enable inspectors to investigate potential workplace manslaughter offences and refer matters for prosecution where appropriate (consistent with other offences under the Act). Taking into account the protective purpose of the Act in ensuring the health and safety of employees and members of the public, there is significant public interest in

ensuring that inspectors are able to access information and evidence that may be difficult or impossible to ascertain by alternative evidentiary means, and to use such evidence to bring enforcement action where appropriate.

Any limitation on the right in section 25(2)(k) arising from the limited abrogation is directly related to its purpose. The documents that an inspector can require to be produced are already in existence and connected with an organisation's business activities, and therefore may be crucial in establishing the elements of a clause 4 offence. The limited abrogation is an established feature of the Act, and individual officers are therefore on notice that any documents they create may be required to be produced. Importantly, the requirement to produce a document to an inspector does not extend to having to explain or account for the information contained in that document. If such an explanation would tend to incriminate an individual, the privilege would still be available.

The Bill includes transitional provisions which will make it clear that only an offence alleged to have been committed on or after commencement can be the subject of a prosecution for workplace manslaughter. However, the Bill clarifies that an omission to perform an act on or after the commencement could be still be conduct for the purposes of the offence, even if an occasion for performing that act arose before commencement. For example, conduct could capture an existing policy that was drafted before commencement but was not updated post commencement. This is not considered to provide retrospective operation, as the conduct captured would be the omission to update the policy post commencement.

I am of the view that there are no less restrictive means available to achieve the purpose of enabling inspectors to have access to relevant documents for investigation and enforcement, and access to such documents is necessary to hold individuals to account. In certain circumstances, other jurisdictions have provided a 'use immunity', but such an immunity is not appropriate for the new workplace manslaughter offence. Documents are crucial in workplace manslaughter investigations where it may otherwise be difficult to determine who was making decisions in complex corporate structures. It may not be clear to an inspector from the outset that the incident is a workplace manslaughter offence, but documents demonstrating negligent conduct that meets the threshold may be discovered as the investigation evolves. To provide for a 'use immunity' that restricts the use of produced documents to particular proceedings would unreasonably obstruct the role of inspectors and the aims of the offence to hold individuals to account for workplace deaths, as well as giving the holders of such documents an unfair forensic advantage in relation to criminal investigations.

I note that relevant investigation and prosecution agencies have advised that if a direct or indirect use immunity was provided in relation to documents, there would be great difficulty in securing a conviction for workplace manslaughter, thereby defeating the objectives of this amendment to the Act. In addition, a direct or indirect use immunity solely for a workplace manslaughter offence would not be appropriate because it would create inconsistencies with the rest of the compliance regime in the Act. From a practical perspective, it would be difficult to provide for a use immunity solely for workplace manslaughter only but not for the other offences in the Act.

For the above reasons, I consider that to the extent that clause 4 limits the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the Charter.

The Hon Gayle Tierney MP
Minister for Training & Skills
Minister for Higher Education

Second reading

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:07): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr SOMYUREK: I move:

That the bill be now read a second time.

Incorporated speech as follows:

This Bill will achieve three objectives—

- to deliver on the Victorian Government's commitment to introduce new workplace manslaughter laws in the *Occupational Health and Safety Act 2004* (OHS Act),

- to enshrine the role of the Workplace Incidents Consultative Committee in legislation, and
- to amend the *Workplace Injuries Rehabilitation and Compensation Act 2013* to remove the requirement that the Chief Executive Officer of WorkSafe also be a Director of the WorkSafe Board.

Too many Victorian families have felt the pain of losing a loved one while they were at work, and know the feeling of injustice when negligence goes unpunished. Everyone should come home from work safe, and yet up to 30 people are killed at work in Victoria every year. Every death at work is one too many.

The Bill sends a strong message to employers that putting lives at risk in the workplace will not be tolerated, within the framework of the duties currently owed under the OHS Act. The Bill introduces workplace manslaughter laws that will apply to an employer, self-employed person or officer who, by their negligent conduct, causes the death of anyone who is owed an existing duty under the OHS Act. This could in some circumstances include a situation where negligent conduct causes an injury or illness to another person, who later dies from that injury or illness.

The offences are broadly based on Queensland's industrial manslaughter offences, introduced in 2017, with important modifications to capture a broader category of potential victims and offenders. The offences will commence on a day to be proclaimed or at the default commencement date of 1 July 2020. WorkSafe and Victoria Police will have the necessary powers and resources to be able to effectively investigate any conduct that may be subject to these offences from the moment the offences are in operation.

In line with the Government's election commitment, the maximum penalties for these offences will be around \$16.5 million for bodies corporate and 20 years' imprisonment for individuals. The prescribed imprisonment period ensures the penalty is consistent with the penalty prescribed for manslaughter under section 5 of the *Crimes Act 1958* (Vic). These penalties reflect the seriousness of the offending and are designed to help prevent workplace deaths by creating a strong deterrence for organisations and individual officers against breaching their occupational health and safety duties.

The Bill will provide that organisations may be held criminally liable where their conduct amounts to criminal negligence, either directly, where an organisation's unwritten rules, policies, work practices or conduct fail to create a culture of compliance with its responsibilities and duties, or through the actions or omissions of their employees, agents or contractors acting within the actual or apparent scope of their employment. In doing so, the Bill will address the gap in the common law that currently makes it difficult for corporations to be held criminally liable.

The standard of criminal negligence is, rightly, a high standard. In line with the common law, the Bill provides that conduct is negligent if it involves a great falling short of the standard of care that would have been taken by a reasonable person in the circumstances, and involves a high risk of death, serious injury or serious illness. The reference to serious illness is intended to capture appropriate cases where an officer or organisation's negligence causes a serious illness that results in a person's death.

An organisation with robust practices and procedures which comply with the OHS Act would not be guilty of these offences. The offences are intended to capture persons who are not compliant with their duties under the OHS Act. An organisation would also not be liable for the act or acts of 'rogue' employees (that is, employees who act outside the actual or apparent scope of their employment). This Bill is about holding an organisation to account where it has engaged in negligent conduct, not where an employee has failed to comply with the organisation's prudent practices or instructions.

The Bill will also hold individual officers to account. An 'officer' includes those individuals at the highest level of the organisation, for example, directors of bodies corporate or partners of partnerships. It also captures people who participate in making decisions that affect a substantial part of the organisation's business, or who have the capacity to affect significantly the organisation's financial standing, regardless of their position within the organisation. The Bill will provide that an individual officer is guilty of workplace manslaughter where their negligent conduct constitutes a breach of the organisation's duties under the OHS Act, and causes death.

The offences will not apply to employees who are not 'officers'. This is consistent with the objectives of the Bill, which is to hold to account those with the power and resources to improve safety. The Bill seeks to address the gap in the common law that makes it difficult for corporations to be held criminally liable. An employee who is criminally negligent and causes death can be prosecuted under existing criminal laws, and therefore the Bill does not need to address any difficulties or create an additional offence for conduct that the law already covers.

In addition, consistent with the Government's election commitment, the offences will not apply to volunteers, consistent with their exclusion from other offences under the OHS Act. We want to ensure that people are not discouraged from volunteering their time and effort. However, similar to employees, where a volunteer's criminal negligence causes death, that person will remain subject to prosecution under existing laws.

The offences will apply widely to all types and sizes of organisations, to ensure that prosecutions may be brought in all appropriate cases. However, the Government acknowledges that there are circumstances in which it would not be in the public interest to prosecute workplace manslaughter, for example, certain situations in which a family member is tragically killed by another family member in a family business and prosecution would serve only to further traumatise the family. I note that there have been incidents on family farms involving machinery and vehicles, and decisions have been made not to prosecute the family members. These scenarios are not unique to workplace manslaughter and arise in other areas of criminal law. We are confident that current safeguards—in particular, the discretion afforded to prosecutors not to prosecute individuals in appropriate circumstances—will ensure that a prosecution will only proceed where it is in the public interest.

The offences are intended to capture conduct that occurs outside Victoria but results in a workplace fatality in Victoria, or vice versa. For example, if a person is killed in Victoria due to the negligence of an organisation, and the negligence is partly due to its occupational health and safety policies, it is intended that the organisation or an officer of the organisation may be prosecuted for the offence in Victoria even if the policies were drafted interstate. Similarly, the offences are intended to cover situations where negligent conduct occurs in Victoria, but the relevant death occurs in a different state. For example, where an employee is injured at work due to negligent conduct in Victoria, and dies in hospital outside of Victoria because of that injury.

WorkSafe will take carriage of investigations for potential workplace manslaughter cases with support from Victoria Police as needed. To assist with this work, WorkSafe will employ up to 40 new inspectors over the next four years as part of the new ‘More Inspectors. More Inspections.’ campaign, and more generally bring a greater focus on health and safety in the construction industry.

WorkSafe’s current coercive powers under the OHS Act will apply to workplace manslaughter investigations. This includes an inspector’s power to compel documents to be produced, for which the partial abrogation of the privilege of self-incrimination will be retained. This partial abrogation will not extend to a natural person having to explain or account for the information contained in that document. If such an explanation would tend to incriminate a natural person, the privilege would still be available. Using the existing OHS Act regime means that organisations and officers are currently on notice that any documents they produce could be used in an investigation for offences against the OHS Act. Maintaining these powers under the OHS Act reflects the significant public interest in ensuring that inspectors are able to access evidence relevant to a possible workplace manslaughter offence that may be difficult or impossible to ascertain by alternative means.

The Office of Public Prosecutions will be responsible for prosecuting the new offences, and will take over proceedings after the accused is committed to trial. The two year time limit to bring prosecutions for occupational health and safety offences will not apply to workplace manslaughter cases to ensure that there is sufficient time to investigate a workplace fatality and bring proceedings where appropriate. This is consistent with other manslaughter offences and is required given the seriousness and complexity of these offences.

Various defences will be available to people charged with workplace manslaughter—this is also consistent with other manslaughter laws. These defences include self-defence and the defences of duress or sudden and extraordinary emergency.

The Bill will also enshrine in legislation the Workplace Incidents Consultative Committee, to provide a necessary public voice to injured workers and the families of victims of workplace fatalities and serious incidents. A majority of members of the Committee will be comprised of persons who have been affected directly or indirectly by workplace incidents that involve death, serious injury or serious illness. The primary function of this Committee will be to provide advice about the information and support needs of persons who are affected by workplace incidents that involve death or serious injury or illness, and make recommendations for improvements to Victoria’s workers compensation scheme. The Committee will provide a unique perspective on how the scheme can best support injured workers and families.

Finally, the Bill will vary the governance arrangements of the WorkSafe Board to remove the requirement that the Chief Executive Officer of WorkSafe also be a Director of the WorkSafe Board. This will align these arrangements with analogous Government statutory bodies and clarifies the roles of the Board and Chief Executive Officer in line with best practice governance approaches.

I would like to thank members of the Implementation Taskforce, including Master Builders, Australian Industry Group, Victorian Chamber of Commerce and Industry, Victorian Farmers Federation, Housing Industry Association, Victorian Trades Hall Council, the CFMEU, Australian Workers Union, Electrical Trades Union and the National Union of Workers, as well as the Chair of the Taskforce, former Minister for Industrial Relations Natalie Hutchins. I would also like to thank all other stakeholders for their contribution to the development and refinement of these reforms, and for their support for, and commitment to, the underlying objectives of this Bill. The Government will continue to work alongside these stakeholders to make workplaces in Victoria as safe as they can be.

To close, I would like to offer my sincere condolences to the families and loved ones of all victims of workplace fatalities. In particular, I want to acknowledge the contribution of the Workplace Incidents Consultative Committee, especially the contribution of Lana Cormie, and Dave and Janine Brownlee, who also sat on the Implementation Taskforce established to consult on these laws. We appreciate their valuable input to date, and look forward to continuing to work with them on workplace safety reform to better support victims' families and injured workers.

I commend the Bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (18:07): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

ENERGY SAFETY LEGISLATION AMENDMENT (VICTORIAN ENERGY SAFETY COMMISSION AND OTHER MATTERS) BILL 2019

Introduction and first reading

The PRESIDENT (18:08): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Electricity Safety Act 1998** and the **Energy Safe Victoria Act 2005** in relation to Energy Safe Victoria and certain classes of electrical work and to make consequential and related amendments to certain other Acts and for other purposes'.

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:08): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr SOMYUREK: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:08): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this statement of compatibility with respect to the **Energy Safety Legislation Amendment (Victorian Energy Safety Commission and Other Matters) Bill 2019** (the Bill).

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

Overview

The Bill:

- amends the *Energy Safe Victoria Act 2005* to establish a new governance structure for Energy Safe Victoria as a three-member Commission supported by a Chief Executive Officer, with a Ministerial power of direction and a Technical Advisory Committee appointed by the Minister, and thereby to strengthen Energy Safe Victoria's regulatory decision-making and transform it into an effective, modern safety regulator;
- amends the *Electricity Safety Act 1998* to establish an electrical lineworker licensing scheme; and
- makes consequential and related amendments to certain other Acts and for other purposes.

Human rights issues*Section 13—Privacy and reputation*

Section 13 of the Charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and the right not to have his or her reputation unlawfully attacked.

The right to privacy is relevant to various provisions in the Bill which either require or permit the disclosure of personal information which may otherwise be considered private.

Obtaining the personal information of applicants

Clauses 3 to 9 of the Bill amend the *Electricity Safety Act 1998* to establish an electrical lineworker licensing scheme, in the same way the Act now requires other kinds of electrical workers to be licensed. Under the Electricity Safety (Registration and Licensing) Regulations 2009, applicants for licences must provide information about their skills, qualifications and experience and this may include personal information.

Although the right to privacy is relevant, persons who are seeking to participate in a regulated industry necessarily have a diminished expectation of privacy. The information that will be sought is necessary for determining an applicant's eligibility to be licensed and for ensuring only appropriately qualified persons are engaged in linework on Victoria's transmission, distribution and traction (rail and tram) networks.

In my opinion, there will be no limitation on the right to privacy where information is obtained and handled within the confines of the Act and Regulations.

Victorian Energy Safety Commission

Under the Bill, the Victorian Energy Safety Commission (the Commission) will consist of three persons with skills, qualifications, knowledge and experience in relevant specified areas who are recommended by the Minister. The Bill also sets out the procedures by which the Commission will make its decisions and what disclosures must be made by its members.

In particular, the new section 10M in clause 25 requires a Commissioner who has a pecuniary interest in a matter that is to be considered by the Commission to declare the nature of that pecuniary interest at a meeting of the Commission or, in the case of a disclosure by the Chairperson, to the Minister. Failure to do so may lead to removal from office under new section 10G(2) in clause 25.

The new section 17 in clause 26 likewise requires the Chief Executive Officer to declare any pecuniary interest to the Commission.

The requirement for Commissioners and Chief Executive Officer to declare pecuniary interests may operate to require the disclosure of personal information, including financial information. As such, it may engage the right in section 13(a) of the Charter. However, the requirements in new sections 10M and 17 are an important and appropriate means of avoiding potential conflicts of interest that could undermine the integrity and internal transparency of decision-making. The obligation is clear and confined, serves a legitimate purpose and does not arbitrarily limit the right to privacy. I therefore consider new sections 10M and 17 to be compatible with the right to privacy.

The right to privacy and reputation in section 13 of the Charter may also be relevant to the appointment process for Commissioners and Acting Commissioners (new sections 10D and 10H in clause 25), the Chief Executive Officer and an Acting Chief Executive Officer (new sections 14 and 15 in clause 26) and members of the Technical Advisory Committee (new section 22F in clause 30). Appointees may be required to share information about their private lives such as their other interests, positions or associations.

The Bill provides as well for removal from office of Commissioners (new section 10G in clause 25) which engages the right to privacy and reputation as a person's private life may contribute to the ground for removal and removal may affect reputation.

However, these provisions serve the legitimate purpose of ensuring appointment of appropriately skilled persons and are consistent with best practice principles of corporate governance. Accordingly, I consider that any interference with the right to privacy and reputation in the Bill is neither arbitrary nor unlawful. The provisions in question are clearly set out, underpin good governance and ensure that the Commission's functions are performed free from any perception of bias or conflict of interest.

For these reasons, I am satisfied that the Bill does not limit the right to privacy and reputation.

Section 15—Freedom of expression

Section 15 of the Charter provides that every person has the right to freedom of expression, which includes the freedom to impart information and ideas of all kinds. The right has also been held to include the right not to impart information.

The right in section 15 of the Charter is relevant to clause 28 of the Bill which substitutes section 25 of the *Energy Safe Victoria Act 2005* to prohibit a person who is, or has been, a Commissioner, the Chief Executive Officer, an employee and other specified persons from making improper use of any information acquired in the course of the person's duties to obtain, directly or indirectly, any pecuniary or other advantage. The substituted section 25 makes it an offence to do so with a maximum penalty of 100 penalty units.

The substituted section 25 is directed at ensuring the maintenance of confidentiality of information, which may include both private and commercial information, obtained during the course of a person's duties and ensuring those with authority do not use information so gained to advance their own or another person's interests.

As such, to the extent that the substituted section 25 may impose a restriction on a person's right to freedom of expression, I am satisfied that such a restriction is both lawful and reasonably necessary to respect the rights and reputations of other persons and for the purpose of public order within the exceptions in section 15(3) of the Charter.

Section 18—Taking part in public life

Section 18(2)(b) of the charter provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access to the Victorian public service and public office. This right requires access to positions in the public service and in public office to be based on general terms of equality.

This right is engaged through several clauses of the Bill. As noted above, the Bill: sets criteria for appointment as a Commissioner or member of the Technical Advisory Committee; provides for terms and conditions of appointment as a Commissioner, the Chief Executive Officer and a member of the Technical Advisory Committee; provides for decisions by a quorum of two rather than three Commissioners; and excludes Commissioners from deliberating on matters in which they have declared a pecuniary interest. (See new sections 10B, 10D, 10K, 10M, 14, 22D and 22F in clauses 25, 26 and 30.)

These provisions may be perceived as effecting a person's access to the public service. In fact, they facilitate equal opportunity to the public service, based on general principles of merit, and facilitate effective governance practices. The criteria and processes for appointment and involvement in decision-making are objective, reasonable and non-discriminatory.

The Bill also provides grounds for removing Commissioners (new section 10G in clause 25) and abolishes the existing Energy Safe Victoria and the office of Director of Energy Safe Victoria (new sections 45 and 46 in clause 32). These provisions engage and limit the right to take part in public life because they affect access to the public service for existing position holders. However, the provision for removal of Commissioners is justified to facilitate good corporate governance and to hold Commissioners to account for their responsibilities. Similarly, the abolition of the existing body and office of Director is necessary to establish the new governance framework.

Therefore, I consider that to the extent that these provisions may be seen to impose a restriction on a person's right take part in public life, they are reasonable limitations that are justified in a democratic society.

Section 20—Right to property

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. This property right is relevant to several provisions in the Bill.

As noted above, the Bill abolishes the existing Energy Safe Victoria and the office of Director of Energy Safe Victoria. The newly constituted Energy Safe Victoria will be the successor in law and any contracts, legal proceedings and other continuing matters will therefore not be affected. Staff will be transferred with all entitlements. (New sections 45, 46 and 48 in clause 32.)

The holding of public office is not ordinarily regarded as property, so the loss of office as Director does not involve a loss of property rights. The rights of employees, contractors and others are protected by the Bill.

Therefore, in my opinion the provisions of the bill are compatible with the right to property in section 20 of the Charter.

Section 26—Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law.

This right is engaged by new section 10G in clause 25 of the Bill which provides for office of a Commissioner to become vacant if the Commissioner is convicted or found guilty of an indictable offence and for the Minister to recommend a Commissioner to be removed from office in the case of other offences under energy safety legislation.

To the extent that new section 10G might limit rights under section 26 of the Charter, the limitation will protect the integrity of Energy Safe Victoria and public confidence in its operations. The purpose is not to impose further punishment, but rather is to ensure that only fit and proper persons hold office as Commissioners.

Therefore, I am of the opinion that any limitation imposed by clause 25 of the Bill on the right of a person not to be punished more than once for an offence for which the person has been finally convicted is reasonable and justified under section 7(2) of the Charter.

Conclusion

For the above reasons, I consider that the Bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Hon. Gavin Jennings, MP
Special Minister of State

Second reading

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:09): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr SOMYUREK: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Safety and community are at the heart of the Energy Safety Legislation Amendment (Victorian Energy Safety Commission and Other Matters) Bill 2019, before you today.

In 2017, I started the transformation of Victoria's gas and electricity network safety by commissioning a review of the State's safety framework. The Review found a number of areas for improvement that the Government supported, including strengthening the governance of Energy Safe Victoria, and broadening its capabilities and preparedness to take strong regulatory action. We need the utmost vigilance when it comes to energy safety and keeping our communities out of harm's way.

This is why this Bill is so important, and the changes it introduces will have long term benefits to the safety of Victorians.

This Bill has two key elements, along with some housekeeping amendments.

The first element is amending the *Energy Safe Victoria Act 2005* to reform the governance of Energy Safe Victoria, or ESV, the state's technical and safety regulator responsible for the safe generation, supply and use of electricity, gas and pipelines.

This Bill proposes strengthening ESV's regulatory decision-making and transforming it into an effective, modern safety regulator for electricity and gas by establishing it as **a three-member commission supported by a Chief Executive Officer and a Technical Advisory Committee, with a Ministerial power of direction.**

The very important work ESV does includes licensing electricians, ensuring electrical and gas products are approved and safe for use, regulating the prevention and mitigation of bushfires caused by electric lines and investigating electrical and gas incidents.

ESV employs around 150 staff and is funded through industry levies and other licensing fees.

Since 2005, ESV has been established as a single member statutory office, with the Director of Energy Safety the sole regulatory decision maker, employer, and with the functions of the CEO.

The proposed governance arrangements stem from a detailed review into gas and electricity safety, that I commissioned in January 2017. As it had been over a decade since the current energy network safety framework was put in place, the Independent Review of Victoria's Electricity and Gas Network Safety Framework, conducted by Dr Paul Grimes, examined Victoria's energy safety arrangements and made recommendations to ensure that the future needs of the Victorian community are reflected.

The Grimes Review's final report followed detailed analysis and public consultation with a wide range of industry stakeholders, consumer groups and other interested parties and its recommendations were designed to position Victoria at the forefront of safety regulation of electricity and gas networks.

The review found that while Victoria has many of the key elements of a leading network safety framework, there were also areas for improvement, including strengthening the governance of ESV and broadening its capabilities and preparedness to take strong regulatory action.

Importantly, changes to ESV's structure, and its establishment as a Commission, which I will outline in detail shortly, will assist in the implementation of many of the *other* reforms supported in the Government Response to the Grimes Review, including:

- strengthening ESV's internal management systems and processes;
- enhancing its auditing and inspection regime;
- implementing an improved data analytics and management process;
- providing a broader suite of compliance and enforcement tools; and
- increasing penalties for non-compliance.

The establishment of a three-person Commission, supported by a separate Chief Executive Officer and a Technical Advisory Committee, will ensure it accesses a broader range of perspectives and experience in decision-making, a need identified in the Grimes Review.

Collectively, commissioners are to have skills, qualifications, knowledge or experience in law, economics, regulation and community safety. The inclusion of community safety in the commissioners' skill set reflects the need to focus on and consider communities in the energy safety decision-making process.

The Commission will be responsible for regulatory decisions.

One Commissioner will be appointed as Chairperson, one as Deputy Chairperson and there will be one additional Commissioner. Each Commissioner will hold office for a term of up to five years, and is not eligible to be appointed for more than two terms. Commissioners may be appointed on a full-time or part-time basis.

The role of Chief Executive Officer supporting the Commission will involve responsibility for the day-to-day management and administration of ESV's affairs. This governance structure reflects current best practice and is consistent with the way in which other, modern regulators are set up, including the Environment Protection Authority Victoria and WorkSafe Victoria.

In its current form, ESV's Director of Energy Safety has emergency powers of direction to make an emergency situation safe, which are set out in the *Electricity Safety Act 1998* and the *Gas Safety Act 1997*. These include powers to direct the disconnection of the supply of gas or electricity; stop the use of gas or electrical equipment; or stop a work practice.

With the establishment of the Commission these emergency powers will be vested in the Chairperson, who may then delegate the powers to another commissioner, the CEO or employee of ESV, following Ministerial consent.

The Bill also proposes the establishment of a Technical Advisory Committee to ensure ESV accesses a range of views and experience from outside the organisation on a broad range of regulatory safety matters. The Committee is to include those who represent the electricity and gas industries, employees in those industries, as well as members of the community. As Minister, I would appoint the members of the Committee.

If the Bill is passed, the Department of Environment, Land, Water and Planning will consult on the committee's Terms of Reference with key stakeholders, and this will determine the committee's membership, scope and operation, including public reporting.

Another important element of the Bill that strengthens the Government's ability to ensure the safety of the community is through Ministerial powers to direct ESV in the performance of its functions and objectives; and recommend a commissioner for removal.

This differs to the current Act, whereby the responsible Minister has limited powers to set expectations of ESV's performance and strategic direction, and to commission advice and inquiries into certain matters.

Ministerial powers of direction will enable greater oversight of ESV, to ensure the safety of Victorian community.

The greater ministerial oversight in the Bill includes provisions for the responsible Minister to issue directions regarding ESV's performance of its functions, meeting of its obligations and exercise of its powers.

However, to ensure ESV's independence is maintained, increased Ministerial power will be complemented by other measures, including limitations on Ministerial powers of direction and transparency requirements if

powers are exercised, which include publication of any direction on ESV's website and Annual Report; and appointment and removal of commissioners by the Governor in Council.

Importantly, the proposed amendments bring ESV's arrangements into alignment with a range of similar regulators.

The second key element of this Bill is the **establishment of an electrical lineworker licensing scheme**, which if the Bill is passed, will commence on 1 January 2021.

This is an election commitment made by the Government that I am proud to be delivering. Electrical lineworkers are employed or contracted by network businesses for the construction and maintenance of electricity network infrastructure.

They work in a hazardous environment on high and low voltage electrical infrastructure and can work in the vicinity of live overhead wires. This includes:

- work undertaken on the transmission system on high voltage electricity infrastructure, including electricity terminal stations, transmission lines and towers, and transporting electricity from generators to distribution networks.
- work undertaken on the distribution system on low voltage electrical infrastructure, including powerlines, electrical substations, transformers, power poles, and transporting electricity through distribution networks to properties.

Currently, Energy Safe Victoria oversees the *registration* of electrical lineworkers, however following registration, it is the employing distribution businesses who manage them. There is no registration renewal requirement, meaning lineworkers remain registered whether they continue to work in the industry or not.

Progressing from a registration system to a licensing system will improve safety outcomes by enhancing ESV's oversight of the electricity networks through better accountability and visibility of the workforce and mandating the minimum qualifications, training and experience electrical lineworkers require.

Improved workforce data will enable ESV to better analyse potential trends or emerging safety risks in relation to the workforce, and will improve professional standards through mandating the minimum qualifications, training and experience required to work on the electricity networks.

There are over 4,000 registered lineworkers who require licensing, as well as approximately 210 apprentices currently undertaking relevant qualifications over the next three years.

This Bill makes minor amendments to the *Electricity Safety Act 1998* to enable the establishment of the scheme in regulations.

If the Bill is passed, the re-making of the regulations in 2020 will involve comprehensive stakeholder consultation on the licensing scheme's design, including the minimum requirements for qualifications, training and experience required to obtain a licence, the scope of work, transitional arrangements, mutual recognition and the licence funding model.

The Government committed \$2.511 million as part of the 2019–20 State Budget to establish the scheme. This funding allows the first round of licensing to be provided at no cost.

In closing, I would like to come back to the topic of communities. Recent coronial inquests, electricity network-caused fires and examples of non-compliant asset and vegetation management practices of regulated entities have reinforced the need to strengthen energy safety governance and regulatory effectiveness.

The proposed reforms seek to reduce the likelihood of such incidents in future. The establishment of ESV as a commission will further enable it to have the right systems, processes and capabilities in place to do its job efficiently and effectively and hold distribution businesses to account. The establishment of an electrical lineworker licensing scheme will further enhance ESV's oversight of industry.

I have assured the community that their safety is the highest priority of this Government, and I will continue to focus my efforts and those of my Department on addressing their concerns.

The introduction, and I trust, the passage, of this Bill shows that we are unwavering in our commitment to delivering a safer Victoria.

I commend the Bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (18:09): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

TRANSPORT LEGISLATION AMENDMENT BILL 2019*Introduction and first reading*

The PRESIDENT (18:09): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Transport Integration Act 2010**, the **Road Safety Act 1986**, the **Accident Towing Services Act 2007**, the **Heavy Vehicle National Law Application Act 2013**, the **Road Management Act 2004** and the **Transport (Compliance and Miscellaneous) Act 1983**, to make consequential amendments to other Acts and for other purposes’.

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:10): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr SOMYUREK: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:10): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the **Charter of Human Rights and Responsibilities Act 2006** (**Charter**), I make this Statement of Compatibility with respect to the Transport Legislation Amendment Bill 2019 (**Bill**).

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

Overview

The Bill amends the **Transport Integration Act 2010** (and makes consequential amendments to other Acts) to modernise the objects, powers and functions of transport bodies in Victoria. The Bill also amends the **Road Safety Act 1986** to provide for the deregistration of vehicles with offensive slogans that are not removed as directed and the deployment of vehicle immobilisation devices to promote public safety.

Human Rights Issues*Restructure of the transport portfolio*

The Bill provides for the consolidation of Public Transport Victoria and VicRoads into the Department of Transport, the abolition of the Linking Melbourne Authority, and the reallocation of functions and powers between the Secretary to the Department of Transport and the reconstituted office of the Head, Transport for Victoria. This integration and reallocation is effected through a combination of legislative and administrative instruments, including the use of transport restructuring orders and transfer orders under the **Transport Integration Act 2010**, the delegation of various functions and powers, and the use of orders for the transfer of employees.

The Bill makes various amendments to existing statutory powers of transport bodies. Some of these powers, including powers relating to compulsory acquisition of land, rights of entry to land, and information sharing, as well as certificate evidence deeming provisions, are relevant to human rights (namely, rights to privacy, property and presumption of innocence). However, in my view, and consistent with previous Statements of Compatibility that have discussed these powers in detail (the Transport Integration Bill 2010, the Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Bill 2017 and West Gate Tunnel (Truck Bans and Traffic Management) Act 2019), none of these provisions limit human rights. Further, this Bill transfers or reallocates the relevant powers between persons and bodies; it does not expand their scope or alter the purposes for which the powers can

be exercised. Accordingly, these amendments do not create any new, or expand any existing, interferences with human rights. In my view, these provisions therefore remain compatible with the Charter and do not require detailed consideration in this Statement.

Vehicle immobilising devices

Section 63B of the **Road Safety Act 1986** permits authorised police officers to use a vehicle immobilising device to stop a vehicle in connection with a pursuit, or to prevent a vehicle being used to escape lawful custody or avoid arrest. Clause 114 of the Bill amends section 63B to allow a vehicle immobilising device to be used to stop a vehicle from entering a place on or near a road at which there is a public gathering or a 'non-road activity' within the meaning of the Road Safety Act (such as the use of a road for the shooting of a film, a street festival or a bicycle event).

The right to freedom of movement in section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live. Clause 114 may limit the right to freedom of movement by preventing a person from travelling freely in their vehicle in certain areas. However, in my view, any such limitation will be reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter. The power is intended to be used in limited circumstances where non-compliance with a direction to stop is reasonably anticipated and in order to protect the safety of the public. Accordingly, I consider that the power is proportionate to the important purpose of protecting the public and that there are no less restrictive means reasonably available to respond to an immediate threat posed by a vehicle. Further, under section 38 of the Charter, the power must be exercised by police officers in a manner that is compatible with human rights. For these reasons, I consider that clause 114 is compatible with the right to freedom of movement in the Charter.

Cancellation of registration for offensive advertisements

Clause 119 inserts Division 2A of Part 2 into the **Road Safety Act 1986** to provide that the Secretary may cancel the registration of a motor vehicle or trailer if a board appointed by Ad Standards determines that an advertisement on the vehicle (including a slogan in advertising on a vehicle) is in breach of the advertising code and no action has been taken by the registered operator of the vehicle. Prior to cancelling the vehicle's registration, the Secretary must send a registration cancellation notice to the registered operator of the vehicle and give them at least 14 days to modify or remove the advertisement.

Requiring a person to remove an advertisement on a vehicle or trailer will engage the right to freedom of expression in section 15 of the Charter, which provides that every person has the right to hold an opinion without interference, and to seek, receive and impart information and ideas of all kinds. In my view, any restriction on the freedom of expression occasioned by Division 2A of Part 2 will be a lawful restriction reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order or public morality. Accordingly, the provisions will either fall within section 15(3) of the Charter as a special duty or responsibility that is attached to the right, or will be reasonable and justified under section 7(2) of the Charter. Advertisements to which this provision applies will be those determined to fall below prevailing community standards as enshrined in the advertising code, which prohibits advertising that employs sexual appeal in an exploitative or degrading manner, uses strong or obscene language, or discriminates against or vilifies a section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. Further, in balancing a person's right to freedom of expression against other rights and public morality, commercial expression is generally treated as of less significance than political or artistic expression.

For these reasons, I consider that new Division 2A of Part 2 is compatible with the right to freedom of expression.

Use and disclosure of information under the Road Safety Act

Clause 123 expands the categories of 'relevant information' that may be used or disclosed by the Secretary or a relevant person under section 90K of the **Road Safety Act 1986** to include information that is collected or received by the Secretary in relation to the accessible parking permit scheme. Clause 124 extends the circumstances in which the Secretary or a relevant person may use or disclose relevant information to include administering the accessible parking permit scheme. This involves facilitating the issue of parking permits for people with disabilities, facilitating the assessment of whether a person is entitled to such a permit and maintaining a record of persons who have been issued with such a permit. To the extent that this involves using or disclosing information of a personal nature, it may engage the right to privacy under the Charter.

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The ability to use or disclose information collected

in relation to the accessible parking permit scheme is essential for the effective administration of that scheme and to ensure the Secretary, municipal councils and law enforcement can fulfil their statutory functions. I note that relevant information must not be disclosed to a person or body for the purpose of administering the accessible parking permit scheme unless the recipient of the information has first entered into an information protection agreement with the Secretary under section 90N of the **Road Safety Act 1986**. I consider that the provisions are appropriately confined such that they will be lawful and not arbitrary, and will accordingly be compatible with the right to privacy under the Charter.

Hon Jaala Pulford MP
Road Safety and the TAC

Second reading

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:10): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Mr SOMYUREK: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Road Safety Act amendments

This Bill will introduce measures to address offensive advertising on vehicles. Vehicles that display offensive, sexist or obscene slogans such as the Wicked campervans have no place on Victorian roads. The government has been working closely with other states and territories to develop a national approach to the issue. This amendment is consistent with laws already in operation in Queensland and Tasmania. The Secretary to the Department of Transport will now be able to cancel a vehicle's registration if our national advertising industry's complaints resolution body determines that the vehicle breaches the advertising standards Code of Ethics. The Secretary will also be able to refuse to register a vehicle that has had its registration suspended or cancelled in another state or territory for the same or similar reasons. There is no place for sexism in our state and there will be no place for sexism on Victorian roads.

This Bill will enable the pre-emptive deployment of vehicle immobilisation devices by police to protect large crowds or gatherings of people that may be subject to danger from vehicles. This amendment also implements the Government's commitment reflected in the Community Safety Statement to expand the use of vehicle immobilisation devices.

The Bill enables the transfer of staff to the National Heavy Vehicle Regulator. This completes the implementation of national heavy vehicle regulation by transferring compliance capabilities to the National Heavy Vehicle Regulator. The Bill ensures that the transferred Transport Safety Services officers are still appointed as Authorised Officers under Victorian law to carry out enforcement activities.

The Bill will provide the Secretary with powers to collect, use and disclose information for the purposes of a central permit scheme for accessible parking permits. However, the Bill makes clear that the Secretary cannot use or disclose the information obtained for the purposes of the scheme for other purposes.

The Bill makes a number of other administrative amendments to the Road Safety Act, including:

- clarifying powers of the registration authority to set training requirements for the granting of a driver licence;
- resolving inconsistencies and operational issues with provisions in the Act relating to the Behaviour Change Program;
- changing the definition of accompanying driver to supervising driver to reflect other changes and clarifying supervising driver offences;
- applying zero BAC to interstate drivers that have a zero condition in that other jurisdiction; and
- clarifying some 3-year novice motor cycle rider requirements.

Other road-related amendments

The Bill makes a number of amendments to other Acts, including:

- the *Road Management Act 2004*, to make it optional for the Minister to increase the property damage threshold in a financial year, rather than being automatically indexed each year. This can prevent automatic threshold increases so road users are not prohibited from claiming damages; and
- the *Accident Towing Services Act 2007*, to require certain application fees to be specified in regulations rather than by notice in the Government Gazette.

Organisational changes in the transport portfolio

While the Government has an ambitious investment program, meeting the needs and expectations of transport system users in the future will also require optimising the use of current assets. This will be done through both better integration of network services, as well as adoption of technology and new business models to get more out of the State's existing assets.

Greater integration of modal networks, user experience and information into one transport system will ensure better alignment throughout the 'transport development lifecycle', from planning and policy development right through to asset build and operational management.

This Bill gives legislative effect to the consolidation of the Department of Transport (DoT), the Public Transport Development Authority (PTV) and the Roads Corporation (VicRoads) under a new operating model whereby all functions are transferred from PTV and VicRoads to DoT.

This will ensure a greater focus on people—by integrating transport services and information and better managing disruptions to the transport system, particularly during the Big Build. It will provide for a simpler operating model and governance—delivering better decision-making and avoiding unnecessary duplication to improve project delivery. Duplication will be reduced to improve financial sustainability and will allow more efficient operations by improving role clarity and accountabilities.

Under the Bill, the Secretary will take over strategic policy and legislative functions in relation to the transport system from the Head, Transport for Victoria (TfV). The Secretary will also assume strategic planning functions for all forms of transport and responsibility for improving the safety of the road system.

The Head, TfV will be responsible for consolidated operational responsibilities across the road and public transport networks, including being the road authority for arterial roads. The Head, TfV also takes on responsibility for managing the provision of information about public transport services, fares and timetables. The Bill will constitute the Head, TfV as a body corporate. This will facilitate the performance of the operational range of functions the Head, TfV is taking on.

The Bill provides for the abolition PTV and VicRoads and makes necessary consequential amendments to other statutes. Interim arrangements for VicRoads are provided for in the Bill whereby VicRoads has a support function to the Secretary in relation to registration, licensing and accreditation services.

The Bill also abolishes the Transport Infrastructure Development Agent and Linking Melbourne Authority.

The Bill clarifies that the Transport Restructuring Orders can apply to any transport legislation, not just the *Transport Integration Act 2010*. It was not the original intention to limit the operation of Transport Restructuring Orders to functions derived from the *Transport Integration Act 2010* itself.

Conclusion

This Bill aims to make a range of changes to road-related legislation, as well as completing the legal consolidation of the transport portfolio.

I commend the Bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (18:11): On behalf of Mr Davis, I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:11): I move:

That the house do now adjourn.

PLENTY ROAD, BUNDOORA

Mr ONDARCHIE (Northern Metropolitan) (18:11): My adjournment matter is for the Minister for Roads. It concerns Plenty Road, Bundoora—actually, Plenty Road right in front of the member for Bundoora’s office. I hope he is aware of the dire situation outside his office in Bundoora. Plenty Road, Bundoora, was recently listed by the AAMI crash index as the most common street in Australia for accidents. Anna Cartwright from AAMI said:

When you combine this with heavy traffic and frequent stopping, it is a perfect recipe for vehicle collisions.

She also said:

Plenty Road in Bundoora has several lanes of traffic in both directions and feeds into many other major roads in Melbourne.

As the population of Melbourne’s north grows this will only get more and more difficult to navigate. The action I seek from the minister in order to accommodate our increasing population and subsequent increased volume of traffic is a solution to Plenty Road in Bundoora, because the present situation is intolerable. I ask the minister by way of action to direct VicRoads to investigate the light sequencing at the intersections of Settlement Road and Plenty Road, Grimshaw Street and Plenty Road, and McLeans Road and Plenty Road to increase the traffic flow and to provide a much safer passage for our road users.

WASTE AND RECYCLING MANAGEMENT

Dr RATNAM (Northern Metropolitan) (18:13): My adjournment matter is for the Minister for Energy, Environment and Climate Change in the other place, and the action I seek is that the government commits to providing every household in Victoria with a green bin for food and garden organics. One of the simplest and most effective means to reduce our waste going to landfill is to create effective systems to divert food and garden organics for composting, not landfill. Today, food scraps and garden waste make up about 47 per cent of what ends up in our household rubbish bins, according to recent Sustainability Victoria audits. Add organic waste from cafes and restaurants, food, wood and plant-based businesses and our landfill is overflowing with readily recyclable and compostable resources that could be used to enrich the soil of our farms, parks and gardens. What makes this matter worse is that food scraps rotting in landfill generate significant methane levels, a powerful climate pollutant, as they decompose in the waste pile. When effectively composted they create far less climate pollution and can sequester carbon when returned to our soils.

In the absence of leadership from the Victorian Labor government, in recent years about 24 local councils across Victoria have taken the lead in introducing systems to allow food scraps to be collected, along with garden organics, in green bins and taken for centralised composting. These changes have been very well received by the community and have been strongly taken up. This leadership is to be applauded.

Unfortunately around 20 of the 79 councils have no green waste collection at all. Few, if any, have green waste bins for every home, and many have irregular pick-ups for green waste. The main barrier for councils implementing food and garden organics collections is the cost. That is where the state government has a responsibility to step in. We know the government collects around \$215 million annually through the landfill levy. The Parliamentary Budget Office costing obtained by the Greens indicates that for about half this cost green waste bins could be rolled out to every household in Victoria and food and garden organics could be collected for composting at new facilities dotted around the state.

I would suggest that there are few more appropriate and important uses of the landfill levy than implementing this composting service, which would divert significant amounts of waste from landfill. I strongly welcomed the Minister for Energy, Environment and Climate Change committing on 8 November, along with other environment ministers from all the other states, to halving the amount of organic waste sent to landfill. I ask: will the government commit to providing green bins for food and garden organics to every household in Victoria in order to achieve this commitment?

NORTHERN VICTORIA REGION SOCIAL HOUSING

Ms LOVELL (Northern Victoria) (18:15): My adjournment matter is for the Minister for Housing, and it concerns a growing social housing crisis throughout my electorate of Northern Victoria. The action that I seek from the minister is for the minister to commit urgent funding to build more social housing properties throughout Northern Victoria Region. Since its election in 2014 the Andrews Labor government has completely failed vulnerable Victorians seeking access to social housing. The Andrews government's shameful record on social housing has seen both the statewide social housing and priority housing waiting lists blow out in the last five years, and the minister needs to get on with the job of providing homes to the vulnerable Victorians who need them.

The statewide social housing waiting list has increased by a disgraceful 9534 families since September 2014, leaving 44 152 vulnerable Victorian families without access to social housing. Even more concerning are the 23 373 vulnerable families on the statewide priority housing waiting list, which has grown by 134 per cent, or 13 383 families, over the term of this government. The government likes to brag about its election commitment to acquire 1000 additional social housing properties across Victoria, but the reality is that in regional Victoria only Geelong and Ballarat will benefit from this policy. Nowhere in the state is the need for more additional social housing properties more prevalent than throughout my electorate of Northern Victoria.

In Shepparton the total number of applicants has more than doubled, rising by 693 applicants to reach 1293, and the priority waiting list has increased by a shameful 251 per cent, rising by 452 applications to reach 632. In Bendigo the total number of applicants has increased by 68 per cent, rising by 762 applications to reach 1881, and the priority waiting list has increased by a shameful 206 per cent, rising by 823 applications to reach 1223.

In Seymour the total number of applicants has increased by 71 per cent, rising by 159 applications to reach 383, and the priority waiting list has increased by a shameful 190 per cent, rising by 127 applications to reach 194. In Benalla and Wangaratta the total number of applicants has increased by 62 per cent, rising by 284 applications to reach 742, and the priority waiting list has increased by a shameful 211 per cent, rising by 257 applications to reach 379.

In Mildura the total number of applicants has increased by 46 per cent, rising by 197 applications to reach 621, and the priority waiting list has increased by a shameful 221 per cent, rising by 221 applications to reach 321. In Wodonga the total number of applicants has increased by 21 per cent, rising by 105 applications to reach 605, and the priority waiting list has increased by a shameful 55 per cent, rising by 83 applications to reach 235.

COUNTRY FIRE AUTHORITY TARNEIT STATION

Dr CUMMING (Western Metropolitan) (18:18): My adjournment matter this evening is to Minister for Police and Emergency Services in the other place. The action that I seek is for the minister to provide assurance to my community in Tarneit and the surrounding area as to the date the Tarneit fire station will finally open and be fully operational. The new fire station in Tarneit was due to be opened almost 12 months ago. With the fire season soon approaching, will the government make sure that the fire station is open and operational? It is reasonable to expect that there will be no further delays. Will the minister reassure my community that this will occur immediately? Could the minister please explain in detail why this took so long, what the reasons for the delays were and what steps are being taken to ensure that this is not a problem in the future? The rapid growth of Western Metropolitan

Region will continue, with new housing developments, shopping centres and a new train station. With this growth, the likelihood of more complex emergency incidents increases. My community has the right to feel safe.

SUNBURY TRAIN STATION

Mr FINN (Western Metropolitan) (18:20): I wish to raise a matter this evening for the attention of the Minister for Public Transport. Of concern to me for quite some time is what will happen to commuters who use the Sunbury railway station, because at the moment, as with a lot of railway stations, the Sunbury railway station is really hard-pressed for parking. While at the moment there is a solid construction for parking, my understanding is that to expand, the current car park will have to be pulled down. That is obviously going to cause an enormous amount of trouble for those people who are currently using that car park.

Somebody came to see me at my office sometime earlier this year and put forward a suggestion that I want to put to the minister for her consideration. I do not necessarily endorse it, but what I do say is that it is worth examining. It has possibilities, as they say in the classics. It involves the stacking of cars. Not the stacking of cars as some might have done on a Saturday night in Broadmeadows or somewhere like that, but the parking of cars one on top of another—that might be the better way of putting it. This would, to my way of thinking, avoid the necessity to rip down the current car park. It would also avoid the necessity of building a new one. That seems to me to save a lot of money.

Now, I know that this government is not keen on saving money, but it might be something that it could take into consideration at some stage. We know that the budget is in trouble. We saw legislation go through the house today which is going to slug Victorians many, many millions—hundreds of millions if not thousands of millions—of dollars in the next year or two, so it is probably something that the government should consider. I ask the minister to take on board this way of parking and to examine it to see if it does have any merit, and if so, to implement it so as to provide parking for the good people of Sunbury, for the people in Diggers Rest, for the people in Sunshine and for the people right through my electorate in the western suburbs. Laverton is another one that springs to mind. So I ask the minister to take that on board, to examine the possibilities there and to see if that is a way of solving a real problem. I ask the minister to examine this area to see if it can solve a real problem.

DANGEROUS GOODS AWARENESS CAMPAIGN

Ms VAGHELA (Western Metropolitan) (18:23): My adjournment matter is for the Attorney-General and Minister for Workplace Safety, the Honourable Jill Hennessy. This adjournment matter relates to her portfolio responsibilities of workplace safety. The action I seek from the minister is that she ensure that the people of Western Metropolitan Region are made aware of the Andrews Labor government's dangerous goods awareness campaign to assist people understand the role they can play in protecting the community from the illegal stockpiling of dangerous goods.

Victorians are being asked to keep a lookout for dodgy operators storing or handling dangerous goods in a way that might put the community at risk. The Andrews Labor government has recently launched an awareness campaign urging members of the public to call WorkSafe Victoria if they suspect that dangerous goods, such as containers of flammable liquids, are being stored, handled or disposed of in a way which is unsafe. On 31 October the Dangerous Goods Amendment (Penalty Reform) Bill 2019 passed the Parliament. Stricter and tougher penalties will make sure that offenders are held responsible for their dangerous actions. Anyone concerned about the storage and handling of dangerous goods can call WorkSafe's advisory service on 1800 136 089. I commend the minister and the Andrews Labor government for making sure that our community is safe and that we remain tough on offenders who put Victorians at risk.

FAMILY VIOLENCE

Mr GRIMLEY (Western Victoria) (18:24): My adjournment matter is for the attention of the Minister for Prevention of Family Violence. Domestic violence continues to separate families and, by extension, communities. On average, one woman a week is murdered by her current or former partner. This further reinforces the need for swift action from all levels of government. After meeting with the Premier earlier this year I was pleased to see the inclusion of \$23.9 million worth of spending on domestic violence crisis accommodation upgrades in the state budget. There is still more to be done.

In March 2016 the Victorian Royal Commission into Family Violence concluded a 13-month inquiry and handed down a list of 227 recommendations, all of which were accepted by the government. Among these findings were a selection of recommendations that specifically related to the collection, recording and reporting of data on the incidence and characteristics of family violence in Victoria. Recommendation 205 specifies that:

The Crime Statistics Agency maintain and develop the Victorian Family Violence Database and consider what additional data sets should be incorporated in the database, how links between all relevant data sets can be created, and how the database can otherwise be developed ...

While the state government has acted upon some of the recommendations, the storage and publication of information regarding convicted family violence offenders has not been adequately addressed. I understand the need for public policy to be thoroughly considered by all relevant stakeholders and compared with other relevant jurisdictions; however, the royal commission handed down these recommendations in 2016, and my view is that we are no closer to the necessary degree of transparency needed to protect those who may be at risk.

I would also like to acknowledge that men's violence against women is not the only form of violence that exists. Violence can be experienced by anybody—women, men and unfortunately children. The 2016 Australian Bureau of Statistics Personal Safety Survey confirmed this, with more than one in three victims of domestic homicide being male.

Both major parties at the state and federal level have committed vast amounts of money to organisations which assist victims of family violence and promote greater public awareness; however, rates of family violence continue to increase. I truly believe that the publication of some details, such as whether someone is a convicted family violence offender, will assist in deterring reoffending and preventing violence.

Statistically women are more likely to endure acts of family and domestic violence, with one in three Australian women experiencing some form of violence since the age of 15. If a person is entering a long-term relationship and suspects their partner may have committed family violence offences, they should be able to request information from all relevant departments and agencies in a streamlined way which informs them of any relevant past offences. This may save lives, or at the very least save someone from being further assaulted. Therefore, given that new partners have a right to know about their wife's or husband's past offences, the action that I seek is for the minister to outline potential schemes the Andrews government is considering in order to empower people who may be at risk by assisting them to make informed decisions about their relationships.

HORSERACING

Mrs McARTHUR (Western Victoria) (18:27): My adjournment debate is for the Minister for Racing and relates to the terrific work done by Charlie Lovick of Merrijig in retraining racing thoroughbreds for life after racing. Retraining and rehoming retired thoroughbred racehorses—even some from my electorate of Western Victoria Region—is a high priority for racing authorities in Victoria. Their intelligence and athleticism make them suitable for a number of post-racing careers, from equestrian pursuits to therapy animals, riding for the disabled, working horses and pleasure riding. Racing Victoria's Off the Track program works to bring together owners and their network of trainers.

I welcome their recent further investment in the program and look forward to its expansion, but I would like to highlight the terrific work done by Charlie Lovick, a true gentleman of the High Country.

The Lovicks have been at Merrijig on the Delatite River for six generations, since William Lovick first settled there in 1860. They became the first mountain cattlemen of the region, driving their herds up into the High Country each spring for nearly 150 years. A tough fighter for traditional High Country grazing, Charlie is the best example of a country man who really cares about his animals. I am delighted that he is extending his work to retired thoroughbreds. Charlie has a long history with horses. His father pioneered Lovick's High Country Adventures, and his desire to share his beloved High Country home with others saw them operate these tours successfully for decades. To this day trail riding is a huge drawcard in the area. In the next year he hopes to bring 100 ex-racehorses to the family farm. He said:

These horses need a second chance, and I have the space to give them that ...

...

I'm going to work with each and every one to find out what they are best suited for ...

I cannot speak highly enough of Charlie's work. He is the perfect example of a country farmer whose care for his animals goes way beyond just treating them as a livelihood. I am delighted he is now extending his care to work with so many more thoroughbreds. The action I seek from the minister is that he offer his support and that of the government to the efforts of Mr Lovick.

NORTHERN METROPOLITAN REGION LEVEL CROSSING REMOVALS

Ms PATTEN (Northern Metropolitan) (18:29): My adjournment matter tonight is for the Minister for Planning, Minister Wynne, and the action I seek is for his office to urgently move to protect the heritage buildings and trees at risk due to the level crossing removals in my area. In August I called on the Minister for Transport Infrastructure to meet directly with residents to hear their concerns about the proposed demolition of the historic signal boxes and the removal of trees at Gandolfo Gardens due to the Level Crossing Removal Project works in the Coburg area. I also requested that the minister ensure they find an alternative site for their heavy machinery. And this is the thing—we have got these 108-year-old trees that are going to be removed so that the Level Crossing Removal Project trucks can be parked somewhere. Those at the Level Crossing Removal Project say, 'Well, it would cost us a lot of money to park our trucks somewhere else'.

Mr Somyurek interjected.

Ms PATTEN: This is for the Minister for Planning, thank you, Minister. The Minister for Transport Infrastructure did not act on either of my requests for a meeting so I am really calling on the Minister for Planning now to try to get this sorted, because I understand that he has intervened. Quite strangely he has sidelined the Heritage Council. This was after the Heritage Council said that both the trees and the signal boxes should be protected.

This is the week that we announced that we are not going to be logging in native forests, yet we are going to be knocking down 100-year-old trees. So I ask if the minister will immediately step in to protect these historic signal boxes in Coburg and the 100-year-old trees in Gandolfo Gardens. The residents of Coburg have got less trees than pretty much any other suburb. These trees are 108 years old. It took the community about 40 years to get these trees and these gardens established, and to say that they have to be knocked down so trucks can be parked for a \$542 million project—surely we can find an alternative to this.

WEST GIPPSLAND HOSPITAL

Ms CROZIER (Southern Metropolitan) (18:32): My adjournment matter this evening is for the attention of the Minister for Health. In June of this year I visited the West Gippsland Hospital with the member for Narracan, Gary Blackwood. Mr Blackwood has been a fierce advocate for his community and he knows, just as the community knows, the disregard the Andrews Labor government has for

rural and regional Victoria. The neglect to provide proper funding for the West Gippsland Hospital by this government is emblematic of how rural and regional Victorians are being treated by Daniel Andrews with his city-centric focus. This has been evident with the shutting down of the logging industry, which also affects large parts of Mr Blackwood's electorate. He knows only too well the ongoing impacts of that decision, made with the stroke of a pen, and what it will do to his community.

Similar is the disregard for the local hospital and healthcare needs of his community. Mr Blackwood has been asking for months and months and months for the release of the business case and feasibility study and yet his request continues to fall on deaf ears—or should I say, it is arrogantly being dismissed by the minister. The secrecy shrouding this business case and feasibility study is just one more example in a long list of decisions and data that the minister and the Andrews Labor government refuse to release.

The hospital is having a patchwork fix-up job done on it. When I say 'patchwork', I mean patchwork. The hospital is situated on a hill with a steep incline so for the elderly and incapacitated access is dangerous and limited. There are contaminants in parts of the building, and doctors and nurses are working in cramped areas. So as much as the minister might want to come in here and spin and spruik the Regional Health Infrastructure Fund, if she was truly serious, then she would release the business case and feasibility study so the community could know and understand exactly the intentions of the government. The action I am therefore seeking is that the minister not ignore this request, as she has repeatedly done on numerous occasions when it has come from Mr Blackwood and others, and release both the business case and feasibility study in the interests of the West Gippsland community.

VICTORIA POLICE PROCEDURES

Mr QUILTY (Northern Victoria) (18:34): My adjournment matter is for the attention of the Minister for Police and Emergency Services. Over the past month we have heard horror stories of New South Wales police misusing stripsearch powers. There is conclusive evidence that three out of four, or 75 per cent of, drug dog indications are incorrect. We know that officers can manipulate the dogs to give an indication in order to justify searches against anyone they do not like the look of. Just last week the New South Wales coroner warned that drug dogs and strip searches increase risks but do little to reduce drug use.

We have heard several findings of illegal use of search powers. In some cases police were illegally searching 16-year-old girls. Now we are hearing reports that hundreds of young girls, some as young as 12 and 13, are being stripped naked by police in search of drugs. This is in New South Wales. There is no excuse for this behaviour. The New South Wales Minister for Police and Emergency Services responded to reports of searches being conducted against underage girls by saying he would want police to stripsearch his children if they were suspected of breaking the law. He went on to say that parents would be 'pretty happy' if their children were stripsearched and found with drugs. I do not think that many parents would agree with him there.

Strip searches are invasive and humiliating. If someone who was not a police officer stripsearched children, they would be guilty of a serious offence, and rightly so, yet police take this action against thousands of people every year, the majority of whom do not possess illicit substances. The harms of strip searches outweigh the harms prevented by strip searches. No evidence exists that these types of strip searches prevent any harm, because they do not. They do the opposite. The New South Wales coroner found that New South Wales police use of sniffer dogs contributed to the death of Alex Ross-King. Police searches should not contribute to young people dying.

Despite all this we are now hearing reports that Victoria Police are cracking down on festival goers this summer in Victoria. Assistant Commissioner Weir claimed that there will be more officers, drug buses, surveillance drones and drug dogs. That means more strip searches. This is the behaviour of a police state. The Liberal Democrats do not support these actions, and we specifically condemn the use of stripsearch powers against children. I call on the minister to make available to the public the

guidelines for Victoria Police use of sniffer dogs and to reassure the public that their children are not being stripped naked by police.

FEDERAL ATTORNEY-GENERAL

Mr LIMBRICK (South Eastern Metropolitan) (18:37): My adjournment matter is for the Attorney-General in the other place. The federal Attorney-General's office has disgracefully pushed an ex-Prime Minister of Australia to register as an agent of foreign influence and is threatening a conference organiser, who is also the president of an Australian political party—coincidentally, my party—with jail if he does not hand over a large amount of private communications, some of which do not even involve him and are not in his possession.

Perhaps while this is happening to the Liberals and Liberal Democrats it does not strike Labor as concerning, but let me paint you a picture. Earlier this year there was the Australian Clean Energy Summit. That conference was run by the Clean Energy Council, an organisation that the Andrews government worked with for solar panel installer accreditations. Some of the sponsors of the conference were international corporations. Some of these corporations openly engage in political activism. The Danish company Vestas, for example, a platinum sponsor of the conference, is also a member of the Getting to Zero Coalition. By the standards the federal Attorney-General's office appears to be applying, a conference like this could attract their attention in the same way the Conservative Political Action Conference did. An Andrews government minister spoke at that conference. I request that at the upcoming Council of Attorneys-General meeting later this month our Attorney-General call upon the federal Attorney-General to do whatever is necessary to ensure that such ludicrous actions are not taken again in the future. Who knows who they will come after next?

RESPONSES

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:38): I have 12 adjournment matters to respond to today.

Mr Finn interjected.

Mr SOMYUREK: I can count. I have got adjournment matters from Mr Ondarchie to the Minister for Roads, from Dr Ratnam to the Minister for Energy, Environment and Climate Change, from Ms Lovell to the Minister for Housing, from Dr Cumming to the Minister for Police and Emergency Services, from Mr Finn to the Minister for Public Transport, from Ms Vaghela to the Minister for Workplace Safety, from Mr Grimley to the Minister for Prevention of Family Violence, from Mrs McArthur to the Minister for Racing, from Ms Fiona Patten to the Minister for Planning, from Ms Crozier to the Minister for Health, from Mr Quilty to the Minister for Police and Emergency Services and from Mr Limbrick to the Attorney-General.

I have three written responses to adjournment debate matters raised by Dr Cumming on 10 September 2019, Mr Ondarchie on 12 September 2019 and Ms Bath on 16 October 2019.

Questions without notice and ministers statements

WRITTEN RESPONSES

The PRESIDENT (18:40): Just before we adjourn, there is one bit of outstanding business. Mr O'Donohue raised a point of order after question time that Minister Symes had, in his opinion, not answered the questions that he asked her regarding the Royal Melbourne Show display from a government agency, VicForests. Having reviewed that, I believe Ms Symes did answer the supplementary question, but I will ask Minister Symes to give a written answer to Mr O'Donohue. Given the time of day, I would expect that to be in two business days.

The house stands adjourned.

House adjourned 6.40 pm until Tuesday, 26 November.

Written adjournment responses

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Thursday, 14 November 2019

WATER SAFETY

In reply to Dr CUMMING (Western Metropolitan) (10 September 2019)

Mr MERLINO (Monbulk—Minister for Education):

As the Member for Western Metropolitan Region indicates we all have a role to play in keeping Victorians safe in and around water. That's why the Victorian Curriculum now requires swimming and water safety education to be taught as part of Health and Physical Education.

By the end of Year 6, it is anticipated that students are able to demonstrate the swimming and water safety knowledge and skills set out in the Victorian Water Safety Certificate. These skills include being able to answer water safety questions, perform basic rescues and swim 50 metres continuously.

The Andrews Labor Government has invested \$23 million to support schools to deliver swimming and water safety education programs. This includes \$19 million towards the costs of school swimming and water safety programs in government primary and specialist schools, and Catholic primary schools. This equates to \$90 per Year 6 enrolment in all Victorian government and Catholic primary schools, and \$90 per enrolment in specialist schools. Schools can use this funding flexibly across any year level as a contribution towards the cost of swimming program delivery.

In addition, Life Saving Victoria has been funded \$4 million to increase the capacity of the education and aquatic sectors to deliver high quality swimming and water safety education.

Further to these investments, a central Swimming Coordinator is working with regional staff across Victoria to coordinate support for schools to deliver high quality, cost effective swimming programs.

Swimming and water safety education outside of school are also a key part of the water safety strategy. This is why the Victorian Government continues to fund the annual VICSWIM program, which offers low cost school holiday swimming programs in 60 of the 79 Victorian municipalities.

Collectively, these investments are supporting Victorian children to complete primary school as safe and competent swimmers.

CRAIGIEBURN LINE LEVEL CROSSING REMOVALS

In reply to Mr ONDARCHIE (Northern Metropolitan) (12 September 2019)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

I thank the Member for Northern Metropolitan for his continued interest in the Andrews Labor Government's transport infrastructure agenda across Melbourne's North, as well as our level crossing removal program.

It's always welcome when the Liberal Party advocates for the removal of level crossings—especially two sitting weeks in a row.

Victorians know that Labor gets rid of level crossings and Liberals don't. They didn't get rid of them in Government and they are trying to keep them from opposition.

To date, the Andrews Labor Government has removed 30 level crossings. This means safer communities, less congested roads, more trains, and thousands of jobs for Victorians. A further 25 level crossings will be removed by 2025, in addition to the 50 already planned, underway or completed. In total, 75 level crossings will be removed by 2025.

As the Member would be aware, the Andrews Labor Government is getting rid of level crossings all across the Northern Metropolitan electorate including: Camp Road, Cambellfield; Glenroy Road, Coburg; Grange Road, Alphington; High Street, Reservoir; Bell Street, Preston; Oakover Road, Preston; Cramer Street, Preston; Murray Road, Preston; Moreland Road, Moreland; Bell Street, Coburg; Reynard Street, Coburg; and Munro Street, Coburg.

Last year, the Level Crossing Removal Project (LXRP) developed a framework to prioritise future level crossing removals and identified new sites and recommended designs. We based our additional 25 level crossings on this work.

At the last election, the Liberals had no plans to remove the level crossings referenced by the Member. We welcome his newfound advocacy to remove level crossings. The only way to remove more level crossings is to remove the first 75.

RURAL AND REGIONAL ENERGY SUPPLY

In reply to Ms BATH (Eastern Victoria) (16 October 2019)

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes):

I would like to thank you the Member for raising these important matters with me. I understand that power outages, which often occur at times of extreme weather such as heatwaves, can place significant strain on communities and industry, especially if prolonged. I also understand that this can be particularly distressing for our farmers whose livestock may rely on electricity for provision of water.

The Andrews Labor Government continues to work with the Australian Energy Market Operator (AEMO) and industry to ensure secure and reliable energy supply. I have written to and met with all generators, including those with extended outages, to seek their assurance that they are proactively preparing for summer.

Victoria's privately-owned, ageing coal-fired power stations are becoming less unreliable, especially during periods of extreme heat and high demand. AEMO has reported that on 25 January 2019 approximately 1,600 megawatts (MW) of coal generation was unavailable. This represents almost 20 per cent of the State's capacity being offline on a day when we needed it most. Currently, there are extended unplanned outages at Loy Yang A and Mortlake Power Stations.

AEMO will be acting to address the risks of unserved energy over summer 2019-20, including through procurement of emergency reserves through the Reliability and Emergency Reserve Trader (RERT) scheme. The RERT scheme allows AEMO to contract for additional electricity reserves ahead of a period where there is a risk that existing reserves may be insufficient to meet the required level of reliability.

While AEMO has forecast that Victoria's huge renewable energy push will greatly improve energy supply in the coming years, the existing privatised coal generators can't be relied upon not to break down during prolonged periods of hot weather. This is why the Andrews Labor Government has taken action, requesting an exemption from the Australian Energy Market Commission to allow AEMO the option of negotiating longer RERT contracts, where it's cheaper to do so.

In addition, our assistance to large scale battery programs has incentivised the entry of more than 55 MW of dispatchable capacity on the system for the coming summer. The batteries are strategically located at known stress-points in the electricity network, providing backup power and grid-stabilisation functions that are vital to maintaining reliable energy supply.

While early preparation is necessary, the risk of localised electricity supply interruptions can never completely be eliminated and may increase during periods of high demand such as extreme heatwaves or storm events. All business and residential customers should continue to have plans in place for managing the impact of unexpected supply interruptions.

I understand that a consistent and secure energy supply is of key importance to those Victorians working in the agricultural industry, and in other industries in regional and rural Victoria. The Victorian Government will continue working with AEMO and industry to maintain a reliable and sufficient energy supply for the upcoming summer period.

I thank the Member for her question.

Answers to constituency questions

Responses have been incorporated in the form provided to Hansard and received in the period shown.

1 November to 14 November 2019

NORTHERN METROPOLITAN REGION

In reply to Mr ONDARCHIE (Northern Metropolitan) (13 August 2019)

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services):

I am informed that:

The Victorian government has committed \$675 million to build ten community hospitals close to major growth areas. This includes a new community hospital managed by Northern Health at Craigieburn.

As is customary for projects of this nature, funding to support planning has been released in the 2019-20 budget. The member for Yuroke has been appointed as the chair of a Community Consultative Committee and community consultation has now begun. Concurrently, opportunities for partnering arrangements between health and social care providers capable of delivering integrated care will be assessed.

The Liberal Party has no experience in funding and building hospitals so it does not surprise me that the member would not understand how these processes work.

WESTERN METROPOLITAN REGION

In reply to Ms VAGHELA (Western Metropolitan) (28 August 2019)

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business):

Under the Fair Go Rates System, the total amount a council can increase its rates by each year is capped in line with inflation.

In the ten years prior to the introduction of rate capping, council rates were increasing on average by 6 per cent each year. This was an unsustainable burden on ratepayers. If rates had continued to rise at these levels, ratepayers would be paying hundreds of dollars more than they are under the rate cap.

The Essential Services Commission report into *the outcomes of rate capping 2016-17 to 2017-18* found that the financial health of the local government sector remains strong under rate capping.

Since the introduction of rate capping, the sector as a whole has had a positive adjusted underlying result each year, increasing working capital and falling indebtedness.

In the 2015-16 financial year, councils in the Western Metropolitan region collectively held cash and financial assets worth \$539 million and owed debt of \$167 million. For the 2019-20 financial year those same councils are collectively budgeting to hold over \$1 billion in cash and financial assets while owing debts of \$174 million. The continued financial strength of these councils has aided them in addressing their challenges, including rapid population growth.

While individual ratepayers may experience increases above or below the rate cap applicable for their council, the report found that 86.5 per cent of rates notices in 2017-18 increased by less than the rate cap.

Investment in asset renewal has remained stable during and after the introduction of rate capping. Over the next four years the councils in the Western Metropolitan region are planning to collectively invest over \$2 billion in capital works.

Fact sheets for each council are available on the Essential Services Commission's website and I encourage the Member to review the overview for the councils in her electorate.

NORTHERN METROPOLITAN REGION**In reply to Mr ONDARCHIE** (Northern Metropolitan) (29 August 2019)**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

I thank the Member for Northern Metropolitan for his continued interest in the Andrews Labor Government's transport infrastructure agenda across Melbourne's North, as well as our level crossing removal program.

It's always welcome when the Liberal Party advocates for the removal of level crossings. Victorians know that Labor gets rid of level crossings and Liberals don't. They didn't get rid of them in Government and they are trying to keep them from opposition.

To date, the Andrews Labor Government has removed 30 level crossings. This means safer communities, less congested roads, more trains, and thousands of jobs for Victorians. A further 25 level crossings will be removed by 2025, in addition to the 50 already planned, underway or completed. In total, 75 level crossings will be removed by 2025.

As the Member would be aware, the Andrews Labor Government is getting rid of level crossings all across the Northern Metropolitan electorate including: Camp Road, Cambellfield; Glenroy Road, Coburg; Grange Road, Alphington; High Street, Reservoir; Bell Street, Preston; Oakover Road, Preston; Cramer Street, Preston; Murray Road, Preston; Moreland Road, Moreland; Bell Street, Coburg; Reynard Street, Coburg; and Munro Street, Coburg.

Last year, the Level Crossing Removal Project (LXRP) developed a framework to prioritise future level crossing removals and identified new sites and recommended designs. We based our additional 25 level crossings on this work.

At the last election, the Liberals had no plans to remove the level crossings referenced by the Member. We welcome his newfound advocacy to remove level crossings. The only way to remove more level crossings is to remove the first 75.

NORTHERN METROPOLITAN REGION**In reply to Mr ONDARCHIE** (Northern Metropolitan) (12 September 2019)**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations):

Properties are valued as at 1 January for use in the subsequent tax year. This is a longstanding feature of the valuation cycle.

As a result of the Andrews Labor Government reforms, from 2019, land valuations will be conducted annually rather than every two years. This will ensure land tax assessments more accurately reflect the value of taxpayers' property assets. This means that 2019 land tax assessments were based on land valuations as at 1 January 2018. Land tax assessments issued in 2020 will reflect land valuations as at 1 January 2019. Annual valuations will ensure that if land values are falling, this is passed on to taxpayers more quickly.

Thank you for raising the concerns of your constituents.

SOUTHERN METROPOLITAN REGION**In reply to Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (15 October 2019)**Ms PULFORD** (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

The Department of Transport (DoT) receives many requests for pedestrian safety improvements, and all are prioritised for funding based on the relative risks to pedestrians when crossing the road. Risks that are considered include the number and type of vehicles using the road, the prevailing speed limit and pedestrian volumes. The safety record of the site, the impact on the performance of the surrounding road network, the implementation costs and needs of children, the elderly and disabled pedestrians, are also taken into account.

This intersection is one of several that does not have audio tactile devices installed. DoT has prioritised the installation of audio tactical devices at this site by the end of the year.

EASTERN METROPOLITAN REGION**In reply to Mr BARTON** (Eastern Metropolitan) (15 October 2019)**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Public Transport):

The existing bus network has provided SmartBus on some of the sections along the proposed Suburban Rail Loop. For City of Manningham in particular, SmartBus 903 provides connections linking Box Hill station, Doncaster Shopping Town and Heidelberg station. There are several bus routes serving Deakin and Monash University, providing connections between Universities and key transport nodes such as key railway stations.

The government recognises the important role that buses play in meeting the travel needs of people living in Melbourne's. The Department of Transport (DoT) regularly reviews the local bus networks to identify where improvements can be made. I have asked DoT to consider your feedback in future reviews and network planning.

NORTHERN METROPOLITAN REGION**In reply to Ms PATTEN** (Northern Metropolitan) (15 October 2019)**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services):

The Victoria Police Academy provides intensive training for Police Officers and Protective Services Officers (PSOs). Police recruits spend seven months training at the Academy followed by further on-the-job training. PSOs train at the Academy for three months and receive further on-the-job training with a police officer.

Information on ABI is covered in recruit training sessions. Disability training (including ABI) is applied to numerous sessions and assessments, and is delivered to all police recruits, police custody officers and PSOs.

The issues covered within the disability training sessions include an introduction to forms of disability, community diversity, community encounters, statistics, mental health liaison officers and engagement.

WESTERN VICTORIA REGION**In reply to Mrs McARTHUR** (Western Victoria) (16 October 2019)**Ms PULFORD** (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

This matter does not fall within my portfolio responsibilities. The Member may wish to raise her question with the Minister for Police and Emergency Services the Hon Lisa Neville MP.

WESTERN METROPOLITAN REGION**In reply to Ms VAGHELA** (Western Metropolitan) (16 October 2019)**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

I thank the member for Western Metropolitan Region for her question.

The Metro Tunnel Project is committed to ensuring all Victorians benefit from the largest public transport project in the State's history.

A Tunnel Lining Segment Manufacturing Facility has been purpose-built in Deer Park to supply the Metro Tunnel Project with the 56,000 concrete segments needed to line and build the twin nine-kilometre tunnels. The facility will create 70 new jobs in Melbourne's west, including targeting the recruitment of priority job seekers such as ex-automotive workers, long-term unemployed, Indigenous job seekers and people of a refugee or asylum seeker background.

As part of the Sunbury Line Upgrade, being delivered by Rail Projects Victoria, the project will support hundreds of local jobs, including up to 30 full-time positions for engineering cadets, trainees, apprentices and priority jobseekers.

The \$1.75 billion Regional Rail Revival program is also bringing job opportunities to the western region of Melbourne through the Ballarat Line Upgrade. Ballarat Line Upgrade has created 400 full-time jobs. So far, 1.2 million hours have been worked including 97,000 hours by cadets, apprentices and trainees.

NORTHERN VICTORIA REGION

In reply to Mr QUILTY (Northern Victoria) (16 October 2019)

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources):

The Victorian Government recognises the social, environmental and economic value that recreational hunting provides to Victoria. We also recognise that recreational deer hunters value deer as a hunting resource, supporting a popular and expanding industry that contributes to the economy of regional Victoria.

Game hunting licence holders generated an economic impact of \$439 million in Victoria in 2013 and we are currently undertaking an economic study to update these figures which will be released in 2020.

Under the Sustainable Hunting Action Plan 2016-20, we have delivered many actions which benefit recreational deer hunters including:

- Expanded the area available for deer hunting in the Alpine National Park by approximately 90,000 hectares and allowed all species of deer to be hunted
- Released the Draft Deer Management Strategy which proposed a partnership approach to deer management with many stakeholders including recreational hunters
- Released new hunting maps, including an online interactive mapping system on the More to Explore mobile App.
- Upgraded signs at State Game Reserves and Parks that permit deer hunting
- Developed a comprehensive new hunting manual

An evaluation of the current Sustainable Hunting Action Plan will be undertaken upon its completion in June 2020 and we have committed to develop and deliver another Sustainable Hunting Action Plan to follow the completion of the current Plan.

The new Sustainable Hunting Action Plan will be developed in consultation with hunters and other Key stakeholders.

SOUTHERN METROPOLITAN REGION

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (16 October 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

The AAMI Crash Index is based on motor vehicle accident insurance claims made by customers of all AAI Limited's brands including AAMI, GIO, Suncorp Insurance, Shannons, APIA, Bingle, CIL Insurance, Vero, Terri Scheer, and Essentials by AAI. 2019 claims data is calculated from 1 July 2018 to 30 June 2019, and 2018 claims data calculated from 1 July 2017 to 30 June 2018.

When determining which safety initiatives and investments to implement, the Department of Transport (DoT) considers injury crashes, including fatalities.

For example, DoT is currently installing electronic speed limit signs and reducing the speed limit from 60km/h to 40km/h on Burwood Highway between Charles Street and Scott Grove. The works are expected to be completed by the end of 2019.

DoT will continue to monitor safety along Burwood Highway to determine any potential future safety improvement works available.

WESTERN VICTORIA REGION

In reply to Mr GRIMLEY (Western Victoria) (16 October 2019)

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services):

I am informed that:

The Andrews Labor Government is committed to ensuring Victoria has a sustainable medical, nursing and midwifery and allied health workforce.

More than \$200 million is invested every year in the training and development of Victorian doctors, nurses and allied health professionals to ensure a highly skilled health workforce with a strong emphasis on

supporting rural health. Research on rural practice confirms that doctors who train in rural and regional locations are more likely to work in those locations. We are investing over \$33 million per year to specifically support medical graduates and junior doctors undertake their medical education and training in rural and regional health services.

The Andrews Labor Government has allocated \$12.5 million in 2019-20 to support the Victorian Rural Generalist Program, further increasing to \$13.4 million in 2020-21, which will expand Rural Generalist training opportunities across rural and regional Victoria. This program aims to provide a supported and cohesive pathway to a rural career as a general practitioner with advanced skills in areas such as obstetrics, anaesthetics and emergency medicine to support our rural health services.

Whilst the Andrews Labor Government continues to invest in the education and training of rural general practitioners, improving access to primary care services remains the responsibility of the Federal Government. Years of inaction and successive years of freezes to the Medicare rebate by the Liberal National Federal Government has driven up out-of-pocket costs for patients and put pressure on GP practices, which in turn has placed added strain on our emergency departments.

The Liberal National Federal Government needs to reverse these changes and do more to incentivise doctors to provide bulk-billed services in the regions.

I continue to raise this issue with the Commonwealth Minister for Health, the Hon. Greg Hunt MP at every opportunity and advocate for Commonwealth initiatives to increase the number of general practitioners in rural and regional Victoria.

NORTHERN VICTORIA REGION

In reply to Ms LOVELL (Northern Victoria) (16 October 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

Officers from Regional Roads Victoria (RRV's) Road Safety and Traffic Engineering team have met with officers from the Mount Alexander Shire Council to discuss this matter.

To assist with the community's request, RRV has been working with Mount Alexander Shire Council to assess the proposal for a speed reduction on Bendigo-Sutton Grange Road.

I look forward to updating the Member as to the outcome of this assessment in due course.

WESTERN VICTORIA REGION

In reply to Mrs McARTHUR (Western Victoria) (17 October 2019)

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations):

In its first term, the Andrews Labor Government delivered more than \$13 billion towards projects and programs that matter to regional Victorians. Building upon this, the *2019-20 Budget* included a landmark investment of \$2.6 billion for the Delivering for Regional and Rural Victoria Program.

The Program includes funding to strengthen the Department of Jobs, Precincts and Regions' Rural and Regional Victoria group and Regional Development Victoria—ensuring a continued focus on the needs of regional communities, with associated projects and programs to support an estimated 4500 jobs. The Program will deliver a range of initiatives across the Barwon South West region, including \$318.3 million for the Barwon Heads Road upgrade, \$191.9 million for the Geelong City Deal, \$128.0 million for the Geelong Performing Arts Centre and \$20.0 million for the relocation of Barwon Health clinical facilities.

In addition, the *2019-20 Budget* included a range of initiatives to support small businesses—through grants, mentoring services, workshops, online information and programs to support farmers, farming businesses and the wine industry - as well as policy changes designed to provide direct support to regional businesses. For example, to encourage businesses to relocate and expand in regional Victoria, a 10 per cent land transfer duty concession for commercial and industrial property transactions was introduced for contracts signed from 1 July 2019. This concession will increase by 10 percentage points each year until it reaches 50 per cent from 1 July 2023.

Further supporting regional businesses to grow and create jobs, the *2019-20 Budget* outlined an increase in the payroll tax threshold from \$650 000 to \$700 000 as well as a phased reduction in the regional payroll tax

rate to 1.2125 per cent—or 25 per cent of the metropolitan rate—by 2022-23. The reduction in the payroll tax rate will provide tax relief to around 3500 regional businesses.

The *2019-20 Budget* also provided \$150 million to establish the Victorian Jobs and Investment Fund, which will support investment, innovation, job creation and economic development across the state, including support for start-ups through funding for the continued operations of LaunchVic.

Finally, the Minister for Regional Development recently released updated guidelines for the Regional Jobs and Infrastructure Fund (RJIF), which supports community projects and assists businesses to create more jobs in regional Victoria. In the upcoming funding round, grants of up to \$500 000 will be available to councils and council-sponsored infrastructure projects, with more than \$30 million to be allocated through RJIF towards projects to make regional Victoria an even better place to live.

The impact of the Government's significant investments in regional Victoria is reflected in labour force estimates reported by the Australian Bureau of Statistics. The latest available data show that Victoria's regional unemployment rate is 3.7 per cent, the lowest in the country, and significantly below the level of 6.6 per cent when the Andrews Labor Government was first elected in 2014.

The Government is delivering on its commitments to the regions and is investing in infrastructure and jobs to ensure regional and rural Victoria continues to be a great place to live, work and invest.

WESTERN METROPOLITAN REGION

In reply to Dr CUMMING (Western Metropolitan) (17 October 2019)

Mr CARROLL (Niddrie—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support):

Every Victorian deserves to feel safe. The incident you outlined on 26 May 2019 is tragic and horrific, my thoughts are with the victim and their family.

All individuals who commit crimes such as these must be held accountable. If anyone has immediate concerns about the safety of themselves or others, or they see an offence in progress, the matter needs to be reported to Victoria Police through the emergency number '000'. Calls made to '000' are processed and responded to by the nearest available police personnel.

Anyone who has experienced an event such as the one described in the question should contact the Victims of Crime Helpline to discuss support options that may be available. The Helpline provides free information and support to help people manage the effects of crime and provides guidance through the legal process. The Helpline is available seven days a week between 8am and 11pm and can be contacted via telephone on 1800 819 817, or via text on 0427 767 891.

There are a range of grants available through the Victorian Community Crime Prevention Program that provide funding for communities. The Public Safety Infrastructure Fund (PSIF) provides up to \$250,000 for the development of public safety and security infrastructure to improve community safety, security and confidence in public places, which includes CCTV systems. Only Victorian councils can apply for funding through this program, however they may do so in conjunction with community organisations, including trader organisations, to improve safety in their local community. The government has invested more than \$4 million in 31 projects incorporating CCTV in local communities.

A further grant program, the Community Safety Fund, is available to councils, not for profit groups and trader organisations, and provides grants of up to \$25,000 to design and deliver education and awareness initiatives, including those focused on reducing the risk of thefts from businesses. While this program does not support the installation of CCTV, it does provide an opportunity to share information on the measures small business owners can take to protect themselves from crime. Both programs have closed for 2019-20, however future arrangements for these programs are currently being considered.

Additionally, the government is developing a new approach for crime prevention in Victoria and we are looking at ways to prevent more people from starting on the path to offending by addressing the drivers of crime. The crime prevention agenda will place community at the centre and develop hand-built solutions for local issues. This work is also being informed by a recently established Crime Prevention Taskforce which includes leaders from the business and industry sectors.

EASTERN METROPOLITAN REGION

In reply to Ms WOOLDRIDGE (Eastern Metropolitan) (17 October 2019)

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Public Transport):

In August 2017, the Andrews Labor Government extended services on the Hurstbridge line thanks to the provision of additional rolling stock. In 2018, thanks to the Andrews Labor Government's duplication of the track between Heidelberg and Rosanna, the Government added additional services to the line.

Planning for the second stage of the Hurstbridge Line Upgrade is now underway. The upgrade will deliver further improvements on the Hurstbridge line, including more train services, less crowding on peak trains and better connections to public transport in Melbourne's north east.

SOUTHERN METROPOLITAN REGION

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (17 October 2019)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

The removal of level crossings causes considerable disruption to both rail and road through construction. It is incumbent on the Government to provide information to the community on these disruptions and allow people to make alternative travel arrangements. Managing disruptions associated with major transport infrastructure projects is a challenge the Liberal Party did not have to confront during their most recent term in government, as they delivered no major transport projects.

All expenditure on level crossing removals is reported as per normal reporting processes.

WESTERN VICTORIA REGION

In reply to Mr MEDDICK (Western Victoria) (29 October 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

I understand that the people of Victoria want to get where they're going as quickly and as safely as possible and that well maintained roads are a big part of that. That's why the Andrews Government is investing a record amount into road maintenance across the State.

As the Meredith-Shelford Road is a local road and is the responsibility of the Golden Plains Shire, I am forwarding Mr Hall's concerns to the Shire for consideration in its future road work programs.

SOUTHERN METROPOLITAN REGION

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (29 October 2019)

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Public Transport):

On Tuesday 29 October 2019, there was an incident on the 6.58am Swan Hill to Southern Cross train requiring passengers to be removed from the service at North Melbourne. All 120 passengers onboard were evacuated from the area and assisted with alternative travel arrangements.

This incident has been reported to ONRSR to investigate.

There were some residual delays as a result of the incident, including some cancellations and changes to services.

SOUTH EASTERN METROPOLITAN REGION

In reply to Mr RICH-PHILLIPS (South Eastern Metropolitan) (29 October 2019)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

The Baxter Electrification Business Case has been provided to the Commonwealth Government for their consideration.

The Victorian Government is investing \$3 Billion on improvements on the Frankston rail line to run more trains more often.

These investments are a precursor for a potential future extension of the line to Baxter.

The Victorian Government will continue to work with the Commonwealth on opportunities for them to invest in our major transport infrastructure projects, including improvements to the Frankston and Stony Point rail corridors.

WESTERN VICTORIA REGION

In reply to Mr GRIMLEY (Western Victoria) (29 October 2019)

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources):

This government will always seek to balance incentives for new investment with the need to return value to the Victorian community from Crown assets.

To that end, Victoria's existing royalty regime will be broadened when the exemption for gold is removed from January 2020.

It was not appropriate for the government to engage in targeted consultation with affected parties before the public announcement of the change to the state's royalty regime in the 2019/20 State Budget. There was a risk that providing information to selected parties could disrupt the fair market value of publicly listed companies.

However, following the public announcement, I, the Treasurer and my department have continually consulted with industry.

Consulted parties included Castlemaine Goldfields, operators of the Ballarat Gold Mine. Public consultation on a draft of the amending regulations occurred between 23 September and 21 October 2019, as part of the Regulatory impact Statement process.

Once the exemption is removed, gold will be subject to the same general royalty rate that applies to all minerals, except brown coal. This rate will be assessed by the department in an upcoming broad review of all fees, rents and royalties.

I am pleased to see the recent resurgence of Victoria's gold sector, with significant increases in the gold price and in relation to Ballarat Gold Mine, a significant new investment by Yaoo Capital.

The Andrews Labor Government will continue to encourage the sustainable development of minerals in the state, including through initiatives like the North Central Victorian Goldfields Ground Release tender that I announced on 29 October 2019.

SOUTH EASTERN METROPOLITAN REGION

In reply to Mr LIMBRICK (South Eastern Metropolitan) (30 October 2019)

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations):

The Victorian labour hire licensing scheme (Scheme) was established in response to the independent Victorian Inquiry into the Labour Hire Industry and Insecure Work and has the objects of protecting workers from exploitation and improving the transparency and integrity of the labour hire industry. The Labour Hire Licensing Authority (Authority) has already uncovered multiple instances of unfair treatment of workers.

Businesses that provide labour hire services were given a full six-month transition period to apply for a licence. Any provider that has applied for a licence can continue to operate until their licence application is determined. More than 4,000 applications have been received, but many businesses left their applications to the last minute, with more than 37 per cent made in the last 48 hours of the transitional period.

Before and during this transitional period, there was an extensive communications and education campaign to assist businesses in understanding and complying with the scheme. This included print, radio, digital and social media across Victoria, regional information sessions and engagement with industry associations, peak bodies, local councils, government departments, trade unions and professional associations. The Authority has spoken with thousands of providers and hosts across Victoria through over 120 forums and stakeholder engagement sessions, as well as more than 7000 Phone enquiries.

The fee structure that has been adopted was available for public comment during the development of the Labour Hire Licensing Regulations 2018 (Vic). It is the result of careful modelling by Deloitte Touche Tohmatsu (Deloitte). The consultation included the proposed option, costs, fee level and structure. A number of competing factors were taken into account for the purposes of setting the fees, including the impact on competition and small business; equity—the degree to which the parties that generate specific costs bear those

costs, and the ability-to-pay of businesses with less means; certainty—the extent to which applicants will understand their fees in advance; administrative costs for business, compliance and enforcement costs. Thirty-nine submissions were received.

The Victorian Government considered all submissions carefully before finalising the fee structure in the Regulations, including comments about turnover, but determined that there was insufficient evidence to justify a departure from the economic modelling completed by Deloitte for the RIS.

There is an interim financial review to be undertaken after the scheme has been in operation for three years, and a statutory policy review after five years. The financial modelling was based on information available during the production of the RIS, and further information will now become available as operators become licensed.

As part of the interim financial review, the Authority and my Department will work together to review fee arrangements to assess whether the fees are achieving cost-recovery and the impact of fees on industry participants. In the interim, the Authority and my Department will continue to monitor the scheme and engage with stakeholders in relation to its operation.

Written responses to questions without notice

Responses have been incorporated in the form provided to Hansard and received in the period shown.

1 November to 14 November 2019

COMMERCIAL PASSENGER VEHICLE INDUSTRY

In reply to Mr BARTON (Eastern Metropolitan) (30 October 2019)

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs):

The then Department of Economic Development, Jobs, Transport and Resources, and the independent Chair of the Fairness Fund, consistently advised payment recipients to seek their own tax advice because the taxation of payments may vary depending on individual circumstances. The Department engaged with the Australian Taxation Office (ATO), provided all relevant information and responded to questions from officials at the ATO so that the ATO could ascertain how the Commonwealth law applied to payments from the Fairness Fund.

MINING PROTESTS

In reply to Dr RATNAM (Northern Metropolitan) (30 October 2019)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

Everyone has the right to peacefully protest, but it is important that this does not impact on the safety of the community. The Victorian Government will not tolerate anyone breaking the law or engaging in antisocial or violent behaviour while protesting.

Victoria Police has the ability to enforce a number of offences—such as trespass, besetting and obstruction of roads and footpaths. Unlawful and violent protests will trigger police arrest powers and result in the prosecution of those involved.

In relation to the events of 29 October 2019, Victoria Police officers balanced the protesters' right to protest with that of the people entering and exiting the Melbourne Convention and Exhibition Centre. The role of police at community protests is to maintain public order, enforce the law, and ensure the safety of all parties, including members of Victoria Police, conference participants and the broader community.

Footage of the demonstration is being reviewed to ensure any use of force was reasonable and in accordance with training.

TRAINING AND SKILLS FUNDING

In reply to Ms WOOLDRIDGE (Eastern Metropolitan) (31 October 2019)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

The Andrews Labor Government has not short-changed training providers.

SOUTHERN METROPOLITAN REGION PLANNING

In reply to Mr HAYES (Southern Metropolitan) (31 October 2019)

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources):

Plan Melbourne 2017-2050 sets out two scenarios for housing distribution in each of the Melbourne metropolitan regions. The first scenario is based on the Victoria in Future 2016 projections which assumes a continuation of current trends. The second scenario is based on an aspirational distribution of achieving a 70/30 split of additional housing between established areas and greenfield areas.

Glen Eira is within the inner South East Metro Region which comprises the municipalities of Bayside, Boroondara, Glen Eira and Stonnington. The projected dwelling additions in Plan Melbourne for this region are 110,000 for the trend-based scenario and 125,000 for the second aspirational scenario (70/30 split).

Plan Melbourne does not specify the distribution of additional dwellings for each municipality within the region, however land use framework plans are being developed in partnership with councils for each region as part of its implementation. These plans will identify locations for housing growth at the regional level. Through this work with councils there is potential to include housing target ranges for each of the regions to assist and inform councils' local strategic work.

THIRD REEDY LAKE

In reply to Mr BOURMAN (Eastern Victoria) (31 October 2019)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

With respect to First, Second and Third Reedy Lakes—these Lakes are not part of the state game reserve system and are not available for hunting. These Lakes are located to the north-west of Kerang, close to the Murray Valley Highway. The Third Reedy Lake is not presently being drawn down.

The Connections Project provided a unique opportunity to restore the natural wetting and drying conditions of the Lake that existed prior to the Lake being an irrigation storage lake.

In preparation for restoring the natural watering regime, the project is working with relevant agencies to undertake intensive monitoring to support fish translocation to manage any potential impact to native fish populations.

This process is being undertaken consistent with the Operational Environmental Management Plan that was prepared in accordance with Commonwealth and State legislative requirements and is available on Connections Project website.

Big Reedy Lagoon State Game Reserve is located approximately 4km west of Yarrawonga and is available for hunting. Reedy Lake at Nagambie south-west of Shepparton is available for hunting. Reedy Swamp 5km north-west of Shepparton is no longer a state game reserve and not available for hunting.

DRUG DRIVING

In reply to Mr GRIMLEY (Western Victoria) (31 October 2019)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

Drug driving is a critical road safety challenge for Victoria, and this Government is committed to addressing this challenge, and building a safer roads system for everyone.

One in four Victorians who use drugs admit to driving under the influence of drugs. Last year, around 60 per cent of drivers and riders who were killed on our roads, were found to have impairing drugs or alcohol in their blood. This does not include other road users who lost their lives as a result of impaired drivers.

Acknowledging that drug driving continues to be a major contributor to deaths and road trauma in Victoria, we are currently working to implement the commitments made in the 2019-2020 Community Safety Statement to ensure drivers charged with serious driving offences are removed from our roads. We are also considering what further measures may be needed to address drug driving and support Victoria's ongoing efforts to reduce road trauma. The number of drug tests conducted by Victoria Police has increased from 40,000 tests in 2014 to 150,000 tests in 2019. We're also training and allocating more police to highway patrol to undertake drug testing in more locations.

NORTHERN VICTORIA REGION TAFE COURSES

In reply to Ms MAXWELL (Northern Victoria) (12 November 2019)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

RESPONSE TO SUBSTANTIVE QUESTION

VCE delivery by individual TAFEs is demand driven. To ensure the information is most up to date, I have asked my Department to establish which TAFEs currently offer VCE courses either in full or in part. As soon as possible and on receipt of this information from the Department, I will provide Ms Maxwell with a response to the questions raised on VCE and TAFE provision.

RESPONSE TO SUPPLEMENTARY QUESTION

Victorian TAFEs are a great place to receive quality training that leads to a job.

TAFEs draw on industry partnerships and knowledge of local community needs to inform their Course offerings, as well as liaison with the Department and the Victorian Skills Commissioner.

Individual TAFE institutes are responsible for decisions relating to the scope and scale of the courses which they deliver, including single VCE subjects.

The courses included as part of Free TAFE have been selected because they lead to occupations in high growth industries like building and construction, plumbing, engineering and horticulture as well as important areas for Victoria like preventing family violence, rolling out the National Disability Insurance Scheme and delivering major infrastructure projects.

There are no current plans to expand Free TAFE to include single VCE subjects.

BUSHFIRE PREPAREDNESS

In reply to Mr BOURMAN (Eastern Victoria) (12 November 2019)

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs):

RESPONSE TO SUBSTANTIVE QUESTION

Since 2009, more than 6,090 planned burns have been delivered covering 1.75 million hectares on public land, with a further 80,000 hectares fuel reduced by mechanical methods such as slashing and mowing. This equates to approximately 23 percent of public land treated to reduce bushfire fuels over the past decade.

In addition to the 1.8 million hectares treated by fuel management, 1.49 million hectares of public land was burnt by bushfires during this period.

The window of suitable weather conditions for planned burning to be safely undertaken is small, and getting smaller with our changing climate.

It is of note, that in 2012, the Bushfire Royal Commission Implementation Monitor, Neil Comrie advised that delivering an annual planned burning target of 5 per cent of public land may not be ‘achievable, affordable, or sustainable’.

In 2015, the Inspector General Emergency Management (IGEM) reviewed performance targets for bushfire fuel management on public land, and recommended that the Victorian Government move to a risk-reduction target.

This recommendation was accepted and a bushfire risk target of 70 percent adopted. Risk has been maintained below the 70 per cent target, and is currently at 69 per cent.

The risk target drives us towards more effective planned burning—burning that protects communities and our environment. So far this year (to 13 November 2019), 63 planned burns have been undertaken, treating 3,475 hectares.

RESPONSE TO SUPPLEMENTARY QUESTION

Planned burning remains a core part of our approach to reducing the risk of bushfire on public land. Other activities being delivered under the \$273.23 million Reducing Bushfire Risk program include:

- Mechanical fuel treatments, such as slashing, mowing and mulching, with 20,000 hectares of mechanical treatment planned for 2019-20
- Improving access and egress to public land for fire fighters to respond quickly, to fires when they occur with more than 6,358 kilometres of road maintenance since July 2017, and a further 5,420 kilometres planned for 2019-20
- Removal of hazardous trees to improve fire fighter safety, with 1,238 kilometres treated since July 2017, and a further 162 kilometres planned for 2019-20
- Road side vegetation management, with 3,336 km kilometres treated since July 2017, and a further 723 km kilometres planned for 2019-20
- More front line forest fire fighters, with 340 permanent and 627 seasonal fire fighters for the coming fire season.
- Better firefighting equipment, with 107 Large Unimog Fire tankers, 498 G-Wagen light tankers and 53 pieces of heavy plant (bulldozers and excavators) in the Forest Fire Management Victoria fleet this year, and additional heavy plant available under contract.
- The largest contract firefighting aviation fleet we have had, with 50 aircraft under contract to Victoria and a further 100 on a call when needed list.

In addition, Forest Fire Management Victoria continues to work with the fire services, local government and communities to ensure we are well prepared for the fire season.

MURRAY-DARLING BASIN PLAN**In reply to Mr QUILTY (Northern Victoria) (12 November 2019)****Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):**

The premise of this question is wrong. The Minister did not ban trades from the Goulburn into the Murray.

In August the Minister for Water announced that all inter-valley trade would be brought under the same rules in December.

This will mean all trades—including tagged trade—would come under the 200 GL limit on trades from the Goulburn to the Murray.

In the lead up to that, the Minister for Water noted concerns about the use of tagged trade accounts.

Until recently Lower Murray Water customers with tagged trade accounts were not permitted to use the accounts once the 200 GL limit was reached.

This was inconsistent with Goulburn-Murray Water customers who could use tagged trade even when the limit was reached.

Below the limit, Lower Murray Water customers with tagged accounts could still do intervalley trades without being out of pocket for extra water. They did this using an alternate form of intervalley trade that had the same effect.

The Department of Environment, Land, Water and Planning is working with Goulburn-Murray Water and Lower Murray Water to ensure consistency across trade.

This will be further formalised in December when all trades—tagged or otherwise need to come under the 200 GL intervalley limit.

We are on track to meet our obligations under the Basin Plan without further water coming from the consumptive pool. With our environmental offset projects submitted and funded, we're on track to reach our water recovery obligation of 1075 GL. Beyond the 1075 GL there will be no further water recovery projects as part of the additional 450 GL, unless it can be proven they have positive socio-economic outcomes for communities.

The Minister for Water has stood up to her state and Federal counterparts from all sides of politics to give Victorian communities confidence that we will get the best possible Basin Plan outcomes for them.

For constraints, that meant withdrawing the Goulburn Constraints Project from the supply measures package for the SDL adjustment to avoid flooding private land and establishing a panel at Ministerial Council to further examine issues with constraints.

We have secured funding for our environmental offsets projects. That means investment in regional communities, good environmental outcomes and no more water coming from the consumptive pool.

We do not support further buybacks in Victoria.

We have been clear that there are substantial issues in the northern Basin that need addressing, including protection of environmental flows, floodplain harvesting and compliance. As well as the lack of transparency in the north, we need to respond to those issues, and we will continue to push for that.

Victoria has led the deliverability review and further work on deliverability through the Murray-Darling Basin Ministerial Council. We are concerned about the capacity of the system to cope with increasingly high flows.

As well as looking at inter-valley trade rules we have moved to limit any new extraction in the Lower Murray to ensure deliverability for existing irrigators.

The Minister for Water has raised these issues with New South Wales and South Australia and will continue asking them to introduce a similar measure.

We will ensure all inter-valley trades are treated the same and occur under the 200 GL trade limit. This will help protect the environmental health of the river and deliverability for irrigators.

We want to provide confidence in the community that the market is working for irrigators and is not being distorted. We don't want to see any distortions or inconsistencies, and that's why we are reviewing the system to ensure greater transparency.

We are leading the way in Victoria with a review of water market transparency, including extensive community engagement. We have also improved the information available to irrigators about the market and deliverability. It is a significant aspect of transparency, and we are publishing more information on how water markets are working, and how water is used, to directly respond to the community's concerns.