

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 15 AUGUST 2019

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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
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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 Vallence.

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 Elasmr, 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
Elasmr, 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

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Thursday, 15 August 2019

The PRESIDENT (Hon. SL Leane) took the chair at 9.35 am and read the prayer.

Announcements**ACKNOWLEDGEMENT OF COUNTRY**

The PRESIDENT (09:36): On behalf of the Victorian Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome elders and members of the Aboriginal communities who may visit or participate in events or proceedings of the Parliament this week.

Joint sitting of Parliament**LEGISLATIVE COUNCIL VACANCY****VICTORIAN HEALTH PROMOTION FOUNDATION****VICTORIAN RESPONSIBLE GAMBLING FOUNDATION**

The PRESIDENT (09:36): I have to report that the house met with the Legislative Assembly yesterday: one, to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis and that Mr Enver Erdogan was elected to hold the vacant place in the Legislative Council; two, to elect members to the Victorian Health Promotion Foundation and that Sarah Connolly, MP, Bridget Vallence, MP, and Andy Meddick, MLC, were elected to the foundation for a three-year term commencing immediately; and, three, to elect members to the board of the Victorian Responsible Gambling Foundation and that Ms Maree Edwards, MP, Mr Tim McCurdy, MP, and Mr James Newbury, MP, were elected to the board for the term specified in section 11 of the Victorian Responsible Gambling Foundation Act 2011.

Members**MR ERDOGAN**

Swearing in

Mr Erdogan introduced and oath of allegiance affirmed.

Bills**RACIAL AND RELIGIOUS TOLERANCE AMENDMENT BILL 2019**

Introduction and first reading

Ms PATTEN (Northern Metropolitan) (09:40): I move to introduce a bill for an act to amend the Racial and Religious Tolerance Act 2001 to extend the application of that act to include protection from vilification based on certain protected attributes, to make related amendments and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms PATTEN: I move:

That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019*Introduction and first reading*

Mr MEDDICK (Western Victoria) (09:41): I move to introduce a bill for an act to amend the Wildlife Act 1975 to protect certain birds; to prohibit the hunting, taking or destruction of those birds; to make further provision for other activities relating to birds and to make other amendments and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr MEDDICK: I move:

That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019*Withdrawal*

Mr MEDDICK (Western Victoria) (09:42): I move, by leave:

That order of the day, general business, 3, be read and discharged and that the bill be withdrawn.

Motion agreed to.

Withdrawn.

The PRESIDENT: Before I call for a command paper, I alert the chamber that it is the Deputy Clerk's birthday today.

Papers**COUNTY COURT OF VICTORIA***Report 2017–18*

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (09:43): I am so glad that you trumped, with your command performance, my command reading. Thank you, President. I present, by command of the Governor, the report of the County Court of Victoria for the year 2017–18. I move:

That the report do lie on the table.

Motion agreed to.

PAPERS

Tabled by Clerk:

Interpretation of Legislation Act 1984—Notice pursuant to section 32(3) in relation to Statutory Rule No. 63.

Victorian Environmental Assessment Council Act 2001—Victorian Environmental Assessment Council's Central West Investigation Final Report, June 2019.

The PRESIDENT: Before I call for notices of motion, I acknowledge Senator Raff Ciccone, who is in the gallery today.

Business of the house**NOTICES OF MOTION****Notices given.****ADJOURNMENT**

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (09:46): I move:

That the Council, at its rising, adjourn until 12 noon on Tuesday, 27 August 2019.

Motion agreed to.**Members statements****GRAHAM ‘POLLY’ FARMER**

Mr ONDARCHIE (Northern Metropolitan) (09:47): As a kid I was introduced to the Geelong Football Club, and children tend to find heroes or idols in their sporting codes. My idol was not Billy Goggin. It was not one of the Nankervises. It was Graham ‘Polly’ Farmer—a great man, a great Australian, a great role model and a great Indigenous leader.

Polly was named Polly because as a child he was told at school that because he talked so much he sounded like a Polly parrot, and that is how it stuck. That is how the nickname Polly stayed with Graham ‘Polly’ Farmer. As a child he was moved around various homes and had trouble settling, and he found his passion in football—a passion in football that he took across this nation, where he led people and led communities with his great heart, his great tenacity and his great skill. He perfected the great ruck work and was probably the architect of the best handball we have ever seen in our game of Australian Rules football.

Today I pay tribute to Graham ‘Polly’ Farmer, who passed away yesterday at 84 years of age after having a term of dementia. He leaves behind a family and a loving football community that celebrates what was a great life and what was a great demonstration of what it is like to be a great leader. For what he did for our Indigenous communities around Australia, we pay tribute. Vale, Graham ‘Polly’ Farmer.

BALLARAT SPORTS AND EVENTS CENTRE

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (09:48): The stage is set. Ballarat now has the infrastructure to attract leading sporting events to the city. Along with many passionate Ballarat people, I have been involved in this project for the best part of a decade, and I am proud to say the Ballarat Sports and Events Centre is complete and open.

The recent completion of the state-of-the-art sporting complex, which includes six new courts for multisport use—basketball, netball, volleyball and badminton—a 3000-seat show court, multipurpose learning rooms and sports medicine facilities, became a reality through a jointly funded \$24 million project. The Ballarat Sports and Events Centre has the capacity to host state, national and international games. The centre will host the 2019 under-14 national club basketball championships and the 2019 national Basketball Australia coaches conference. The added benefit is an estimated annual injection of \$1.5 million to the economy. Our government has invested \$9 million into the expansion project through its \$500 million Regional Jobs and Infrastructure Fund, which ensures regional Victoria is a great place to live, work and visit.

I would like to congratulate Peter Eddy, Ballarat Basketball’s CEO, for pursuing his dream of a sporting city and driving this project. I would also like to recognise the great effort of Nick Grylewicz and Mark Valentine and recognise the contribution of the federal government and the Ballarat City

Council, with honourable mentions for Matt Dent and Mark Powell from the council for their work on this project. The Ballarat economy will benefit enormously from the inclusion of this facility in the community landscape. I would also like to thank Tayla Sleep, my work experience student, for her assistance in preparing this members statement as part of her program.

YACKANDANDAH HEALTH

Ms MAXWELL (Northern Victoria) (09:50): In July I had the pleasure of visiting the Yackandandah Health facility, a community-owned, not-for-profit organisation nestled in the beautiful Yackandandah Valley in north-east Victoria. Based on the bush nursing model, the site is home to 77 residents within the residential aged-care facility. The new \$6 million building opened in 2018, which was when I was standing as a candidate for the upcoming election. I made a quiet promise to myself that if elected I would return to learn more about what this beautiful facility could provide to the people of Yackandandah.

The new building offers 16 residential aged-care rooms upstairs and 10 one-bedroom apartments for individuals or couples downstairs. There are opportunities for residents to contribute to gardening and maintenance of the grounds. The men's shed, which is located at the facility, provides furniture for the childcare centre, which has recently opened within Yackandandah Health. The facility also provides primary health services such as physiotherapy, home support, Bowen therapy, a medical centre and a midwife service, to name a few.

The Yackandandah model and the care sanctuary are currently in the planning stage, with a focus on intergenerational living, to provide more options and facilitate community interactions for residents. The care sanctuary was supported by the community and the Victorian government's Pick My Project initiative. I would urge government representatives to travel to Yackandandah to visit this facility and use this model as a primary example of how to achieve quality care and livability for our elderly.

SOUTH YARRA PRIMARY SCHOOL

Ms TAYLOR (Southern Metropolitan) (09:52): I had the delight of attending South Yarra Primary School this week. I really timed it well, because the building works had started on the \$6 million upgrade to the school, which is going to bring 12 new classrooms. Isn't that terrific? They were so excited. I was greeted by principal Neven Paleka and assistant principal Wendy Duff, and they were chuffed. And I will tell you what, the grade 1 kids can sing. They knocked it out of the park. Now, what were they singing again? That is right, the school song that they wrote themselves, and it was really impressive. They were actually engaged about politics, at that age, so I was very impressed. They were asking, 'How do laws get passed? How do you become a politician? How do you get elected?'

Mr Jennings interjected.

Ms TAYLOR: I know—and 'What's the most difficult part of being a politician?'. And do you know what I said? It is that it is hard to deliver the needs of every single person, and at the end of the day you have to look after the greater good. And they accepted that, and they took it on board. So I am inspired. That is a terrific school, and it is going to be even better with those classrooms in place. So good on you, South Yarra Primary School.

GRAHAM 'POLLY' FARMER

Mrs McARTHUR (Western Victoria) (09:53): As the co-host of the Geelong Cats Spring Street event and as a member for Western Victoria Region, home of the Geelong Cats, I would like to pay tribute to Polly Farmer and offer my sincere sympathies to his immediate family and his wider football fan club. Polly has been accredited as being one of the AFL's greatest ever footballers. Barry Fagg, a significant Geelong Football Club supporter and leading Geelong businessman, told me that as an 11-year-old boy he watched Polly Farmer lead Geelong to victory in the 1963 grand final at the MCG. Polly was Barry's childhood hero, and he remembers even painting a picture of Polly palming the ball

to Billy Goggin. The Indigenous Noongar boy changed the game of football by turning handballing from a defensive technique into an offensive one. It was often said that Polly gave Billy an armchair ride to the goal square. He was unconventional in his training methods. To perfect his long handballing technique, he would practise passing the ball through a parked-car window 30 metres away. Graham 'Polly' Farmer made a profound impact beyond the realms of football, but through his courage and leadership he made a significant contribution to Australian culture as a role model for Indigenous Australians.

DRUG DECRIMINALISATION

Mr LIMBRICK (South Eastern Metropolitan) (09:54): After hearing Senator Kristina Keneally promote the inaugural Conservative Political Action Conference in Australia, I thought I should check it out. I was a bit concerned that it was for conservatives as I am a libertarian, and Senator Keneally seemed to suggest that I might turn into some nasty extremist if I talked to people with different opinions. Fortunately not only did the organisers say that I was welcome, but they also invited me to speak. So I ended up on stage with former Queensland Premier Campbell Newman talking about how many conservatives are changing their mind on the issue of drug decriminalisation. It was not really much of a debate, though, with him actually being one of those conservatives who had changed their mind. In what may come as a surprise to Senator Keneally, the people in the room that disagreed with me did so politely, without suggesting I should not be allowed to speak. Even more encouraging was that many of them agreed with me. I would like to think that drug decriminalisation is one area that conservatives, libertarians and the left can one day agree on, but before that happens we will have to talk with people that we do not always agree with.

ASYLUM SEEKER RESOURCE CENTRE

Dr KIEU (South Eastern Metropolitan) (09:55): A few weeks ago I was joined by parliamentary colleagues Luke Donnellan, Gabrielle Williams, Pauline Richards and Gary Maas along with the federal member for Bruce, Mr Julian Hill, to tour the under-construction Asylum Seeker Resource Centre site in Dandenong, where a new centre is being set up in addition to the established centre in Footscray. ASRC provides many supporting services and resources to asylum seekers who are waiting to have their refugee status determined. These range from material aids to Foodbank and community meals programs. It also offers primary health services as the largest facility of its kind in Australia, even to people without access to Medicare. Its education programs assist hundreds of people to improve their English and to become enrolled into training and professional development courses. Then there are also employment and empowerment pathways programs, paid internships, network building and business coaching.

The human rights law program helps people at all stages of the refugee determination process. Detention advocacy works with people in onshore and offshore detention to provide emotional support, information and referrals to legal services. Despite the incessant federal Liberal cuts to vital asylum seeker services, the organisation is pushing ahead, bolstered by the goodwill of the community. The state government has recently contributed \$3 million to ensure that asylum seekers receive vital services. As I was once an asylum seeker myself, I am very much proud to be a member of the Andrews Labor government.

AUSTRALIAN CARBON INNOVATION

Ms BATH (Eastern Victoria) (09:57): This morning I would like to congratulate Australian Carbon Innovation (ACI) chair Gerry Morvell and CEO Brian Davey along with Federation University, Churchill, for hosting a very insightful forum last week entitled 'Hydrogen forum—A pathway to environmental and regional prosperity—Where to for Gippsland?'. The forum brought together specialists in research and development, industry, the CSIRO and many interested members of our local community.

The keynote speaker was Australia's chief scientist, Dr Alan Finkel, who outlined the opportunities for Australia and Gippsland in hydrogen production. Dr Finkel told an interested crowd how hydrogen, including that produced from Latrobe Valley coal with carbon capture and storage, could be part of the global solution for reducing emissions while providing energy security to the world. Dr Finkel, refreshingly, stressed his view that the future does not have to be either coal or renewables but that a diverse mix of both will be required to transition to a zero-emissions future. Part of that future is also in relation to the Regional Carbon Innovation Centre, and I look forward to supporting Brian Davey, ACI and Federation University to work through the production of new technologies to make use of our valuable resources into the future.

IVANHOE GIRLS GRAMMAR SCHOOL

Mr BARTON (Eastern Metropolitan) (09:59): I am pleased to rise today to commend a group of talented young women from Ivanhoe Girls Grammar who presented their safe public transport bill to me last week. As part of our Youth Parliament program, the girls debated and passed a bill to implement new safety measures around public transport infrastructure and high-risk areas for women. They were very well informed and had some very sensible and considered proposals to make travelling safer for women. Many of their recommendations seem quite easy to implement and, while I understand their bill has been sent to the relevant ministers, I will also be writing on their behalf to ask that some of these measures be considered. They asked for increased PSO presence on trains and trams, more female PSOs, updated and more security cameras, a text messaging service to alert PSOs or police for response at the next station, better lighting at stations and surrounding bus and tram stops, and women-only carriages. I think a trial of some of these measures would prove simple and provide great benefits for the travelling public, and I will be making those recommendations to the ministers. My congratulations to Charlotte, Emily, Elizabeth, Isabel, Naia and Tara on an excellent piece of legislation. Our future is in good hands.

VICTORIAN ABORIGINAL CORPORATION FOR LANGUAGES

Ms LOVELL (Northern Victoria) (10:00): To commemorate the beginning of the 2019 NAIDOC celebrations I was honoured to attend the 25th anniversary celebrations of the Victorian Aboriginal Corporation for Languages, which was also a celebration of the life of Bangerang elder Uncle John 'Sandy' Atkinson, who founded the corporation in 1994. The event included a wonderful exhibition of Aboriginal art and culture called *Mala Yananinon* and included some of Uncle Sandy's art, as well as a video of Uncle Sandy speaking about his life.

The primary purpose of the Victorian Aboriginal Corporation for Languages is to address the issue of language loss, and it is dedicated to the revival and reclamation of Victorian First Peoples' languages. The corporation focuses on retrieving, recording and researching Aboriginal languages and providing a central resource on Victorian Aboriginal languages with programs and educational tools to teach the Indigenous and wider communities about Aboriginal language.

Uncle Sandy was a giant within the Aboriginal community throughout Victoria and was a very dear friend who is sadly missed. As well as founding the Victorian Aboriginal Corporation for Languages, he founded the Koorie Heritage Trust, the Bangerang keeping place in Shepparton and the Rumbalara medical cooperative. He did more to preserve Aboriginal culture than any other person in this state. Uncle Sandy dedicated his life to the betterment of Aboriginal people and was inducted into the Victorian Indigenous Honour Roll in 2012. Congratulations to the Victorian Aboriginal Corporation for Languages for hosting such a great event and honouring the achievements of a truly great Victorian.

PARLIAMENTARY OFFICERS

Mr ATKINSON (Eastern Metropolitan) (10:02): On a number of occasions I have commented on the staff that serve the Parliament and the wonderful job that they do. I take this opportunity today to congratulate and welcome Sally West as Usher of the Black Rod. Sally—or 'Ms West', perhaps—has had a distinguished career with the Parliament already and has done some exemplary work in our

committees. We all know the extraordinary work that the team puts in in supporting us with various inquiries. She has now been appointed to this position, and we welcome that.

Can I also make mention of the fact that Sam Matthews, who has been the head of our security area, is retiring from the Parliament, leaving the Parliament. This will be her last week. I wish to place on record my appreciation—and I am sure on behalf of all members of Parliament—for the work that she has done in that role, again over many years.

I would be remiss if I sat down without mentioning that one of the other very important people in this Parliament is celebrating a birthday today. Happy birthday, Ms Sargent.

Business of the house

NOTICES OF MOTION

Ms STITT (Western Metropolitan) (10:03): I move:

That the consideration of notices of motion, government business, 127 to 141, be postponed until later this day.

Motion agreed to.

Bills

WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019

Second reading

Debate resumed on motion of Mr JENNINGS:

That the bill be now read a second time.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:04): I am pleased to rise and make a contribution to the Water and Catchment Legislation Amendment Bill 2019. This bill reintroduces and expands changes to the Water and Catchment Legislation Amendment Bill 2017. It amends the Water Act 1989 and the CALP act, the Catchment and Land Protection Act 1994, to provide, it claims, for the implementation of actions set out in *Water for Victoria*. The *Water for Victoria* plan the government has released sets up a series of actions. This bill expands on the original bill by proposing changes to Victoria's compliance regime in response to a fair bit of public interest in and examination of the matters around compliance.

The bill implements the legislative change necessary, it says, to see *Water for Victoria* effectively implemented, enabling Aboriginal participation in governance and management and including Aboriginal recreational values in water and waterway planning and the concept of shared benefits. It aligns the timing of long-term water resource assessment for Victoria with the Murray-Darling Basin plan review in 2026, it does a revision of the salinity mitigation functions of the minister, it promotes compliance with enforcement of the act, and there are a number of other matters. Indigenous participation is a central feature. The recreational values of water are currently of course very, very significant and should be strongly protected. We as a coalition—the Liberals and The Nationals—get very concerned about steps that are taken by the current government to diminish access to water resources from time to time.

I also note that the bill does a number of things regarding compliance in the range of non-urban systems. In 2017–18 there were 14 prosecutions for breaches and an alleged 1625 breaches reported. It is reported to us that these breaches were largely minor breaches and the larger number is due to greater technical capacity to detect such breaches through the implementation of new technology. Most of the cases were dealt with with an advisory approach.

I have made the point that this does allow cultural values and recreational values a significant role. There is a requirement to consult with Aboriginal Victorians by giving notice to the representative of the specified registered Aboriginal party and to invite submissions when preparing a water supply

protection plan. The consultative committees, under the provisions in clause 21, will include the specified Aboriginal party, and there is also a focus on a sustainable water strategy for the long haul. Clause 24 amends the obligations of the Victorian Environmental Water Holder to consider opportunities to provide for Aboriginal cultural values and uses of waterways, and social and recreational uses and values of waterways, consistent with other legislative obligations.

With respect to salinity, the bill provides for the determination of salinity impact zones in the Mallee region and gives the minister a number of powers to fix charges for works and measures to mitigate or offset and manage salinity impacts. The scheme currently exists, but these amendments will enable these functions to be delegated to the relevant water authorities and catchment management authorities where that is appropriate.

With the matter of water resource assessment, the bill maintains the existing long-term water resource assessment period for southern Victoria. With respect to compliance and enforcement, as I say, there are a number of strengthened aspects of offences in the bill, with the aim of promoting compliance and enhancing enforcement. The changes include increased penalties and the introduction of more specific serious offences.

There are a number of other aspects of this that I will comment on. No regulatory impact statement has been carried out for the declaration of salinity impact changes, despite the fact that the declaration of a salinity impact zone has an impact on property rights—a significant impact. There are some legitimate questions to be asked on that, and I give the minister notice that we will take this bill into the committee stage when the second-reading debate has concluded. The government acknowledges that one may be necessary, but it has got latitude to carry out a regulatory impact statement after the bill is passed. It is probably putting the cart before the horse. It would be better if the RIS was carried out before the change was made. Victoria should conduct its long-term water resource assessment before the Murray Basin plan review in order to have contemporary scientific data to argue the state's interests through the basin plan review. An assessment done now can account for water recovery and future water recovery under agreements and contracts entered into by Victoria. That seems to be contrary to the government's position.

I note that my colleague Steph Ryan in the other place has consulted very widely on this bill, including many of the relevant authorities as well as, in particular, the Victorian Farmers Federation. The water customer consultative committees that are relevant were consulted as well.

The opposition will seek to move amendments to this bill, and I ask for them to be circulated if possible.

Opposition amendments circulated by Mr DAVIS pursuant to standing orders.

Mr DAVIS: The amendments are a relatively straightforward set of changes that seek to ensure that the definition of environmental water or environmental water reserve in the Water Act 1989 includes environmental water held by the Commonwealth Environmental Water Holder. They are straightforward and reasonable, and we would certainly seek the support of the chamber on those matters. What I would say in the context of this is that Victoria has to be very careful, and I know that my colleague Steph Ryan has strongly argued the case for Victoria. I just want to make some general comments here about our position with respect to water. We have obviously had severe drought across much of Australia. I think the government here was slow to recognise the impact of that, for example, in Gippsland, and many in this chamber—

Members interjecting.

Mr DAVIS: You were—you were very slow to respond.

Ms Pulford: Rubbish. As if you'd know what goes on anyway.

Mr DAVIS: Well, I listen to what goes on here, and I hear, I read the clips and I see the steps. The Minister for Regional Development was very slow in getting active on some of these matters. Leaving

that aside, I will make some other comments. Clearly we have a significant drought through much of the basin region going north into Queensland and into parts of New South Wales, and this has had a very significant effect over a long period. You can only be moved by the impact that this has had on many families, many farms and many businesses, and there are long-term challenges for the state and for the country as we go forward.

I want to make the point thoughtfully that Victoria as we go forward has got to be very careful to protect its interests. I am not actually in this instance suggesting the government has not; I am actually making the point that this is a longer term challenge for all of Victoria. Victoria is a state that indeed, going back to the Kennett government days, has actually had more advanced, more defined, more complex water arrangements and water markets than other states. Consequently, as the relevant national authorities, the Murray-Darling Basin Commission and others, have gone hunting for water, it has been easier to find here, and the impact has been greater. We need to recognise that removing water from small towns often in a piecemeal way actually has a significant effect not only on the land and the impact there but also on the social structure of towns. We cannot distinguish or separate the fact that there are social impacts that occur with some of these water changes.

In the long haul Victoria needs to make sure that it maintains its share of that water. Much of the water of course falls in Victoria, and as some will remember there were difficult challenges faced in this state when farm dams and others were more closely regulated—again, Victoria leading the national focus and regulation of these areas. It is still far more advanced, which is not to say that there is not further work to do, because there is. But the issue here, I think, is that the political leverage of a number of other states—Queensland, South Australia and New South Wales—is significant, and Victoria is always at risk of getting a raw deal out of these national and federal arrangements. Again, this is not a point-in-time commentary; this is a longer sweep of history. We need to be very focused on ensuring that other jurisdictions take the appropriate steps. We need to make sure that the heavy lifting is done evenly, the heavy lifting is done in a fair way, the impacts are not concentrated in areas of Victoria and we do not bear a disproportionate and unreasonable burden of many of the adjustments that are made as water is more tightly regulated, more tightly charged and more tightly managed.

These are very significant impacts that occur on communities where water is withdrawn through a range of different processes. I want to put on record the work that has been done by Ms Ryan with her wide consultation and her good understanding of many of these issues. I also want to pay tribute to Ms Lovell for the work that she has done in this area over a longer period as well. We need to make sure that our interests, both higher up in catchments and into those irrigation districts, are actually protected, and the need is there to make sure that we advocate quite strongly on these matters. With those comments I am going to let others in the chamber speak. I indicate that we will move to a committee stage later, asking a number of questions and seeking to amend the bill.

Mr MELHEM (Western Metropolitan) (10:17): I take the opportunity to also rise to speak on the Water and Catchment Legislation Amendment Bill 2019. This bill makes various changes to the Water Act 1989. One is that it will give some flexibility to the minister to look at the plans from 2018 to 2025, give Aboriginal communities some further say in our water management system and also make some changes to make sure we address the current issues the state is facing—in fact the country is facing—in relation to water resources and the threat of drought, which we know is still hitting the country hard, particularly in New South Wales, Queensland and parts of Victoria. It does not look like that is going to change anytime soon.

Obviously water in this state and in this country is a very scarce resource, and it is always a challenge for governments and communities to deal with that. I think it is something that all levels of government need to put effort into to make sure we protect that resource and we make it as efficient as possible to make sure that irrigators are able to receive the necessary water allocations they need to continue to grow crops and to generate the food which this country needs and the world needs. So it is very important that we maintain an efficient system, and in October 2016 the state government announced

an investment of \$537 million over a four-year period for projects to strengthen water security for communities and to protect jobs and agriculture, as I talked about, and also to recognise Aboriginal water values and to improve environmental health. That is an investment by the state government to make sure we address that issue.

Also, it is important that we continue to maintain enough water for our residents, for just human consumption. Notwithstanding that we have had some reasonable rain, it is not enough obviously that our reservoirs, to my understanding, are still under 60 per cent. Thank God for former Labor governments. The Bracks government had the foresight to actually build a desalination plant. For a number of years, even when I came to this place in 2013, the Liberal-National parties—including the period of four years when they were in government—basically kept hammering on about why the hell we built the desalination plant. It was built to provide that security I talked about, to make sure that we are able to confront the current situation in relation to water and water resources. The desalination plant is now operational and is supplying water to Melbourne, and that water has been pumped into the reservoirs to make sure there is enough capacity.

It is important that we do that for Melburnians, basically the people in greater Melbourne, and for Geelong and other regional cities, as the water system is all interconnected. Because the desal plant is operational and is able to provide that water, we do not have to draw on other water resources—for example, from Eildon and various other dams. We can allow that to be used for irrigators and also for the environment. I think that is very important. The other side have failed to accept that or understand that approach. Basically their argument is, ‘It costs so much money. We don’t know why you invested in the desalination plant’. Mr Davis talked about the issue of the drought. They are the very reasons why we have invested in that plant. The very reason also goes back to the Bracks-Brumby governments, when millions of dollars were invested in putting in place efficient irrigation systems in the Goulburn Valley in the foodbowl area to try to save water from evaporation. I think that was a groundbreaking project which has delivered a significant amount of water savings. It has enabled irrigators to use that scarce resource to make sure they continue on with their food production.

This government has invested a great deal in making sure that we protect the scarce resource, making sure irrigators have still got enough water to continue their production, making sure the population of Victoria and greater Melbourne and major cities around the state have still got access to water, and hopefully we will not have to go back to the water restrictions we had 10 to 15 years ago. Also, what is more important is to make sure there is enough flow in the river system. We addressed the issue of salinity and made sure that we still have a healthy river system in Victoria. They are the three areas the government is focusing on, and it is delivering on them. This bill will actually work towards those aims.

I will now go to some of the main features of what the bill provides. The bill establishes greater recognition and involvement of Aboriginal Victorians in planning for and the management of waterways and catchments; requires greater consideration of the community’s recreational values of waterways; and also improves compliance with and enforcement of laws under the Water Act 1989 and water regulations. I think that is a very important aspect: making sure that people are compliant with the legislation, and when people are not compliant with these laws then enforcement is basically used. We should enforce the law. I think that is very important because unless we have very strong enforcement people would simply disregard the water regulations and we would just have chaos.

The bill also provides a stronger framework for the minister’s salinity mitigation program that offsets the salinity impacts of irrigation in the Mallee region. It also resets the date to undertake a long-term assessment of water resources in northern Victoria from 2018 to 2025 to align the timing of the assessment with the completion of Victoria’s program of works and measures to meet the Murray-Darling Basin plan requirements and with the commonwealth’s review of the basin plan in 2026. I think I touched on that earlier. The reason we are extending that is to give the minister some flexibility to be able to deal with whatever prevailing changes occur during that period. The minister will be able to make the necessary adjustment to make sure we deal with these challenges. I think providing that

flexibility to the minister is very important. The bill will give that flexibility to the minister and make sure that those matters are addressed.

The bill also looks at reducing red tape. The bill amends the Water Act 1989 and the Catchment and Land Protection Act 1994 and is a consolidation of the Water and Catchment Legislation Amendment Bill 2017, with additional amendments to improve the compliance and enforcement provisions for water which I touched on earlier.

The bill will give traditional owners, Aboriginal people, more say in how we deal with water resources, and that is really important for a number of reasons. Aboriginal people have been on this continent for over 60 000 years, and they are probably one of the most environmental people you will find around the globe. So I think involving them in the process is very important. The bill requires the inclusion of traditional owners and Aboriginal Victorians in consultative committees and on the Victorian Catchment Management Council; consideration of Aboriginal cultural values and traditional ecological knowledge in the management of waterways and catchments; and also consultation with traditional owner groups for the preparation of management plans and strategies for waterways and catchments.

The bill also obliges the water corporations, the catchment management authorities and the Victorian Environmental Water Holder, when carrying out their functions under the Water Act, to consider opportunities to provide for Aboriginal cultural values of water and waterways consistent with their other obligations under the act. These amendments partner with effective programs on the ground. The government is investing \$4.7 million in its Aboriginal water program for locally based projects and to build capacity through a network of over 20 Aboriginal water officers across the state.

I talked earlier about compliance. I think that it is very important that we do have a proper enforcement regime in place, because unless we do then we will have all sorts of abuse of water resources. We have seen some of that upstream in the Murray in Queensland and New South Wales. If we look at the *Four Corners* report on the ABC, there was significant abuse of water rights by miners and by cotton growers. Basically they had an inland sea built and were taking water out of the system. I think that is real, absolute vandalism, and I think that should be condemned and dealt with harshly because we basically end up paying the price, the people downstream and in other states, just for the benefit of the few. That is why I think enforcement is very important. The bill will significantly improve the provisions for compliance with and enforcement of water laws. As I said, that was as a result of the misappropriation of water in New South Wales in 2017.

It is also good to point out that in the Murray-Darling Basin Authority's basin-wide compliance review of 2017 Victoria received an excellent scorecard for regulating rights to water and other activities that can harm our water resources and waterways to the standard required under the basin plan. Of course there is always room for improvement, and that is why we are making these changes. But I am actually pleased that this government, after that review, and our state is doing the right thing. We will always continue to aspire to continue to improve so we can make sure we can deliver on these resources.

I talked earlier about the long-term water resource assessment plan. I will finish off by talking about the issue with the salinity mitigation, which is a big issue not just in Victoria but around the country, and that is why it is important. Because we are using so much water the salinity obviously within the water table is coming up, and so we have got a major issue with salinity. That is why it is important to maintain a healthy river system—so that it can be flushed all the way to the ocean. We need to make sure we address those salinity issues, because if we get to a stage where we overuse our current water resources we could just finish up basically with salty water all over the place, particularly in the water table, and that is no good to anyone. We cannot have desalination plants in every region in Victoria to try to address that issue. That is why it is important to maintain healthy waterways, to make sure, basically, that water salinity is kept to a minimum and that we have a healthy river system so that these things can be flushed out. I think these are important changes to the current legislation. It is a great bill, and with these comments I commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (10:32): I am pleased to have the opportunity to speak today on the Water and Catchment Legislation Amendment Bill 2019. While the Greens will support this bill, I would like to take the opportunity to highlight some of our concerns with this bill in particular and with water management in Victoria in general. Victoria's First People understand better than any of us how central water is to life. So it is good to see this bill take some first steps in recognising the connection that First People have to water and the acknowledgement that First Peoples' knowledge of water management has been built over thousands of generations. Yet this bill, and the recognition it delivers, is only a first step and a long way from delivering true Aboriginal sovereignty. The bill only provides for Aboriginal inclusion and representation 'wherever possible' and only requires statutory bodies to 'consider opportunities' to provide for Aboriginal cultural values and uses of waterways. So although the Greens are pleased to see this bill heading in the right direction, I also look forward to seeing the current treaty process in Victoria truly centre First People and their knowledge in the decision-making about our precious waterways.

The bill also modifies the long-term water assessments which are provided for in Victoria's Water Act 1989. These assess declining water availability or the deterioration in the health of our waterways. Yet we do not need a legislative review process to know that our fresh water is in trouble. Water storage in our dams is low and continues to decline as droughts continue and worsen. River communities, including First Peoples and farmers, are living on rivers that have been forever changed and damaged by the past century of exploitation, and we are seeing mass fish deaths not just in New South Wales but also in Victoria. Some of these fish that have died have lived in our rivers since before World War I.

In this context there are two things that we need our government to be honest about: agriculture production and climate change. Agriculture is the biggest user of water, yet this government uses the language of communities to hide corporate agriculture's exploitation of water, often at the cost of those same communities. Let me illustrate this with an example. In Victoria almonds have become our biggest horticultural export. Almond production in Victoria has been allowed to grow unchecked. Between 2005 and 2017 almond production more than tripled. Almond growers can afford to buy extremely expensive water over other water purchasers because of the very high value of their crop. In reality this means that other users can no longer access water. Next time someone says that it is the greens putting farmers out of business, perhaps ask yourself if it is the government's failure to regulate industry or support a planned transition between industries that is actually putting farmers out of business.

Mining is another big user of water that will increasingly compete with agriculture, towns and cities and ecosystems for water. We need to get serious about transitioning out of unnecessary and destructive mining, particularly coalmining in the Latrobe Valley, or we will face a future where precious water is used to prop up destructive industries instead of supporting life.

And then there is climate change, which has also had a number of negative impacts on our water. In Victoria it is reducing rainfall and increasing drought. It is also changing the nature of rainfall events, with more extreme weather events with concentrated rain and flooding. The Greens strongly believe that climate change must be centred in all future planning for water in Victoria. Under the current Water Act, if the long-term water assessment shows there are problems for our water, this triggers a formal assessment process and the option to change rights to water. This is a powerful tool for balancing the different users of water and for saying, 'Climate change means there is less water, and that means going back to the drawing board on how much water different users can have'. Recent experience shows that we will all need to do this. We only need to look at the current state of the Murray-Darling and our long-term water storage predictions. Therefore I am disappointed to see that this bill includes amendments that dilute the process for reassessing future water rights. This bill makes the process just one of a range of options, and it is easy to see how a government captured by the corporate irrigation lobby would choose not to take the difficult but necessary step of reflecting the climate change reality in who has access to that water.

I will finish up by calling on this government to take responsibility for delivering a genuine plan for water in our state. This plan must recognise that climate change is reducing water, it must truly centre Aboriginal sovereignty and knowledge in decision-making about our water, it must curb water exploitation by corporate agriculture and mining and it must support farming communities in this transition. I also call on the government to end native forest logging in Victoria as continued logging is taking water out of our catchments and reducing our state's capacity to tackle the climate crisis.

Dr KIEU (South Eastern Metropolitan) (10:37): I rise to speak in support of the Water and Catchment Legislation Amendment Bill 2019. Some time ago I saw a movie, and I have some lasting impressions of that movie. It was science fiction. It was about an invasion by some aliens coming to earth not to take away our gold, not to take away our diamonds and not to take away all the resources but to take away the most precious thing that they were lacking—namely, water. It is true; water is the source of and a necessity for all life. Up to 90 per cent of our bodies is actually made up of water.

It is my great pleasure to speak about the Water and Catchment Legislation Amendment Bill 2019. The bill, in summary, will establish greater recognition and involvement of Aboriginal Victorians in the planning for and the management of waterways and catchments. This is very much appropriate. Australia's First People have been around for 60 000 years and more, and they could be considered as the first scientists in Australia in the way that they managed their agriculture and in the way they had the knowledge to manage the land, waters and fisheries. The bill also will require greater consideration of the recreation value of the waterways for communities. Water not only provides us with the supply for life, for agriculture and for everything else, but also it is a way for our recreational activities.

This bill will improve the compliance with and also the enforcement of the laws under the Water Act 1989 and also all the water regulations. The bill will also provide a stronger framework for the minister's salinity mitigation program, which offsets the salinity impacts of the irrigation of the Mallee region in particular. It also resets the date to undertake a long-term assessment of water resources in northern Victoria from 2018 to 2025 to align the timing of the assessment with the completion of Victoria's program of works and measures to meet the Murray-Darling Basin plan requirements and also with the commonwealth's review of the basin plan in 2026.

The bill will also improve administration of the Water Act 1989 by reducing red tape and the complexity of the regulations. In particular the bill will amend the Water Act 1989 and also the Catchment and Land Protection Act 1994. It is a consolidation of the Water and Catchment Legislation Amendment Bill 2017 and additional amendments to improve the compliance and enforcement provisions for water.

So please let me go to some of the key messages of the bill. As I just started with, water is fundamental for our survival and for our community's economy and prosperity. The government's water plan will ensure that we manage and support a healthy, sustainable environment, a prosperous economy and thriving communities for all Victorians. We in Victoria have a long and proud history of effective management of our water resources through innovative policies and through investments in efficient infrastructure and also institutional frameworks.

Now, as we are looking forward to a future of increasing water scarcity due to climate change and also due to the growing population, in particular in Victoria, we need to make sure that our management framework can deal with new and emerging issues. The community's needs and values must be at the centre of any policy, and in particular of our water policy planning. That is why the government has already spent significant time working with key stakeholders and communities in shaping the *Water for Victoria* policy. The challenge is to do more with less water. By managing the water together, across our cities, across rural communities, across industry and the environment, we will find innovative, strategic and smarter ways of improving water security for the state and for all Victorians.

The last time there was a major water policy reform was in 2004, 15 years ago, with the policy entitled *Our Water Our Future*. The time to revisit the sector and to move forward is now. The legacy of *Our*

Water Our Future, tested during the millennium drought, provides us with a strong foundation for reform that will ensure we are prepared for the future, a future of climate change and population growth. We will need to address the challenges of climate change and population growth and increased demand for water. The population in the state of Victoria is projected to reach 10.1 million by 2051. In particular, our regional urban centres are expected to almost double the populations that are there now. We know that over the long term climate change will mean less rainfall, less run-off into our rivers and our storages and also will bring about more extreme climatic events.

In order to achieve our goals the government had wideranging consultations with stakeholders across various departments of government, the water sector, industry groups, local governments, the environmental sector, recreational groups and of course the Aboriginal community. They provided input to the development of *Water for Victoria* to identify the key issues and also to contribute to the debate on future direction. The Department of Environment, Land, Water and Planning conducted meetings across Victoria, and a range of stakeholders and community groups related to the water sector sought to help us guide the development of a water plan. Over 700 people participated in 28 workshops held across the state. The department has received over 260 formal submissions and over 400 responses from community members and stakeholder representatives who attended the workshops.

What does *Water for Victoria* do? It recognises and seeks to maximise and serve the benefits for productive, environmental, Aboriginal and recreational water users. It positions the water sector to play a key role in adapting to and in mitigating the risks associated with the changing climate, which is a real threat, as we have seen lately with the extreme events in Australia and elsewhere around the world. It delivers clarity on the roles and responsibilities of the water sector and local governments in the livability of our cities and our towns.

This bill does not change the existing arrangements that underpin the water sector. Any changes introduced will not be made to existing rights to hold water, our commitment to the Murray-Darling Basin plan or our focus on water efficiency in agriculture, which is one of the major drivers of our economy. It is appropriate for us to recognise and to make use of the Aboriginal cultural values and knowledge. The Victorian traditional owners have managed land and water sustainably over thousands of generations. They have cultural, spiritual and economic connection to the land, water and resources through their association and relationship with the country. Any collaboration with traditional owners and Victorian Aboriginal groups in water planning and management is a key aspect of maintaining access to country and its resources.

Water, as I mentioned, is not only essential; it is actually vital for our existence and our economic growth. It also provides a means for recreational activities. We in Victoria appreciate and know the value of our lakes, wetlands, rivers and streams as sources of recreational enjoyment. During the millennium drought we learned the important impact the recreational use of water can have on the health and the wellbeing of our communities as well as the businesses that rely on local tourism. So the government will be looking to the water industry to consider recreational values in their management and encourage communities to participate in planning.

This bill will also modernise compliance with and enforcement of water laws. *Water for Victoria* recognises that compliance with conditions of rights to take water is vital to maintaining the reliability of the rights and of market integrity. The compliance and enforcement regime of the Water Act is now outdated, so this bill will support the implementation of *Water for Victoria*, which aims to modernise the compliance and enforcement regime to reflect best practice regulation. The bill also aims to find ways to cut red tape. It supports the implementation of *Water for Victoria*, which aims to reduce red tape around how water corporation service districts are determined by the minister and how water corporations declare land within those districts to be serviced property. It also removes a barrier to enable water corporations to require an owner of land that has faulty plumbing causing health and environmental issues to fix those problems. With great pleasure, I commend this bill to the house.

Mr BOURMAN (Eastern Victoria) (10:52): It gives me pleasure to speak on the Water and Catchment Legislation Amendment Bill 2019 today. Before I go into the bill—and what will surprise no-one about the Murray-Darling Basin plan—I have just got to say that one of the things I have noticed is that our most critical resource, as has been mentioned before, is water. Even Melbourne has water needs, obviously, but our problem with water needs is that I am looking now and nothing has been done or even planned, as far as I am aware, to allow for Melbourne's increase in population—100 000 or so people a year—and we are told what we have got now does not exist. Now, I am not going to get into the debate on whether we need another dam or more desal plants at the moment—that is for another day—but we absolutely need something. The biggest issue with the original desal plant, as I remember, was that we went through this horrendous drought, someone decided to build a desal plant, and pretty well the month they turned it on the drought broke. We cannot wait. We absolutely must start planning now and moving now and getting ahead of the curve, because what we have got will only work for a while and we need to get a move on.

So getting to the bill—I am not going to go through the bill as much as everyone else already has—the big thing is that there should be greater consideration of the recognition of the recreational value of water for communities. Obviously my party was formed around the recreational values of many things as well as looking after the rural community, but delivering recreational water allows for fishing, boating and of course duck hunting. Now, all of these are legitimate recreational pursuits despite what some other people in here may think, and due consideration needs to be given to all recreational activities.

This bill covers a lot of the Murray-Darling Basin plan. It has been the topic du jour for me—or the topic of the year—and the more I learn about it the more I cannot believe it is still in existence. The next review is due in 2026. Well, we cannot wait till 2025 or 2024. We need a review and we need it now. We need someone to figure out why Victoria has—now, as of today—got 26 per cent of its allocations, South Australia has got somewhere between 50 per cent and 100 per cent and New South Wales and the Murray area have 97 per cent to 100 per cent.

A member interjected.

Mr BOURMAN: I will take you up on that interjection; absolutely it is politics. I had the pleasure over the break from Parliament to go to South Australia and the Murray via Mildura, and what blew my mind is that I was standing there in a drought-ravaged area and the water was about a foot from the top of the bank. There is water there. The Murray-Darling Basin plan means that, other than the 26 per cent that we are allocated, the rest of the water just sails down to South Australia and goes out into a man-made lake. Really, the only benefactor of this whole plan seems to be South Australia. Everyone else has to give up something, because South Australia needs X amount of litres to keep that estuarine system fresh.

If I remember correctly, apparently the science was in on Lake Alexandrina at the time, but we move down to 2019 and the science is maybe not so in. We have now got someone that was one of the original scientists saying, 'Well, maybe not so fast. We need to have a look at this'. I do not pretend to understand the details, but I do understand that it was never completely fresh all the time, which is what we are trying to keep up. If we keep on doing this for environmental reasons, what we are actually doing is fooling ourselves, because we are changing the environment—we are running the river higher than it would naturally be at this point in time to create a false freshwater lake.

I also understand you cannot just remove the barrages and let it be a free-for-all. You need to have what they are calling lock zero basically at the mouth of the Murray before it comes into the estuarine area. I do not have a problem with that at all. But what we have now are man-made floods and man-made droughts—the Barmah Choke, for instance. The Barmah Choke should be the actual limit of how much water can get through the Murray, because that is—except when there are massive amounts of rainfall—the natural area of most restriction. As we are doing the most restriction, everything else downstream should be basically calculated on that. But what we are doing is flooding around the

Barmah National Park. That has other consequences. Last year or the year before the Barmah brumbies were suffering all sorts of strife because of the flooding—it was forcing them into smaller areas.

Ms Lovell: What's the solution? Shoot the brumbies. That's what they're doing; that's their solution.

Mr BOURMAN: Well, we will get onto the brumbies another day. The point is that for environmental reasons we are absolutely riding roughshod over the environment. If that alone is not reason enough to have a look at what is going on, let alone the damage it is doing to our communities along the Murray, then I do not know what is.

I suppose one of the bigger issues for the Murray-Darling Basin plan is that there is no transparency about who has got what, who is selling what to whom and whether water rights are being separated from land. Allocations is one thing—you can have your rights, and if you are not going to use your allocation you can sell your allocation—but once you start selling rights off land it starts becoming quite complex. It gets to the point where if you sell your rights during a good period and your allocation goes with it because it is \$4 a megalitre or whatever it was in the good days, when you need to buy the water back it is \$600 a megalitre. It is just really creating a system begging for something to fall apart.

This morning we got some new amendments proposed for this bill. I support this bill in its base form at the moment, as does the Victorian Farmers Federation (VFF), I understand—they have no problems with the legislation. We got some new amendments from the Liberals this morning and they differ somewhat from the amendments that were proposed in the Assembly, so I am going to invite Mr Davis—I am assuming he is going to run with it and we are going to have a committee stage—just to answer a few questions. Why have they excluded the definition of Victorian environmental water holdings—these are the questions I would love to have asked but I ran out of time before the bill came up—and have they looked at any risks their amendments might bring in? I would also like them to let me know what the VFF thinks about their amendments. I commend this bill to the house.

Ms BATH (Eastern Victoria) (10:59): I am pleased this morning to make a brief contribution on the Water and Catchment Legislation Amendment Bill 2019. In doing so it is interesting to note that this bill reintroduces the Water and Catchment Legislation Amendment Bill 2017 with some expanded changes, but it is not so greatly different. The former coalition government, the Liberal-Nationals government between 2010 and 2014, undertook a complete rewrite of the Water Act 1989 and the Water Industry Act 1994. In this process they consulted quite widely with the Victorian community, relevant stakeholders, industry groups and farming communities as well. It was important to have that review because one had not been conducted for quite some time, and indeed they then provided some significant legislation. But when Daniel Andrews began his term of government in 2014 he shelved that information, he shelved that knowledge and he shelved the legislation that was on the table, which was rather disappointing for those who needed to see an evolution of the water acts to bring in some superior management.

In this bill there are some key measures, and they include aligning the timing of the long-term water resource assessment for the northern Victoria Murray-Darling Basin plan to have some synchronicity and to align it with a review in 2026; revising the salinity mitigation functions, which now lie within the minister's remit; and promoting compliance and enforcement with the act. I note that in terms of compliance there is a high degree of compliance within the non-urban usage—i.e., those out in the country. I believe this is primarily because there are good technologies and measures that can be undertaken to assess how water is transmitted and used, so compliance tends to be far greater.

One of the key differences to the legislation put forward by the Liberal-Nationals government in 2014 is the inclusion of consultation with Indigenous peoples of this state. It also looks at amending the Water Act 1989 and the Catchment and Land Protection Act 1994. It obliges authorities to include Indigenous parties in this management of our waterways. In terms of Indigenous cultures, just to focus on my local electorate of Eastern Victoria Region, the Gunaikurnai Land and Waters Aboriginal Corporation—GLaWAC, as we affectionately call it—comprises five clans recognised under native

title consent determination. They will be heavily involved in these new discussions, and I think that is most appropriate. There are over 600 traditional owners in GLaWAC and associated with GLaWAC. They provide that policy advice, strategic leadership and key initiatives within their region. I have met some of the board of directors and I am particularly impressed with and inspired by one particular leader who happens to be the general manager, Grattan Mullett. I have heard him speak on a number of occasions, and if you want to have someone of quiet strength, compassion, understanding and commitment to his culture but also commitment to cohesion, cooperation and unification, you need look no further than Grattan Mullett. He is a very strong leader indeed. It is important that this bill looks at and includes those cultures that can have a real insight into the values of water and the use of water on country—certainly as the Gunaikurnai would call it—in our patch.

I will not talk for too long, but in relation to other measures it is important to note that in terms of Eastern Victoria Region water is the most vital ingredient in our rural communities. Recently we have had welcome rain, but rest assured that in East Gippsland there is still crippling drought. East and Central Gippsland farming communities are certainly still on their knees. I know that this month Bairnsdale has had only 7 millilitres. Many other regions have had considerably more—inches, in the old scheme—but certainly East Gippsland is still very much in the grip of drought. There is painted-on green grass; there is no great substance to it. And of course our farming communities have spent a lot of time, a lot of money and a lot of heartache trying to keep their core herd, their core stock, in survival mode, funding a lot of resources into fodder supply et cetera. It is really disappointing to see that still the government—and I had a response from the Minister for Agriculture only recently to say this—is not looking at rate relief. Indeed the East Gippsland and Wellington shires and Latrobe City Council are unified in crying out for rate relief, but this government is still ignoring that cry. It is fair, it is equitable and it is needed.

I just put on the record that the minister wrote in her reply to me that the government has put some \$40 million across the whole state into drought support. Well, across the border in New South Wales the Liberal-Nationals government has put in something in the vicinity of \$1 billion worth of support for their farming communities due to the drought. So it is super important that this government not only continue to measure and look, as they inform me they are doing, but also respond with particular measures that will actually support the survival of our farmers.

Also in relation to the importance of water in our region, the Macalister irrigation district, affectionately also known as MID, is certainly a shining light in our agricultural production in that central area—that southern Tinamba area and Newry et cetera. Indeed the project, the MID upgrades, have been occurring over the past decade with bipartisan support from federal and state governments. It covers 50 000 hectares, and at the moment there are 33 000 hectares under irrigation. It really does provide a very crucial role in delivering our agricultural needs in that area. It has world-class dairy, vegetable, horticultural and beef production, and it also generates that very important crop of fodder. It adds over \$650 million to the local economy.

It started back a long, long time ago, certainly after the end of the First World War—and I will not go through the whole history of it—but it is so very important to the economy of our region. Indeed Southern Rural Water has been working on, over the period of a decade, channel automation, piping upgrades and a world-class water delivery system. In doing that, you conserve water, you make each drop and millilitre count for production and you also minimise the danger to our environmental places where there can be run-off that creates some negative effects. By delivering it succinctly and properly on farm, it really does make a huge difference.

That is why we have been so pleased that the federal government is putting in \$31 million towards transforming the next phase of the Macalister irrigation district and improving its assets, and it is so very disappointing that this government has not come to the party and has not committed to its half of that remaining part. There needs to be a \$31 million commitment from this government in relation to those water upgrades. I know that at the Public Accounts and Estimates Committee Minister Lisa

Neville spoke in relation to that. It is disappointing that she has not given that commitment. It is vital that that is finished. In the context of drought, when we can access water through this scheme, it needs to be addressed most sincerely.

I believe that Mr Davis, on behalf of our Shadow Minister for Water, Steph Ryan, is putting through some amendments to this bill. I think it is important to be able to put those through to provide some context around the commonwealth environmental water holding and bring forward also the commencement date of the northern water long-term resource alignment so that it has some synchronicity. I look forward to the committee-of-the-whole stage, where I know that there will be some significant questions. I understand that the Victorian Farmers Federation has fully supported these amendments as well.

Mr GEPP (Northern Victoria) (11:10): It is with pleasure that I rise today to speak on the Water and Catchment Legislation Amendment Bill 2019. I want to start by saying that this issue of water both in Victoria and across our country is one of the great political challenges for all politicians in this nation and in this state.

I see Ms Lovell is in the chamber. We share the electorate of Northern Victoria, along with others. I think the one thing that would be true for both of us when we are speaking to our constituents, whether it is primary producers, recreational users or commercial businesses, is that the issue of water is paramount for people in our electorate. We have been severely hit over the past while with a lack of rain. That has changed somewhat in the last couple of months, thankfully, but we know that we need a lot more. But if there is one issue that, universally, Australians and Victorians want us to deal with—and take the politics out of—it is to fix this water problem that we have in our great state and our great country. The other thing that I hear wherever I go throughout Northern Victoria is a high degree of faith and confidence in the Victorian Minister for Water, Lisa Neville. Ms Neville has an excellent grasp of the issues confronting my constituents in Northern Victoria, and that is certainly well understood by my constituents in terms of the way that they speak about her efforts in managing water in regional northern Victoria.

Water for Victoria is the first comprehensive statewide water plan for more than a decade, with over 69 actions, and this bill supports the implementation of several of those actions. Dr Kieu and other speakers have referred to them, but some of them, importantly, are worth going over again. This bill will establish a greater recognition and involvement of Aboriginal Victorians in the planning for and management of waterways and catchments. It will require greater consideration of the community's recreational values of waterways, and I will come back to some of these matters in the course of my contribution. It will improve compliance with and enforcement of laws under the Water Act 1989 and water regulations. Importantly, it will provide a stronger framework for the minister's salinity mitigation program that offsets the salinity impacts of irrigation in the Mallee region.

I just want to perhaps now touch on that a little bit more for those who do understand exactly what the issue is in the Mallee. The Mallee is underlain by a sandy aquifer containing groundwater that is as salty as sea water. It carries that water when water is put on the surface and seeps through, and where that aquifer meets with the Murray River that salty water then seeps into the mighty Murray. You do not need to have too many qualifications to understand the effect that that then has on the Murray. But of course an increase in river salinity as a result of this occurrence is dramatic for users of the river, but importantly for local and downstream users as well. It has a tremendous impact. Humans are of course impacted, as salt affects plants and productivity and hastens the replacement of infrastructure. You can image that increased salinity in the water going through water pumps et cetera and the corrosion that that causes in pipes and hot water services et cetera. Of course it stands to reason that if the salty water is then used for other parts of primary production and irrigation—for livestock, for example—there will be an impact on those as well. So it is a very serious problem, and I am glad that this bill continues to focus on that very significant problem that exists in the Mallee and provides a stronger framework for the minister to be able to offset some of the salinity impacts of irrigation.

The bill also resets the date to undertake a long-term assessment of water resources in northern Victoria from 2018 to 2025. I will come back and deal with this a little bit more shortly. The bill will align the timing of the assessment with the completion of Victoria's program of works and measures to meet the Murray-Darling Basin plan requirements with the commonwealth's review of that plan in 2026. So you can see where that alignment does occur. Critically the bill will also improve administration of the Water Act 1989 by reducing red tape and regulatory complexity, and we all know the complexity of the management of water in this state and in this country. I think Mr Bourman touched on a number of aspects of that during his contribution.

I mentioned that the bill will establish greater recognition and involvement of Aboriginal Victorians in the planning for and management of waterways and catchments, and that is very, very important. It is very important that we include the traditional owners and Aboriginal Victorians in consultative committees and on the Victorian Catchment Management Council—notwithstanding that it was their land and is their land. They also have a unique insight into the management of water. They are the oldest living culture on this planet, and they have been dealing with these issues for a very, very, very long time. It would be absurd of us not to tap into that skill and expertise that they have and ensure that their voices are properly heard. Of course there is also the consideration of their cultural values and the traditional ecological knowledge that they have in how they managed waterways and catchments long before we came and took their country.

The bill also, as I said, obliges the water corporations, the catchment management authorities and the Victorian Environmental Water Holder, when carrying out their functions under the act, to consider the opportunities to provide for Aboriginal cultural values of water and waterways, consistent with their other obligations under the act. For example, how do they deliver water rights to rights holders et cetera?

These amendments partner with programs on the ground. The government is investing \$4.7 million in its Aboriginal water program for locally based projects and to build capacity through a network of over 20 Aboriginal water officers across the state. This is putting real money and real action behind this initiative to ensure that the traditional owners of our land are involved in the management of our waterways and that we draw upon their expertise and their skills moving forward.

I touched briefly during my introduction on the recreational values and uses of waterways, but the bill will also require waterway and storage managers to consider the social and recreational values of waterways for our communities. An example of this is delivering on our election commitment to support recreational activities such as kayaking and fishing on our water storages and waterways. Yesterday the Minister for Fishing and Boating talked about some of the initiatives that she is undertaking in her portfolio, and this bill requires that we take all of those matters into consideration.

The bill also significantly improves the provisions for compliance with and enforcement of water laws. All of us recall the *Four Corners* report about what went on in New South Wales and the publicised misappropriation of water in 2017. We received, when there was a subsequent compliance review in 2017, an excellent scorecard for the way that we regulate our water rights here in Victoria and manage our other activities that could harm our water resources and waterways, and we do it in compliance with and to the standards required under the basin plan. We say that everyone should adhere to that plan. If you agree to it, if you sign up to it, then stick to it—it is not difficult. But there is room for improvement, as we know, and this bill addresses some of those needs for improvement, such as the need to be tough on water theft and related offences harming the environment and third parties.

Just in the brief time I have left I want to quickly touch on the long-term water resource assessments. The act commits the government to undertaking long-term—that is 15-yearly—assessments of Victoria's water resources. Now, that is so important. I think just about every speaker has talked about the increase in the population that we are confronted with here in Victoria, and of course every time that population grows by one, that is a further demand that is placed on our natural resources, such as water. We have got to be cognisant of that, and we have got to be prepared and ready to deal with the

issues that emerge from a growing population. It might well have been okay for someone like Peter Costello back in the day to say, 'Have a baby for Mum, have a baby for Dad and have one for the country', but of course there are impacts from those things. What this bill does is deliver our commitment to continue to undertake that long-term assessment of our water needs and make sure that we have got enough, that we are managing it properly and that where there is any deterioration in waterway health due to flow et cetera we are on top of those things. So what this bill will do is ensure that we undertake those long-term assessments. Where we do find there are issues, the bill will give the minister more choices for responding to these concerns. She is getting a vote of confidence from my constituents in my electorate—to a person I have never met one person in my electorate who is anything but complimentary about the minister's handling of water in this state. Overwhelmingly people are behind what Minister Neville is doing and will be supportive of this aspect of the bill, which provides her with more options to deal with things in a manner that responds to the needs at the time.

I have talked about the salinity management issues and the other things that this bill will do, such as the increase in efficiency in the administration of the Water Act with the introduction of several red tape reduction initiatives. These include, for example, enhancing the protection of Melbourne's sources of safe drinking water by giving Melbourne Water the power to prepare special area plans for land in its catchments that are not in protected national forests, and there are other measures.

So in summary I would say that I am pleased that we have got a bill before the Parliament that is dealing with some significant issues. As I said at the outset, I think the issue of water management in this state and in this country is a challenge for all of us across the political divide. We all know that without water, without sustainable water resources, life just does not exist. It is one of our most precious commodities, and it behoves us all to deal with this in a responsible manner. I commend this bill to the house.

Ms LOVELL (Northern Victoria) (11:25): It does give me pleasure to speak on the Water and Catchment Legislation Amendment Bill 2019 in this house, a bill that will amend the Water Act 1989 and the Catchment and Land Protection Act 1994 to provide for the implementation of actions set out in the *Water for Victoria* plan. Water, as Mr Gepp just said, is extremely important to everyone in Victoria, but particularly in Northern Victoria, the electorate that we represent. To those of us in the irrigation district water underpins our entire economy. Not only is it important to us in what we do; it is important to the state as well, because 40 per cent of the exports out of the port of Melbourne come from the dairy industry. Many of them come from the irrigation district in Northern Victoria.

Water has certainly become the modern-day gold. The reason that towns like Shepparton have prospered is that we have had water that has underpinned our irrigation industry and provided prosperity to the area. However, the confidence in that future has declined in recent years for a number of reasons, and the current drought is really causing concern. A lack of rain has meant a lack of water in the catchments and reduced allocations to irrigators of water for production. We have a situation at the moment where many of our dairy farmers are really struggling to survive. In fact Murray Dairy has estimated that around a third of our dairy farms will not survive this drought. The cost currently of temporary water is between \$500 and \$600 a megalitre. To buy water permanently it is about 10 times that.

Many farms have been left with debts on them for ongoing water delivery shares. This is because many of the farmers have been forced to sell off their water in order to pay off the debt on the farm, whether that be to banks or even sometimes just to water authorities like Goulburn-Murray Water. A lot of people have said that there have been willing sellers as part of the Murray-Darling Basin plan. Willing sellers do not really exist. The sellers are people who are having to sell their water to pay off their debts. This has left many farms with ongoing debt on that farm, so even when the farm is sold it is sold without water but with a debt to pay each year for delivery shares.

Many young farmers have bought into many of those farms because they thought they had the land, they had the delivery shares and they would be able to buy water on the temporary market at a

reasonable price in order to sustain their farming activities. Unfortunately with the current high price of temporary water that is not possible and the water is unaffordable to them. These are the dairy farmers that we are at particular risk of losing from the industry. To lose another whole generation of young farmers will be devastating to the dairy industry in northern Victoria.

The Murray-Darling Basin plan itself has caused considerable pain throughout the irrigation district. Certainly the additional agreement that Julia Gillard signed up to with South Australia to provide an extra 450 gigalitres of up-water must be stopped. We cannot afford to lose any more water out of our irrigation districts. We are currently at a point where the water that is available is really the bare minimum water availability needed to sustain the irrigation district. That 450 gigalitres must be stopped. I know the minister, Lisa Neville, has made her view known on this—that she also does not believe that the 450 gigalitres must go ahead. But she has to be stronger on that and strong enough to carry it in the ministerial council so that we get everyone to agree to it.

The environmental damage that is being done to our rivers and streams in pushing large amounts of environmental water downstream, almost year-round, is amazing. It is absolutely astounding. The bank erosion that is going on is appalling, and the flooding of the Barmah forest has been a significant problem as well. To say that we need more water for the environment but to do environmental damage to deliver that seems to be contradictory to me, and I cannot see how the environmentalists who are saying ‘send this water down the river’ feel that they are getting good outcomes. If they come and just have a look at the erosion done on some of the banks, they will understand that it is not a good outcome.

The Barmah forest itself needs flooding. It needs a good flooding occasionally. Riverine red gums are meant to have their feet wet. It also needs a good flooding in order to thin the forest so that we do get the large stands of red gums that we know are needed as a riverine red gum forest—not just thousands of little spindly trees. But it is not getting that really good flooding occasionally as it would in a natural flow. What we are seeing in the Barmah forest at the moment are small floods regularly, and that is not providing good outcomes for the forest. It is certainly not providing a good outcome for the animals in the forest.

In particular the impact on the brumbies has been appalling. The brumbies were starving because there was no feed for them, so the locals began to feed them to keep them healthy. What was the department’s answer to the brumbies starving? It was to go out there and shoot them, and that was just disgraceful. The brumbies are part of our forest. They are part of our heritage. They are descended from the animals that our World War I veterans let go free before they went off to war. It is known as the Australian Waler horse breed. They have heritage value and extreme sentimental value in our local area. No-one wants to see the brumbies eradicated other than this government and the department, and the way they are going about it is absolutely inhumane. They are shooting the brumbies, but they are not shooting them humanely. They are shooting them in the stomach and leaving them to die. It is just a disgrace, and something has to be done to ensure the future of the brumbies and to stop this unnecessary slaughter of brumbies in the Barmah forest.

Certainly we have a minister who says all the right things, and she appears to be listening to our irrigators. We certainly value that and we thank her for listening, but she needs to be much stronger. She needs to be authoritative enough to carry the debate in Victoria’s favour in the Labor-dominated ministerial council that makes the decisions on the Murray-Darling Basin plan, and so far we certainly have not seen her voice strong enough to even carry her Labor colleagues in that ministerial council to protect Victoria’s right to water. She needs to be much stronger on that. She needs to work with her Labor colleagues and with the Liberal-held states and the commonwealth as well to protect the water rights of Victorian irrigators.

Solar farms in the irrigated agricultural area are another issue that must be stopped. There are three applications for solar farms in Greater Shepparton at the moment. There is a great deal of concern about putting solar farms on irrigated agricultural land, not only because the government has reduced the footprint of the irrigation district so we have less irrigated land in the state but also because of the

heat island effect. Many of our orchardists in particular are very concerned about a solar farm being put in the middle of an orchard district where they have evidence that the solar farm will raise the ambient temperature in that area. Many of our variety of fruits need certain temperatures in order to set the buds. They need the frost that we have in the Goulburn Valley in order to set the buds of those fruits. Orchardists are very concerned that the heat island effect of a solar farm could raise the ambient temperature to the point that it damages our other horticultural crops in the area.

So the Minister for Planning has those applications on his desk at the moment, and I would call on him to reject applications on irrigated agricultural land. There is plenty of land that is now outside the irrigated agricultural area that we can put solar farms on. I certainly support solar farms, and having solar farms in our part of the state, where we have more sunshine than anywhere else, makes sense. But they do not make sense on the irrigated agricultural land and they do not make sense if they put other crops at risk. The Liberal Party will be moving amendments to this bill, which I will support. With those few words, I will conclude my contribution.

Ms SHING (Eastern Victoria) (11:35): I rise to speak in relation to the Water and Catchment Legislation Amendment Bill 2019, and in doing so I want to begin by actually addressing a number of the issues that have been canvassed by previous speakers and in particular issues which relate to putative support from within the sector for amendments being proposed by the coalition and which have been indicated to be part of the discussion and debate. I note that one of those amendments, in relation to time frames for report back, has in fact fallen off the list. It has fallen off the list for a couple of reasons: one, because despite what Ms Bath said when she got to her feet earlier, the Victorian Farmers Federation (VFF) does not in fact have any record of supporting—and there is nothing on the record to suggest they do—an amendment proposing a pushback of the time frames. In addition to that, there is no basis for the amendment to proceed in the absence of stakeholder support along the lines that Ms Bath has incorrectly claimed. So we see that that amendment has dropped off the table. But we also see that this bill in fact has been supported by stakeholders, including the VFF, and that it is part of a comprehensive response to the issues of shortened availability within high periods of rainfall, of changes to water rights across various jurisdictions and of the lack of any sort of consolidated national framework for water policy. So yet again we see that there is conjecture and debate but a lack of accuracy and factual material around some of the catcalling that is happening in this chamber around the bill.

Now, Ms Lovell in her contribution referred to Minister Neville as needing to do more in a Labor-dominated ministerial committee framework for the portfolio responsibilities in water. What Ms Lovell did not actually refer to in her contribution is that we have got a coalition federal minister, Minister Littleproud, and we have got coalition governments in New South Wales and South Australia. Amidst that we have got a Labor minister who is not just holding her own at the table but in fact working to make sure that Victoria has absolutely a seat at the table and is absolutely in a position to be assertive and to be proactive around this issue as it affects Victorian irrigators, as it affects farming communities and primary producers and as it affects the regulatory framework, which in many cases across the ongoing debacle between New South Wales, South Australia and the commonwealth continues to play out to Victoria's disadvantage. So they are really important things to note at the outset—that it is not the reality that the coalition would have us believe around a Labor-dominated framework for the purpose of ministerial council discussions. In addition to that, the way in which water rights operate is not something where an amendment proposed by the coalition was underpinned by VFF support, and as such we see that that amendment has magically disappeared from the proposals being advanced by the coalition in this place.

So with those opening remarks in relation to previous speakers, I want to turn to the substance of the bill and to some of the things that have underpinned what we do in countering issues around shortage and availability; in embracing the opportunities that technology, better research and data and better collaboration across different jurisdictions afford us; and in making sure that we can engage in practices that promote better efficiency and reduce waste and loss through evaporation—open

channels, for example, are a particularly important part of that discussion; and also in making sure that our irrigation districts are in the best place they possibly can be, whilst also understanding the impact of what long-term, large-scale environmental change means for the entire state.

So in Gippsland I note that despite the fact that we have had a lot of rain in certain parts of the state in recent times, we are staring down the barrel of three failed seasons in Central and East Gippsland. It has had a devastating impact on primary producers and on communities, which rely upon people being able to work and produce family income and other income to spend locally and to keep a good churn of economic growth in those areas. We have seen that the knock-on effect has been horrific. One of the things that this particular bill does is to make sure that we are progressing a number of the actions set out in the *Water for Victoria* strategic plan, which amongst other things involves yearly assessments over a 15-year period to better understand the impact of what is happening around changes to the way in which our waterways are being filled or depleted; to understand the impact of changes as they relate to recreational and social use; to make sure that we have a better incorporation of traditional owners' and First Nations' priorities, knowledge, wisdom and understanding in the way in which waterways are managed; and to also ensure that we have appropriate measures around water resources, assessment and sustainable water strategies for the purpose of long-term planning.

This is something that should in fact go well beyond an electoral cycle, which should go well beyond any forward estimates process or a period of budgetary consideration. This is an issue which needs to be a medium to long-term proposition and needs to understand the ebbs and flows, if you will excuse the pun, of what occurs when we see changes to salinity, of what occurs when we see change in waterways and of what occurs when we see changes in other jurisdictions around the sale, pricing and regulation of water rights. We have seen that this is an issue mired in controversy. We only have to look at the sale of water rights which has beset the commonwealth government to understand that this is an area fraught with politics, often murky as the actual water that it purports to regulate, to the extent that that water exists and is not floodwater, which in fact is not in existence until it is—which is a one-in-10-year event, if that—and in fact that we need a better understanding of the timing of long-term water assessment, in particular for northern Victoria, and the way in which that overlays with the commonwealth review of the basin plan.

So there is a lot going on in this particular bill, which is about building on the primary purpose of *Water for Victoria*, having a review of a sustainable water strategy and making sure that community consultation is at the heart of that work as it goes forward. This means that we need to understand the impact of water availability and supply in our cities, our regional centres and also our communities further afield, particularly as our population grows. We know that we are anticipating an additional 4 million people to be born here or to move to Victoria between now and 2050; we cracked the 5 million mark some time last year. We know that initiatives such as large-scale water availability and the orders being placed through the desalination plant have made a fundamental difference to availability for domestic settings as well as to linking up the water grid to make sure that we can expand that into areas, including Gippsland, through the connection of the grid to the Korumburra project, which was a \$30 million investment, to make sure that this quick-fill, quick-drain area of South Gippsland which relies upon ready available water, particularly for dairy, is not jeopardised.

So we now see that through actions taken by the Andrews government since first being elected in 2014 we have townships like Korumburra, Loch, Poowong and Nyora now being linked up to the grid. We also see that there are plans afoot to make sure that Cape Paterson, Inverloch and Wonthaggi will then also be linked up to the grid through the Lance Creek pipeline. These are important parts of what we are doing to provide water security. But it is also important to make sure that we have the right regulatory framework in place to understand how things are changing over time and the extent to which we need to provide policy responses and a regulatory framework which addresses any anticipated or actual shortfall in availability of supply.

There have been a number of comments made by people on the opposite benches about the coalition's bill and its proposal from 2014 around regulation, compliance and enforcement. It is important to note in responding to those comments that have been put on the record that this bill in fact increases the strength of compliance and enforcement mechanisms and it provides harsher penalties for certain infringements, and that in fact is also important to send a message about the value we place on this commodity and about the need for better in-community responsibility around the way in which water is appreciated, used and shared.

So within this matrix of different regulatory settings *Water for Victoria* has been in the process of modernising compliance and enforcement provisions within the Water Act 1989, and we have also seen that the Murray-Darling Basin Authority released the *Murray-Darling Basin Water Compliance Review*. In late 2017 we saw that released around allegations of the significant theft of water. Other speakers have referred to this commodity's value as being like gold and have referred to it as being the most important resource that we have and something which we cannot do without. These are all axiomatic observations. I would say in fact that water is more valuable than gold because you cannot actually make sure that stock can stay alive if you got a couple of ingots in your back shed.

What I would also say is that there is a strong commitment in Victoria for that compliance framework, which not just sends a message around deterrence but also makes very public cases for intransigence around water theft. We cannot afford for this to become something which is either swept under the rug or becomes lost in a mire of different jurisdictions that are unable or unwilling to deal with it as an issue perhaps for political reasons, perhaps for regulatory reasons or perhaps because of who is or may be at the centre of such allegations.

We do see in fact that a sustainable water system requires us also to have better mechanisms for the way in which meters are read and understood and for the use of technology and the way in which we use telemetry and irrigation systems that are automated. Again we see that open channel has previously been responsible for about 90 per cent of evaporation, which is extraordinary. When you look at changes to biodiversity and you look at the importance of making sure that we are using this resource smarter and making it go further, the changes to technology and the move away from open channel have been a very, very big part of that, but we also need to understand that biodiversity mechanisms are something we need to continue to evolve and consider. We are now seeing mapping that shows that primary production of various crops is changing dramatically as median temperatures change. We are seeing that it is now possible to farm certain crops in parts of the state which were never considered to be habitable or hospitable to certain fruit crops, for example, and to certain primary resources.

Again, this is about making sure that we have a measure of security, it is about making sure that large-scale misappropriation of water is kept in check and seen to be kept in check and it is also about making sure that we are increasing efficiency in the administration of the Water Act with those red-tape reduction initiatives and housekeeping amendments, which a number of other speakers have also referred to in their contributions. So making sure that we have improved processes for declaring serviced properties, the way in which districts are declared, regulating declared and recreational areas, providing exemptions for seeking approval to dispose of matters into aquifers by means of a bore and removing a barrier to Melbourne Water being able to prepare plans for special water supply protection areas that can influence the planning schemes for land in its water supply catchments are also part of this particular set of reforms proposed by the bill. Making sure that we are also simplifying processes for making changes to irrigation districts—tariffs will only be able to be imposed in relation to serviced properties—is again an important component of this work.

Salinity has been touched on—no, not touched on. Salinity was at the heart of the contribution by Mr Gepp, who has also spoken at length, as has Ms Lovell, in relation to the water supply and the challenges that are faced in northern Victoria. Again this is something which the bill actively contemplates. It is one of the reasons why we do see large-scale support for this bill and what it achieves not just in the regulatory sense but also on the ground—what it means for those annual

reviews and what it means for those understanding the collection and the importance of data over time to understand trends not just in relation to the way in which water arrives, sits, moves and might be used but also in relation to changes to total volume over time.

We are in a period of time where the way in which water is understood and managed as a resource is at last catching up with what many people across our community see as an invaluable thing that must be treasured and protected wherever possible. Balancing that against the competing priorities of primary producers, of communities who need and deserve access to so safe, clean water and of our major towns, cities and regional centres as our population explodes continues to be a priority which this bill contemplates. The work goes on, but in closing I do, in commending this bill, want to acknowledge the fierce, articulate, strenuous and tenacious efforts of our minister, Lisa Neville, in advocating for better water rights and better understanding of this resource for Victorians at a national level. I commend this bill to the house.

Mr QUILTY (Northern Victoria) (11:51): I will be brief. Water is an essential resource for everyone, but those in the regions feel its absence far more. In the city less water means a few extra dollars on the shopping bill and sweeping the driveway instead of hosing it down. In the regions less water means family farms go out of business, dairy herds are sold for slaughter and paddocks become dust bowls. Between taxes, red tape and drought, belts are tight enough as it is. More than ever regional Victorians need water.

Unfortunately this government remains focused on Melbourne. They prove this every time they remind us of their commitment to the Murray-Darling Basin plan—a plan that sells out Victorian irrigators. This bill allows the government to pause the current review of Victoria's water resources and to delay it until the conclusion of the Murray-Darling Basin plan in 2026. This is suspect at best. A review would let us know what the Murray-Darling Basin plan is doing to Victoria's water resources. Ask yourself: why would the government want to stall such a review? I call on the government right now to pull out of the Murray-Darling Basin plan and conduct its own review.

The rest of the bill is a mixed bag. Increased penalties for water theft are warranted, but the increases in this bill are severe. I do not want Victoria to become a police state, and decade-long prison sentences for non-violent offenders are the way to get there. Given that the compliance review found very few Victorian farmers did the wrong thing it is just bizarre to be jacking up the penalties by up to 60 times the existing ones. If the government were serious about water theft, they would stop taking water from the farmers and sending it to South Australia. The bill also recognises Aboriginal values and recreational water use. While I would have preferred the bill to recognise all cultural values, the further consideration of these values is a good thing.

We reject the expansion of evidentiary presumptions. The Liberal Democrats believe that you are innocent until you are proven guilty. We reject racial discrimination under the law. Under this legislation racial discrimination is not only permitted but mandated. We reject the references to 'traditional ecological knowledge'. Something is either knowledge or it is not. We are hesitant to support the changes to the way salinity mitigation charges are issued. Expanding control over levying fees is the same as granting new taxation powers, and the Liberal Democrats will never vote for increases in taxes. On the sum of these concerns, the Liberal Democrats will not support this bill.

Mr ELASMAR (Northern Metropolitan) (11:54): I rise to speak to the Water and Catchment Legislation Amendment Bill 2019. The bill seeks to amend the Water Act 1989 and the Catchment and Land Protection Act 1994. The main purpose of these amendments is to support several actions in the government's strategic plan for Victoria's water resources, *Water for Victoria*. *Water for Victoria* aims to maximise the benefits provided for Victorian communities, the environment, agriculture and the economy from the state's water resources. Importantly the bill provides for the recognition and involvement of Aboriginal Victorians in the management and planning of waterways and catchments. It also recognises greater acknowledgement of the social and recreational uses and values of waterways for communities.

Additionally the bill aligns the two frameworks for the minister's long-term water resource assessments and sustainable water strategies. This will enable the minister to prepare or review a sustainable water strategy to determine what actions to take if a long-term assessment identifies any issues regarding water availability. It is of particular importance where there has been a deterioration in waterway health or a decline in the amount of water that has fallen disproportionately on the environmental water reserve or water for consumption purposes. So the bill provides for resetting the date for the minister to commence the long-term—15-yearly—assessment of water resources in northern Victoria from 2018 to 2025 and having the 18-month assessment coincide with the commonwealth's review of the Murray-Darling Basin plan in 2026.

The bill also reduces red tape for the administration of the Water Act by making it easier for the minister to declare and vary service districts for water corporations. It clarifies the minister's existing responsibility to undertake salinity mitigation works and measures to comply with schedule C, 'Basin salinity management', of the *Murray-Darling Basin Agreement*. In addition it provides a legislative framework to underpin the salinity mitigation program. This is a crucial component of the bill because it strengthens the compliance and enforcement provisions, particularly in relation to the misappropriation of water and other principal offences that are critical to protecting the environment.

Indigenous people's rights are enshrined in the bill and, together with the implementation of the government's commitment in *Water for Victoria* to modernise and strengthen compliance and enforcement provisions, will ultimately lead to the protection of our precious water resources. This is a good bill, and I commend the bill to the house.

The PRESIDENT: Before we get to question time, I welcome in the gallery a delegation from the Philippine Center for Young Leaders in Governance, who are doing a study trip this week. It is great to have you here.

Since this morning it has come to my attention that the Assistant Clerk—Procedure had a birthday a couple of days ago.

Members interjecting.

The PRESIDENT: It never ends when we start this.

I remind members who are interested that there is a reception in the Federation Room for the successful all-Australian Indigenous basketball teams at lunchtime.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

WASTE AND RECYCLING MANAGEMENT

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:00): My question is to the Minister for Local Government. Minister, I note advice to government is currently being prepared by Infrastructure Victoria on recycling and resource recovery infrastructure. Is Local Government Victoria, or are you as Minister for Local Government, providing input to Infrastructure Victoria that reflects the views of and challenges confronting councils in the recycling crisis? If so, what will the nature of the input be, and if not, why not?

Members interjecting.

The PRESIDENT: Minister, as best you can with your portfolio.

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:01): I would like to thank the member for his question. As I said yesterday, there is an international crisis on this issue. It is a serious issue. What we are doing as a government is working with the sector, working with local government and working with industry in order to find a

long-term, sustainable solution to this very, very complex problem. The Minister for Energy, Environment and Climate Change, who has portfolio responsibilities in this area, has been doing a fantastic job working on this particular issue. One of the things that she has been doing is formulating a circular economy plan. What she is going to be doing is expediting that process and that will be released fairly soon.

What we did a couple of days ago was announce an \$11.1 million plan to help ease a bit of the financial burden on councils. Since China made its decision to not accept low-grade waste from overseas countries, we have provided over \$135 million to the sector in order to ease the pain and help councils renegotiate contracts. What we will be doing is utilising all policy instruments that the government has available to it to come up with a long-term sustainable solution to this problem. If that means making submissions to any inquiry, that is exactly what we will be doing.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:03): I note that he did not answer the simple question of whether he or Local Government Victoria is putting material to the Infrastructure Victoria inquiry.

Members interjecting.

Mr DAVIS: Yes, I do. My simple—

Members interjecting.

The PRESIDENT: Order! Mr Davis still has 37 seconds.

Mr DAVIS: Thank you. My simple question to the minister is: will you ensure that the Municipal Association of Victoria's (MAV) voice is heard with this Infrastructure Victoria inquiry?

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:04): I cannot claim to be responsible for what the MAV do, whether they put in a submission to any inquiries or not. I am not responsible for and I do not have control over the MAV. I assume that the MAV will because they are a good organisation. They are an activist organisation. I assume that they will put in a submission, but then again they may not. I cannot direct them. I cannot direct the MAV to put in a submission.

DRUG DRIVING

Mr LIMBRICK (South Eastern Metropolitan) (12:05): My question is for the Minister for Road Safety and the TAC. On Channel 7 on 15 July the supervising magistrate of the Melbourne Drug Court said on the issue of drug-driving tests:

We know with alcohol .05, you're impaired. We don't know just because you prove positive for something like cannabis or amphetamines that you are, because our testing isn't sophisticated enough.

Also appearing on 3AW recently, Magistrate Parsons stated:

I just think before we deprive people of their liberty ... we need to be reasonably sure that in fact their driving was impaired.

My question for the minister is: is Magistrate Parsons correct?

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:05): I thank the member for his question and his interest in road safety. As all members know, 2019 has been a very, very difficult year with a doubling of the number of lives lost on Victoria's roads when compared to last year. The causes of this are many and varied, and they will be familiar to all Victorian road users. Drugs and alcohol are very commonly features in fatality and serious injury crashes, but so too are driver distraction, fatigue and speed. Then there are a number of other factors, but they are certainly the very consistently occurring major contributors.

In the last five years 41 per cent of drivers and motorcyclists who were killed on our roads and were tested had drugs in their system, with cannabis and stimulants the most common substances detected. The member is absolutely right when he says that there are limits to the technology available for testing. We saw a dramatic reduction in the number of lives lost on Victoria's roads when we developed the ability to test on the spot for speeding and when we developed the ability to test on the spot for alcohol consumption and alcohol impairment.

What we have at the moment is the best available testing regime, and that is what we apply. We are continuing to monitor globally developments in testing as well as of course taking every endeavour we can to make sure we have got the best possible systems that we can. But what we know is that people who have drugs in their system are turning up as a very, very high proportion of our fatality and serious injury victims on our roads. So our message to drivers is very clear: do not mix these activities.

Mr LIMBRICK (South Eastern Metropolitan) (12:08): I thank the minister for her answer. You touched on this slightly in your answer. The July national road safety strategy progress report highlighted significant failures on the baseline measures for reducing fatalities, injuries and the rates of accidents and fatalities that involved someone with illicit drugs in their system. We know that a priority for police around the country is to have better technology that can confirm a positive test result on the roadside and remove the delay while samples are sent to a laboratory for confirmation. With police and magistrates such as Tony Parsons wanting better technology and research around drug driving, my question for the minister is: what research is being done to improve the evidence informing both the policy and technology around drug-driving enforcement?

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:09): I thank Mr Limbrick for his supplementary question. Given that enforcement of drug driving and testing does sit predominantly with the Minister for Police and Emergency Services, I might take part of that question on notice so that I can provide you with the best, latest information about the testing regime. But what I can certainly assure you is that we use the best that is available and that we are taking every endeavour to be at the forefront of new testing regimes, but right now what we have is that roadside test that gives an indicative reading and then a follow-up test. It would be wonderful to be able to have something like the blow-into-the-pipe, blow-into-the-bag approach that we have for alcohol testing, because there is an enormous correlation between compliance effort and, frankly, the fear of getting caught doing the wrong thing and the consequences of road trauma on Victorian roads.

MINISTERS STATEMENTS: GEELONG SMALL BUSINESS

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:10): I am pleased to update the house on the investments being made by the Andrews Labor government to support small business owners in the Geelong region. A few weeks ago I had the pleasure of joining Geelong small business owners and employees at the Deakin University Geelong Business Excellence Awards, which were partly funded by the Victorian government through our small business local events initiative. This government recognises that to have a go sometimes people need help, whether that be from government, friends or family. That is why we have gotten behind small business in the Geelong region, working with local council to cut business approval wait times, investing \$40 000 in local business groups and investing in the Geelong Small Business Festival and the aforementioned business awards. With small business making up 98 per cent of businesses in the Geelong region, these investments are helping not just small business owners but also the entire Geelong economy. I would encourage members from across the house to take the time to visit Geelong and see firsthand the local small businesses that are providing a great service and employment opportunities for their communities.

EAST WERRIBEE EMPLOYMENT PRECINCT

Mr FINN (Western Metropolitan) (12:11): My question without notice is to the Minister for Priority Precincts. The government talked long and hard—in fact it waxed lyrical, as the minister is very good at doing—about its plans for the East Werribee employment precinct and the proposals for the Australian Education City. The Andrews Labor government has now totally ditched these proposals, including the promised new jobs and investment. Minister, what will replace these plans?

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:12): I thank Mr Finn for a couple of things. One is that he is obviously concerned about an important part of his electorate and the community in Werribee and the ongoing measures that can be taken to support economic and employment opportunities in that municipality. I am pleased that that is an issue that is important to him. It certainly is an issue that is important to the Victorian government, and we have seen that in a variety of ways, which I will go back to in the conclusion of my answer to remind the chamber of some things that have occurred in that community and things we are going to work on. But I know that there is a threshold question, because I know that there is some degree of disappointment in the community that the Australian Education City proposal did not reach maturity—a proposal that originally was put to the government that we succeeded—in terms of whether it was going to deliver real and lasting educational, and not only educational, facilities and attract collaboration between here and China in terms of universities who were prepared to be a walk-up start for that opportunity, on which the concept was founded.

I do not necessarily want to go through the internal commercial considerations or the maturity of those proposals from the proponents of the Australian Education City, but I think it is very essential for people to reflect on who were the international education institutions that had signed up for this proposal. If you apply that test, then you actually may have some concerns about its ongoing viability. You also could actually think about what industry was going to be attached to that proposal. How was that proposal, when it was redesigned and reconfigured to fit into the landscape, going to fit with the Victorian government's major plans in relation to regional rail, the Suburban Rail Loop, the airport rail link and whether they were compatible? These were the various elements that the government had to consider about whether the proposal was compliant with those contemporary issues.

The government has actually invested significantly and supported investment in health precincts. There has certainly been significant investment, as you know, in infrastructure that was provided to that community. We have very mature and enduring relationships with Victoria University in relation to their aspirations for their already existing educational facilities in that municipality. We have also had some constructive conversations with Deakin University about the potential for that opportunity to be filled by an interest of local universities that will be driving a coincidence of not only their educational opportunities. We are working with Wyndham council in terms of the way in which we can bring those proposals forward into the future, because we understand that at the heart of Mr Finn's question is a legitimate concern for the economic and employment opportunities for people of the west.

Mr FINN (Western Metropolitan) (12:15): Minister, as you have indicated, this project—proposed project, suggested project, call it what you will now—is a real game changer for Melbourne's west, and there is real concern about what this land may or may not be used for. As a result of that, will you provide the house with an assurance that this massive tract of land, this critical precinct, will not be chopped up for housing blocks?

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:16): I believe I can come 99.9 per cent of the way to giving you that undertaking, because that is not the intention of the government. That is not the preferred outcome that the government wishes to pursue. The government wish to pursue employment and educational opportunities and infrastructure that will lead to economic

participation in the community, and we do not see it as a dormitory suburb or as a dormitory part of the suburb. We actually want to make sure that there are economic and other opportunities that are driven in this important part of Werribee.

MEDICINAL CANNABIS

Ms PATTEN (Northern Metropolitan) (12:16): My question is for the Minister for Agriculture and follows on a little bit from my good colleague Mr Quilty. The Victorian government has been growing cannabis since 2016, and it has also licensed the Cann Group to provide flower and resin to it. Given the relatively quick growth cycle of this plant, this means that there is quite a stash somewhere. I do not know where, but what I do know is that Ava, a young girl with epilepsy, is left desperate, and if her parents are to provide the life-saving medical cannabis it will cost them \$90 000, because the government's trial program is full. Given we are halfway through the time period of the government's medicinal cannabis *Industry Development Plan* of 2018 to 2021, when will you have a product available to sick Victorians?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:17): I thank Ms Patten for her question and do acknowledge that it is a similar question to Mr Quilty's. In this space there is a lot of crossover between Minister Mikakos and me, so I will attempt to answer it as much in my space as I can, but I will probably dabble between the two because it is a little bit hard to avoid.

Following on from Minister Mikakos's answer yesterday, of course we were the first jurisdiction to commit to legalising medicinal cannabis, and it has really led the way for groundbreaking reform. I know it has a lot of support, particularly in this place. Because of this leadership, the commonwealth came on board after the event and created new access pathways for imported and local medicinal cannabis products. But their regulatory requirements have made the development of the product far more complex than we had originally envisaged, and it has led to increased costs and some delays. The only way that we can ensure affordable access for Victorians who need this medicine is to get the federal government to put these medicines on the PBS, and we continue to advocate for that.

Our commitment in 2014 was to provide access to the medicine for kids with severe epilepsy and to stimulate an industry around it, and we have delivered on both of those fronts. The local product is still in the process of production, but as you know, 60 kids are currently getting access to the medicine they need.

The work of the former agriculture minister in developing the medicinal cannabis *Industry Development Plan* has provided certainty and leadership in this regard. AgVic do have a large collection of strains, and they are doing breeding programs and research is underway. It is not the intention that Agriculture Victoria will commercialise the product, but we work with companies that do want to commercialise, and the cannabis industry has gone from strength to strength because of those partnerships. We have got international companies committing millions of dollars of investment, particularly in regional Victoria. We have got hundreds of jobs that look like they are coming to some areas, including Shepparton.

We currently have an imported product that is available under the compassionate access scheme to treat 60 children. Obviously the government product is undergoing stringent safety testing, as required by the TGA. As I understand, when pharmaceutical products are in development as a new product, it usually takes 10 years and hundreds of millions of dollars of investment, so that is effectively what we are kind of dealing with. We are trying to speed it up. We are ahead of normal produce, but we do want to get it to kids like Ava. We will be keeping on going with those things. I hope that answers your question.

Ms PATTEN (Northern Metropolitan) (12:20): Thank you, Minister, for your response. I did not get a date of when that product would be available. However, I appreciate the process. I know it is difficult, but I also know that we are importing product with a far lower testing level than we are

currently implementing for ourselves. The government bought a very expensive extraction machine in 2016, and I understand that they have extracted a substantial amount of resin. The department is still using strict good manufacturing practice, which is great, but you seem to be going through a tortuously slow process. Given the desperation of a number of families, will the government consider a conditional release of medicine to meet these urgent needs?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:21): I thank Ms Patten for her supplementary question. I will refer to my substantive answer. I outlined that we are trying to work with the federal government and make medicine available to the sickest kids in need. In terms of access to the medicine, I have the plants; the Minister for Health has the medicine.

MINISTERS STATEMENTS: AMBULANCE SERVICES

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:21): I rise to inform the house of the latest ambulance performance data and how Victoria's paramedics are keeping our communities safe. Our paramedics have risen to the challenge in what has been the worst flu season on record. The 2019 flu season so far has had more than 40 000 flu notifications, 12 times higher than usual for this time of year. The latest quarterly performance data, however, shows that paramedics reached 84 per cent of code 1 patients within 15 minutes, an improvement of 10.8 percentage points compared to the final June quarter of the previous coalition government. On average, ambulances are reaching the scene of code 1 emergencies 2 minutes and 43 seconds faster than under the previous coalition government. So we have had the best June quarter results achieved in Ambulance Victoria's history despite a very severe flu season, and I take this opportunity to thank them for this incredible work.

Clearly we do have the best ambulance service in Australia. Just last night at the Council of Ambulance Authorities Awards for Excellence held in Perth, Ambulance Victoria took out separate patient, clinical and technology awards for its high-performance CPR, the rollout of the GoodSAM application and Ambulance Victoria's Analytics Uplift program. We were up against tough competition from other jurisdictions, including our New Zealand counterparts, but these awards reflect our paramedics' dedication and tireless efforts to deliver the best care for our community each and every day. This is why we have delivered a record investment of \$1 billion, which has turned around a system that was in fact the worst on the mainland when Ms Crozier was the Parliamentary Secretary for Health and Mr Davis was in charge of the system. So I take this opportunity to thank our dedicated paramedics for their great work. This has been done after turning the system around from what we inherited, and we continue to back our paramedics. We thank them very much for the incredible work that they are doing, particularly during the challenging time of the flu season.

SEA ELECTRIC

Ms WOOLDRIDGE (Eastern Metropolitan) (12:23): My question is to the Minister for Regional Development. Minister, last October your government committed to supporting SEA Electric to set up a new factory in the Latrobe Valley. When you contracted with SEA Electric what did your department determine was their risk level?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:24): I thank Ms Wooldridge for her question in relation to SEA Electric. Yes, the SEA Electric contract was a great initiative as part of identifying and supporting business growth and new jobs in the valley, so it is a really exciting initiative of a new emerging technology which is estimated to create a lot of jobs. Currently we have 17 workers that are being transported to the Dandenong site. I sought an update on this just this week, and I understand another 15 are to be employed, to be advertised soon, to join them. So—

Members interjecting.

The PRESIDENT: Order! The minister is answering the question.

Ms SYMES: Look, this is a company that we are working closely with. We are working with the council, who are very excited about this project. We are identifying an appropriate site for this company to set up in the Latrobe Valley. For those that do not know, SEA Electric is a new electric vehicle factory, so it is going to be producing electric vehicles. In relation to the assessment that was done at the time, I do not have that on me and I can take that on notice.

Ms WOOLDRIDGE (Eastern Metropolitan) (12:25): Thank you, Minister. I appreciate you taking that on notice. My supplementary is: are you or your department aware of any concerns about the current financial position of SEA Electric?

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:25): No.

RED KANGAROO CONTROL

Mr MEDDICK (Western Victoria) (12:25): My question is for the Minister for Energy, Environment and Climate Change in the other place. The Australian red kangaroo is a magnificent animal. They are the largest terrestrial mammal native to Australia and the largest extant marsupial. They can reach a height of 2.1 metres and can cover 8 to 9 metres in a single bound. Their colour matches the ochre-red landscape of central Australia, and my political party adopted a shade of red on our branding to match it. Seven species of macropod are extinct, six more species are critically endangered, 10 more are endangered and a further 23 species are threatened or vulnerable. In 2017 government-funded surveys found only 23 individuals and extrapolated from there to estimate a population in Victoria of 13 000, against which they issued permits to shoot and kill 15 187, some 2000-odd more than they claim existed. How can the minister be sure she is not going to enable the red kangaroo to be the next macropod shot to extinction in Victoria?

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:26): I thank Mr Meddick for his question. Whilst I will always rely on any additional information that my colleague may be able to provide, funnily enough I recently have seen some material that I might be able to share with the chamber about the issues that you have raised. I understand the significance of this glorious species that you described and its status in terms of being a species that is worthy of protection and ongoing consideration about the sustainability of the population.

The good news that I can report to the house is in fact that what Mr Meddick has described—the red kangaroo habitat—actually spreads throughout semi-arid regions not only in Victoria, right up in the north-west corner, but also through South Australia and central Australia and indeed into Western Australia. The other good news I can share with the chamber is that the International Union for Conservation of Nature, which is responsible for establishing a checklist of threatened species across the planet, does not have the red kangaroo on its red alert in terms of a species that, across the country, is at risk of extinction. There are many species across this nation that in fact are threatened with extinction, but not the red kangaroo. Now, that does not mean we should be complacent.

So what do we know about what Mr Meddick has said to us? In 2017 there was a survey undertaken which led to the results that Mr Meddick has indicated—an estimation of 13 000 in population. However, in 2018 there was a subsequent, more detailed survey undertaken, with a 95 per cent reliability factor, that estimated the population to be in excess of 40 000. In relation to the issuing of control permits—that is a colloquial phrase for the control of wildlife that enables species to be taken in terms of that registration and licensing arrangement to kill parts of the population—the estimation that the department has relied on and my ministerial colleague relies on is that 16 to 17 per cent of the population of the 44 000, from memory, is a sustainable cull of that population not only to protect the viability of the population in north-west Victoria but in fact to make sure that there is an eco balance within the sustainability of the parks regime in north-west Victoria. That is the policy reason: to keep

the environment and the ecology in balance in terms of making sure that there is not overgrazing or other adverse consequences of a population that is too large. Now, that may not be something that Mr Meddick likes. I understand he and his constituents are very worried about that issue, but they are the facts in relation to— *(Time expired)*

MINISTERS STATEMENTS: RURAL AND REGIONAL ROAD SAFETY FORUMS

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:30): I would like to update the house on the progress of our regional road safety forums that are currently underway. As I remarked not very many moments ago in the house, this year has been a tragic one on Victoria's roads. Much of the increase in the number of lives lost has been on regional roads and rural roads, and it is people from country Victoria who are dying on our roads in far greater numbers than any of us should ever have to countenance. That is why it is incredibly important for us to hear the views of people who live in regional and rural Victoria about this issue that affects them so profoundly.

Following our road safety summit in Melbourne in May, I committed to provide opportunities for local communities across Victoria to share and hear ideas on how road safety could be improved in their local area. So far three forums have been held, in Ballarat, in Marysville and in Shepparton. They have all been well attended, indeed in some very, very trying weather conditions. It was sideways icy rain in Ballarat and not a whole lot better in Marysville or Shepparton on the nights of the forums. I would like to particularly thank members of the community who attended and indeed members of Victoria Police who also had a lot to contribute. Each forum delivered insightful and varied conversations. Key issues raised include road safety education, licensing, road conditions, speed, wildlife management and discussion about which tier of government is responsible for which roads and which rules.

Following the forums, registered attendees have been sent surveys to complete to ensure that their concerns are collected. We have in each instance had people attend these forums who have lost loved ones as a result of crashes on our roads, and I particularly thank and pay tribute to those people for having the courage to tell very, very difficult personal stories to us. We are continuing to roll out our \$1.4 billion investment and, in addition, \$804 million to improve roads— *(Time expired)*

YARRA MATERNAL AND CHILD HEALTH SERVICES

Ms CROZIER (Southern Metropolitan) (12:32): My question today is to the Minister for Local Government. Minister, as you will be aware, the North Richmond Community Health centre had to accommodate for the injecting room, which required programs such as the playgroup having to move. My question specifically relates to the local government services provided at the centre by the City of Yarra. A number of concerned North Richmond mothers have informed me that they are refusing to go to the North Richmond Community Health centre as they do not feel safe when addicts are leaving the injecting facility or due to the crime which is occurring around surrounding streets. They instead are requesting to go to other maternal and child health centre services within the City of Yarra. I ask: how many mothers have made that request?

The PRESIDENT: I am not too sure if it falls under his portfolio, but I call the minister.

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:33): For a start, it is not my question, but if I can just sort of take this opportunity—

Ms Crozier: You can take it on notice.

Mr SOMYUREK: No, if I can just take the opportunity to outline what my responsibilities are—

Ms Crozier interjected.

Mr SOMYUREK: No, I do not mean it sarcastically. The Constitution Act 1975 clearly states that local government in Victoria is a distinct and essential tier of government responsible for and

accountable for its own governance, the actions it takes and the decisions it makes. Underpinning that is the fact that they are democratically elected by the people, so they have a democratic mandate to be self-governing entities. Part of that is that they are responsible for their own operational matters, so I cannot, in an ad hoc way, get involved in the operational matters of any government.

Ms Crozier interjected.

Mr SOMYUREK: No, I am not. I am explaining to you what my role as local government minister is. My role as the local government minister—and what I do have a mandate for—is to lead the local government sector and to regulate the local government sector. In other words, I could have just got up and said this is not a question for the Minister for Local Government, because I do not have operational purview of any council. I am actually doing you the courtesy of explaining what my role is so we do not waste the time of this house on a weekly basis with questions that relate to the operational matters of councils. There are 79 councils in this state, and I do not want to stand here every week answering every operational challenge that each council has. That is why I have spent 2 minutes explaining to you what my role as the local government minister is.

Ms CROZIER (Southern Metropolitan) (12:35): That was a pathetic answer in relation to the specifics I was asking, and the minister avoided the question he could have taken on notice in relation to his responsibility as the Minister for Local Government. I ask in my supplementary: Minister, given the concerns of those mothers within the North Richmond catchment area and their requests, will you provide the City of Yarra with additional funds for other centres to be able to manage the increased demand generated by those requests?

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:36): My explanation was not pathetic. It was actually educational; that is the word that I would have used. So I stand by my answer. I do sympathise with the question, but again, I stand by my substantive answer.

WASTE AND RECYCLING MANAGEMENT

Dr RATNAM (Northern Metropolitan) (12:36): My question is to the minister representing the Minister for Energy, Environment and Climate Change. As each week goes by the waste and recycling crisis in this state gets worse. Since we last sat in this chamber one of our largest recyclers, SKM, has gone into liquidation, 33 councils are faced with sending their city's recycling to landfill and we still have no solutions to the crisis, nor a policy that will guide the future of recycling in Victoria. We now have reports, as revealed by the ABC, that the Environment Protection Authority Victoria (EPA) is paying for toxic waste to be transported from Victoria to South Australia, presumably as its response to reducing stockpiling. However, this waste caught on fire when it got to South Australia. Victorians need to know why the government's response to our waste crisis is to ship our problems to other states and at what cost this is occurring. My question, Minister, is: does the government acknowledge the need for a statewide solution to ensure that our waste and recycling is processed in Victoria and not being handballed to other states or countries?

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:37): I thank Dr Ratnam for her question. Part of the commentary was a little bit provocative, but the question itself was okay. The question itself was okay because the question actually asked, 'Does the Victorian government accept that we should have policy settings, a regulatory environment and market generation to deal with resource recovery and recycling in our state?', and the answer is yes, of course we should. We should not rely on shipping large volumes of material interstate or offshore. Of course that is the policy setting that the Victorian government accepts as a policy setting it should support. Indeed we were supportive of that policy in terms of international terms of export of waste material at the relevant meeting of environment ministers within the last week.

The circular economy paper that my colleague Mr Somyurek has already referred to in this question time today and that my colleague the Minister for Energy, Environment and Climate Change is working through with the government in terms of trying to achieve those outcomes is designed to achieve the principal position that we reduce the amount of material that is in the waste stream, we recycle it, we recover products and we have a viable market and industry policy in Victoria that accounts for that. You know the challenges across the world jurisdictions. Earlier this week my colleague referred to the international crisis in relation to these matters. Even countries that are the exemplars of recycling—even Japan, who are the exemplars of recycling—have actually had to deal with circumstances where they have not been able to export material to China. So it is a challenge. I am not actually saying it is China's fault. This is an international issue for all economies to work out the way in which they can recycle matter and maximise resource recovery.

We have actually experienced here that with the market and the capacity to deal with material we were caught short because in fact the major provider and distributor of that material was found wanting in terms of being able to deal with the volumes that were coming to it. That is actually something that we are addressing. We actually have to take action to try to reduce the adverse impacts that it may have on kerbside collection and the consequences that ratepayers and councils may need to deal with. We have to take urgent action in relation to that. We want to support the re-establishment of a viable entity or entities able to take large volumes of material, and then we have to put in the drivers of investment to achieve those outcomes.

Dr RATNAM (Northern Metropolitan) (12:40): Thank you, Minister. I appreciate your response, and I am pleased to hear that there is some acknowledgement that there needs to be a statewide solution. The problem is that Victorians have seen piecemeal solutions and a lot of blame and shifting of responsibility to individual councils without responsibility being taken by the government. We need to see action more urgently. My supplementary question is: does the EPA routinely pay for our waste to be sent to other states, and at what cost was this toxic waste sent to South Australia?

Mr JENNINGS (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:41): It would be unwise of me to speculate, but as a policy setting this would not be an action that the EPA would voluntarily and regularly rely on—I am certain about that—and indeed it would not be their preferred course of action. They may have taken action in circumstances where they had virtually no option, but in fact in relation to the costings and the other aspects of this question I will—and of course you will and the community will—rely on my colleague to provide that answer.

MINISTERS STATEMENTS: CHILD PROTECTION

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:42): There is nothing more important than all of us doing what we can to protect children. We have had years of evidence from hundreds of courageous victims like the Fosters, Leonie Sheedy and hundreds more who have come forward, shared their heartbreak and talked about how lives have been destroyed and about the lasting impact of these heinous crimes. The Betrayal of Trust inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse heard about the systemic cover-ups that were perpetrated, particularly by the Catholic Church. They heard evidence of offenders confessing their crimes and no action being taken to protect children—no action at all. This is why the government introduced a bill yesterday to support and implement the royal commission's recommendation to make religious leaders mandatory reporters and importantly to remove the confessional seal. Protecting kids should not need anything to review; it should not need anything to think about. History will show that when the Liberal leader had to choose between protecting children and protecting the Church he instinctively chose to go against the child. Let us all work together to protect children and put children's safety first in Victoria.

WRITTEN RESPONSES

The PRESIDENT (12:43): We are about to navigate through requests for written responses as per the standing orders. Can I thank Minister Symes, who gave a commitment to Ms Wooldridge in her answer to Ms Wooldridge's substantive question. Can I thank Minister Jennings, who gave a commitment to Mr Meddick, as per the standing orders, to get a response to his question and also to Dr Ratnam to get a response to her supplementary question. Can I thank Minister Pulford for the offer to get further information in answer to Mr Limbrick's question, including seeking some information from the police minister. That is a two-day turnaround because of the police minister being involved.

Now, as far as Ms Crozier's question to Mr Somyurek is concerned, I fully agree with Mr Somyurek that it is impossible and no-one would have the expectation for a minister to have an answer to a question such as: how many mothers are requesting not to go to a particular community centre? But in saying that, I would ask the minister if he could try to get that information from the council—I know that is his responsibility as Minister for Local Government—and also to answer the supplementary question, which was if the minister would seek extra funding for a particular council.

Ms Bath: On a point of order, President, this relates to a question without notice that I asked the Minister for Regional Development yesterday. I asked Minister Symes to respond to a comment that she had made in this house previously on Steelvision. She stated that there was a medium risk to that venture when her department had indicated that there was a medium–high risk category. Certainly I want to give the minister the benefit of the doubt that at the time she misled the house, but I ask that the minister actually give an explanation to clarify her position on that response and correct the record.

The PRESIDENT: I imagine that that would be a question. Question time is over, so I am not too sure about the point of order that you are making, Ms Bath.

Ms Bath: There has been certainly a lack of clarity in her response, and I would ask that this question is reinstated or a written answer is provided to this house.

The PRESIDENT: No, we do not reinstate questions without notice, so I cannot uphold that point of order.

Mr Somyurek: On a point of order, President, I am just taking you up on the point where you have asked me to get some information with respect to statistics on councils and mothers going to councils. That is not my portfolio. Councils provide many services. There are over 126 separate pieces of legislation that councils are asked to work with government on, and that cuts across multiple portfolios. I just do not think this is my area. This is probably a matter for another minister, but not for the Minister for Local Government. That is why I delineated my responsibilities. Like I said, there are 126 separate pieces of legislation that councils are in some way responsible for implementing, and this is clearly one of those that is in a different minister's portfolio area. I am happy to pass it on, but I would just like to make that clear.

Ms Crozier: On the point of order, President, just in relation to the minister's concerns, the Municipal Association of Victoria on its website states in relation to maternal and child health that:

The MAV works in partnership with the Victorian Government on policy directions, funding and continuous improvement for maternal and child health services in conjunction with other early childhood services.

So I would suggest that the minister does have responsibility in relation to local government services that are provided through the City of Yarra and funding required to undertake those services.

The PRESIDENT: I ask for the patience of the house in taking into account Minister Somyurek's submission and also the submission from Ms Crozier if I go away and take time to respond.

Ms Crozier: Last time I didn't get an answer.

The PRESIDENT: There was an answer. I want to set a precedent which everyone can be confident of going forward, taking into account that governments change from time to time. No-one would want a precedent set by me that was a bad one and which would last forever.

Constituency questions

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:50): My question is for the Minister for Transport Infrastructure. I was recently contacted by one of my constituents from Katunga, who expressed disappointment in the current consultation processes by Rail Projects Victoria. In particular, my constituent pointed out that a survey seeking feedback on the Shepparton line upgrade is only available online, with no ability to print a hard copy for completion. Many pensioners in my electorate do not use the internet, and some that do live in rural locations where internet access is sometimes limited. This is preventing many of my constituents from expressing to Rail Projects Victoria their opinions on the important passenger rail upgrades currently underway on the Shepparton line. Will the minister ensure that concerned constituents in my electorate are able to access hard copy surveys from Rail Projects Victoria so they can have their say on regional rail projects that affect them?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:51): My constituency question is to the Minister for Agriculture, and it relates to the unfair treatment being fed and milked out about cows, and consequently their meat-producing owners, in my electorate of Western Victoria Region. It seems that these much-maligned cows have replaced coal as the evil agents responsible for global warming, climate emergencies and more hot air than this place could ever generate. For the benefit of the non-farmers, cows actually add to the productive capacity of pastures, including grain crops, through their natural fertiliser. I know some in this place would have us not eat meat but, à la Marie Antoinette, 'Eat grass, not cake' should not be the order of the day. So I ask the minister: what is she doing to ensure the future of all the cows and their owners in the dairy and beef industry in this state and particularly in the electorate of Western Victoria Region?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:52): My constituency question is to the Minister for Energy, Environment and Climate Change. I ask the minister what assurances she can provide that many concerned constituents of mine in Northern Victoria will not experience further power outages under the Andrews government, including during next summer. I should add that the level of concern among these constituents has only grown in the wake of the recent release of the Australian Energy Market Operator figures showing not only that the average wholesale price of electricity per megawatt hour in Victoria has rocketed from \$46 to \$250 since January 2016 but also that the state has now become a net importer of electricity.

NORTHERN METROPOLITAN REGION

Mr ELASMAR (Northern Metropolitan) (12:53): My constituency question today is for the Minister for Training and Skills, Minister Tierney. The Andrews Labor government has unveiled a major funding package to support the huge growth in enrolments that its landmark free TAFE initiative is driving across Victoria. Premier Daniel Andrews has announced an additional \$11.7 million to accommodate the strong student demand for the free TAFE program. So my question to the minister is: how will my constituents in the Northern Metropolitan Region enrolled in TAFE benefit from this additional \$11.7 million of funding announced for the free TAFE initiative?

EASTERN VICTORIA REGION

Ms SHING (Eastern Victoria) (12:53): My question today is for the Minister for Agriculture, and it relates to the drought measures that are being undertaken to alleviate the worst of the effects of long-

term drought for constituents across Gippsland. We know just how tough farmers are doing it, with a third failed season appearing on the horizon and tough seasonal conditions and high input costs also causing ongoing stress for our primary producers. Constituents are asking for an update on what is being done within her portfolio to support farmers to deal with challenges in the immediate term to help them prepare for future challenges. Farmers in particular are wanting further information on the availability of grants and other assistance. So will the minister provide that information, and how can we make sure that people are aware of any avenue of assistance that is available?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:54): My constituency question is to the Minister for Energy, Environment and Climate Change. I recently met with representatives of the Anti-Toxic Waste Alliance to discuss their very real concerns about the threats faced by residents of Melbourne's west of toxic waste dumps, and in particular horrendous fires when these dumps, many of them secret, explode into life. I think it is safe to say that these members of the alliance were pleasantly surprised by my ready support for removing the dangers of which they spoke. Thousands of my constituents live under constant threat of the sort of horror we saw in Tottenham, and a huge issue is that most of them are not even aware of it. Minister, what are you doing to clear the western suburbs of these toxic waste dumps and ensure the safety of my constituents?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:55): My constituency question is for the Minister for Education in the other place. Minister, why has the Victorian School Building Authority (VSBA) failed to ensure clear and open communication and failed to provide certainty of appropriate accommodation for the community groups affected by the government's project the Footscray Learning Precinct? I was contacted last week by the president of Hyde Street Youth Band, a local gem that has been operating in the western suburbs since 1928. Sadly, it is about to be evicted by the VSBA and the council, and an appropriate location has not been arranged. Its attempts to communicate with the VSBA, the drivers of its eviction, have not been responded to. The band is inclusive, enables active music participation and performance and is much loved by my community. The benefits of engaging young people in music require little— (*Time expired*)

The PRESIDENT: Have you asked your question?

Dr CUMMING: I think I have.

EASTERN METROPOLITAN REGION

Ms WOOLDRIDGE (Eastern Metropolitan) (12:56): My constituency question is for the Minister for Planning, and my question is: will the minister ensure that the beautiful piece of history at 22 Arden Crescent in Rosanna is protected by providing permanent heritage listing to this farmhouse. The electorate of Ivanhoe is blessed with many beautiful homes, but there is a real risk here in terms of this farmhouse at 22 Arden Crescent, which is at risk of being demolished in favour of seven townhouses. Banyule council did their job in rejecting the development, but this was overturned by VCAT. In November the temporary heritage protection runs out, and locals have put together a petition calling on action to be taken. So I ask the minister: will he take this action, protect this heritage and make sure that a permanent heritage listing is provided?

NORTHERN METROPOLITAN REGION

Dr RATNAM (Northern Metropolitan) (12:57): My constituency question is to the Minister for Roads. Last night Moreland City Council voted to support option 3 in the June–July 2019 Department of Transport consultation on the Sydney Road improvement project. They committed to support a six-month trial of a separated bike lane on Sydney Road between Glenlyon Road and Brunswick Road in Brunswick to trial option 3, which is on the table. Improving cycling safety along Sydney Road is of great concern to my constituents and my colleague in the other place Tim Read, who has been

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advocating strongly and working with his electorate to improve cycling and pedestrian safety. Brunswick has a strong commuter cycling community that needs separated pathways to ensure they get to work safely. I ask the minister to please give the council's decision serious consideration and also commit to council's trial of a six-month separated bicycle lane on Sydney Road.

EASTERN VICTORIA REGION

Mr O'DONOHUE (Eastern Victoria) (12:58): My constituency question is for the Minister for Energy, Environment and Climate Change, Minister D'Ambrosio, and my question is: Minister, will you satisfy yourself that there have been no breaches of your department's tender guidelines and processes in relation to the San Remo Foreshore Caravan Park tender process which has recently been undertaken? I have been contacted by a constituent who is a current lessee. He is concerned that there may have been irregularities in the way the tender process has been conducted. I wrote to the minister on 24 June this year, and I followed up with correspondence about a month later, yet I have received no response from the minister. Given this issue's timing now, I would ask that she answer my question as quickly as possible.

SOUTHERN METROPOLITAN REGION

Mr HAYES (Southern Metropolitan) (12:59): I draw the Minister for Planning's attention to the demolition threat facing 38 Grosvenor Street, Brighton, known as Esmé Johnston House. This property was designed by Esmé Johnston, a female builder, in 1929. Her home represents an unusual example of the Tudor Revival style and featured in the *Home Beautiful* magazine in 1931. More than 800 residents have signed a petition asking for this property to be saved. Last week Heritage Victoria refused to intervene. If this home gets redeveloped into townhouses, it will be yet another sign that our heritage protection policy is simply not up to the job. The constant trashing of our community's heritage is another casualty of our manic obsession with growth. Will the planning minister intervene to save this house and order a comprehensive review of the adequacy of our heritage protection laws?

SOUTH EASTERN METROPOLITAN REGION

Mr RICH-PHILLIPS (South Eastern Metropolitan) (13:00): My constituency question is to the Minister for Health regarding the Dandenong ambulance station, which is currently located at the corner of Stud Road and David Street in Dandenong. Four years ago, in August 2015, the government committed to upgrade six ambulance stations across Melbourne and allocated \$20 million to that, and one of those commitments was to Dandenong ambulance station. Four years on, nothing has happened. Ambulance Victoria has vacated the Dandenong ambulance station, and it is now boarded up. There are local concerns about it being used as a drug den. There are concerns about fires, vandalism and squatters. Ambulance Victoria is operating out of a temporary site on the Princes Highway. So my constituency question to the minister is: when will construction of the rebuild of Dandenong ambulance station commence, and when will it be concluded?

SOUTH EASTERN METROPOLITAN REGION

Mr LIMBRICK (South Eastern Metropolitan) (13:01): My question is for the Special Minister of State. In South Eastern Metropolitan Region there is a mix of demographics, with some elderly retirees and one of the most language-diverse areas in the City of Dandenong. We have had contact from several people in my office who have expressed difficulty in accessing online government services. We support streamlining of government services, but this should not be at the expense of the most vulnerable; indeed those are the groups who need these services the most. My question for the minister is: what measures is the government enacting for people in the South Eastern Metro Region who experience challenges with technology or literacy to access government services?

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (13:02): I will be very quick. My constituency question today is for the Minister for Transport Infrastructure, and it concerns the

commitment of the Andrews Labor government to the \$56 million high-capacity signalling trial on the Sandringham line. Now, that has been cancelled by the government. Four years ago the Sandringham line was chosen as the trial for this modern signalling, and there was a lot of fanfare and trumpeting by the government at the time. But it has abandoned the Sandringham line, and the state budget papers make it clear that the government has sneakily abandoned this project and poured the money into the Metro Tunnel, which as we know is already significantly behind time and over budget. So my question to the minister is: does the minister have any plans to restore the high-capacity signalling torn from the Sandringham line? And I say this because this is an important future-leading step and the government has taken the money and put it into the Metro project.

Sitting suspended 1.00 pm until 2.07 pm.

Bills

WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019

Second reading

Debate resumed.

Ms TAYLOR (Southern Metropolitan) (14:08): Thank you for the concern shown by the Council before when I had my little moment. I really genuinely appreciate that. It is one of the highlights of coming to Parliament so far, but we are all good.

Talking about water, all things water, it is obviously critical to life and survival, and we acknowledge that even as human beings are we not 70 per cent water? So obviously we really need to value and honour that precious, precious resource. That is really what this bill is about: it is affirming just how critical water is and honouring that space for all of us for now and for sustainability into the future.

There were a few things that I wanted to just get some clarification on, so I am going to go into some of those issues. I know that a lot has been discussed already, and I think it is important at each point in these discussions, to show that we are actually listening to each other et cetera, that we clarify and refer to those points that have been made. There were some interesting points made today. I do not know if I fully comprehended some of the points and intentions behind them, so I just wanted to get some clarification on them as well.

Ms Bath seemed to indicate that the opposition would move an amendment on the moving of the long-term water resource assessment until 2025. What is more, she claimed that the Victorian Farmers Federation supported that. We would actually like a clarification, if that is actually what she said and that is what she meant. It is an interesting statement, and we are seeking some clarification on that. So I will just put it out there that we are seeking some clarification on that statement made a little earlier.

There were also some interesting statements about Minister Neville and questioning how she leads in the ministerial council. So let us look at that. Let us examine that. Under her leadership socio-economic criteria was agreed to by all other states. These criteria will ensure any further recovery projects have positive impacts for the community. There does not seem to be any caveats there. I think that is a pretty strong statement, and I think that reflects very well on Minister Neville. I think there were inferences that maybe she should get bigger muscles and be a little stronger, but in my view that statement is unequivocal. I think that is something that we should all be able to rely on, and I commend Minister Neville for taking such a strong stand and getting the agreement of all other states on that issue. That is certainly going to be very important for the protection of water and for sustainability into the future.

Now, looking at water generally in the bigger picture, we are very much on track to meet targets on environmental water recovery, and this is already having beneficial effects for the local community, I am pleased to say. And really, fundamentally, when you are talking about water it is an issue of balance, isn't it? Because there are a lot of competing interests it is very difficult, I know, for governments alike to balance—and I am going to emphasise that word balancing—all those different

interests, respecting how reliant communities and farmers and the like are on that. So when we are looking at that picture of balance, who are we talking about? We are talking about farmers, we are talking about environmental outcomes and we are talking about rural communities in Victoria, specifically within this context.

And it is sad, actually, because I know sometimes it is said that in the city we do not think about people in the rural communities—we only think about ourselves. But actually I have to say it is the opposite, because as somebody who lives in the city I am very mindful of the impacts, the devastating impacts, of climate change, particularly on farmers. They are the people who feel the brunt of climate change more than ever before. When we are pumping about—pumping out, sorry. Pumping about—I do not know what that was. I think I am getting a bit obsessed with muscles here, aren't I, and gym work. I have got to get out of that. I do not even do the gym. Okay, so we will just get that out of here.

When we are thinking about our farmers, I am very aware that with what we do every day when we are driving a car and using petrol and pumping out CO₂ et cetera, guess who cops the brunt of it? Our farmers. So just because somebody lives in the city does not mean that they do not care about people in rural communities, and that is why there has been so much care and consideration put into this water bill to factor in those devastating impacts that transcend cities and very much influence the outcome for farmers, particularly in times of drought or in times of flood. We know from our national anthem that Australia has always had a harsh climate, but we also know unfortunately that as a result of human greed and ignorance over time we are impacting upon our climate—and I talk collectively across the globe; I am not talking about any particular individual—on our beautiful environment and on our beautiful planet. So that is why there is so much emphasis and why there is such a need for this water bill. And it has been over a decade, and it is now absolutely happening at the right time with proper consultation.

Looking at water generally and the bigger picture of where we are at, we have the desalination plant. We have not used it to full capacity—this year 125 gegalitres, but capacity is 150 gegalitres. So just when people are thinking about what sort of capacity and stores we have in terms of that particular facility, I just wanted to get that on the record so it is really clear, because I understand that when you are thinking about water there are so many different sources—and how it is collected and how it is managed—and it is really, really critical and fundamental to the survival of all human beings.

We are also pursuing water savings and efficiency, including Target 155, which those opposite opposed. So you have got to look at both sides of this equation. We are doing our bit. We are very much investing in water supply for the future, balancing all the various needs that are so very difficult but must be done. There are difficult decisions that have to be made, but they have to be made. That is why you are in government. That is why you are accountable and that is why you must take responsibility for these things, and that is exactly what this water bill is all about.

We have established integrated water forums to progress recycling and stormwater harvesting, and I am really pleased about that as well because obviously water goes up, water comes down, and in essence all water is actually recycled in one way or another, but human intervention can actually enhance that process. I am very proud that our government is part of that story, because we cannot just rely on the old ways of managing water that we would have had when originally we set up the various pipes and so forth—you can tell I am not a plumber; I have no idea about water structure et cetera—and when the more conventional, modern-day piping et cetera was set up. We have had to learn a lot, haven't we, in terms of watching how the climate is actually being pretty significantly impacted and how our water supplies are actually being challenged.

There was something before that really upset me as well, and I say genuinely upset me. At first when I heard it I had to question, 'Did I hear it?'. I am going to paraphrase because I cannot remember the exact words, but I believe that Mr Quilty was saying that they were going to reject the bill, and a component of that was related to the fact that we are incorporating greater recognition and involvement of Aboriginal Victorians in the planning for and management of waterways and catchments. Now,

they are not exactly the words he used, but that was the inference, I believe—not wanting Aboriginal traditional owners to be part of this story. As I say, I could not believe it when I first heard it, and I had to text one of the other members, because I was like, ‘Did he really say that? Is that actually what he thinks?’. On the one hand in the morning every day when we come into Parliament we acknowledge country, and we all do it collectively. And yet we are turning around here and flipping and saying, ‘Oh, no. No, no. We won’t acknowledge our traditional owners when we are looking at water management’. And do you know what? I think they have got street cred here, because let’s face it, our traditional owners have been around 60 000 years. You know what? I think we can learn a thing or two from them, because certainly in terms of the way water was managed traditionally, it was far better than under European settlement. I am not even using data or stats here. We all know that, and we have a lot to learn.

I do not want to get angry or yell or anything like that. I actually just feel really sad, because on the one hand in Victoria our government is taking real leadership and saying, ‘We’re moving to treaty’, but then you get this kind of messaging that really sends—not you, members opposite, but from Mr Quilty—a signal. It sends a message, because every time you undercut fundamental principles that are there to acknowledge and to venerate the wonderful contribution of our Aboriginal—our original—owners of this land to our environment, every time you send a little signal like that, you undo the many, many years of great work to get to this point. So of all the things that I have heard today that was the most disturbing, and I do not really know how to deal with it. I do not know how to comprehend how anyone could reject this bill on that premise.

If we look at what we are trying to do here, the leadership our government is taking on this issue, the bill will require inclusion of traditional owners and Aboriginal Victorians in consultative committees and on the Victorian Catchment Management Council, consideration of Aboriginal cultural values and traditional ecological knowledge in the management of waterways and catchments, and consultation with traditional owner groups for the preparation of management plans and strategies for waterways and catchments. What is wrong with that? And what will it say about us if we are denying them a voice in this story when they have so much to share with us?

The bill will also oblige the water corporations, the catchment management authorities and the Victorian Environmental Water Holder, when carrying out their functions under the Water Act 1989, to consider opportunities to provide for Aboriginal cultural values of water and waterways. Personally I feel deprived that we did not have that when I was growing up as a child. I think my experiences could have been enriched in terms of my relationship with the land and with our waterways if this had been incorporated back then. It was not, and we cannot go back in time, but I am really happy that our government is doing this now, because it is absolutely the right thing to do, and the sad thing about what Mr Quilty said is that he is actually even denying himself—and I do not want to speak for him—that joy and that enrichment of being part of this process and actually developing a deeper and more profound connection to the land and the country we all love. I know we all love it. I know that is one area where we can actually be bipartisan. We all love our country, but I do not see why excluding or not having our traditional owners as part of this story is going to be to the betterment of anyone.

What I would say is that I hope very much that Mr Quilty, or the Liberal Democrats if it is a collective position on this issue, will actually reflect on what is a very harsh and judgemental—I could use stronger words—position on this particular bill, and if this is the reason or a big part of the reason they are rejecting it I would suggest strongly that they reflect on that and reflect on how it will represent them into the future. Because you know what? There is an inference there. I think we can all see it, and it is not a good one. I would like to think that as a nation we have moved beyond that. That is why I have to say today that that was the most disappointing part of what is actually a very thoughtful, well-considered and well-consulted bill—that somebody would take exception to the premise of honouring our traditional owners. I hope, as I say, that today there is a bit of reflection, a bit of forward thinking and a little bit of a 360-degree view on how that particular position might reflect on the individual or

the Liberal Democrats as a collective. I would take a different pathway on this. I would honour that component and hopefully all components of the bill. I now commend the bill to the house.

Dr CUMMING (Western Metropolitan) (14:23): In speaking to this water catchment bill I wish to speak about the water catchments of the western suburbs, and I will start by talking about the Maribyrnong River. The Maribyrnong River runs for 160 kilometres from its source on the slopes of Mount Macedon, and it actually goes through Keilor North, Keilor, Kealba, Sunshine North, Maribyrnong, Flemington, Footscray and Yarraville to Port Phillip Bay. The Maribyrnong catchment lies north-west of Melbourne. It covers 143 square kilometres and yields an average annual flow of 120 000 million litres. The Maribyrnong River also has two branches: Deep Creek and Jacksons Creek. Brimbank Park contains evidence of human occupation for 40 000 years by Aboriginal people. The Wurundjeri people always have had a deep connection to the land along the Maribyrnong River, and today there are still burial sites and scar trees that are currently managed in partnership with the local communities, councils and the government to keep the Aboriginal history alive.

The Maribyrnong River gets its name from Mirring-gnay-bir-nong, which translates as 'I can hear a ringtail possum'. The Maribyrnong River was originally called the Saltwater River because salt water from Hobsons Bay penetrates the river for a considerable distance. The skeletons of sharks and dolphins are found under Maribyrnong Park, where oysters and other marine shells are actually found right up until Steele Creek enters the Maribyrnong River. Once the tides of Hobsons Bay influenced the Maribyrnong River as far as Braybrook and Avondale Heights, where it changes into fresh water.

Before the arrival of European explorers and settlement, the area around Footscray was utilised by the Marin Bulluk clan of the Wurundjeri tribe for more than 40 000 years. The Maribyrnong was actually of great importance to the traditional people and was used for food and medicine. It was their drinking water. They travelled down the saltwater part on canoes. There were edible plants that grew on the river flats, and there was big game. They are still there today, locked into the Maribyrnong defence force site, because it has been a fenced-off area for a very long time. There are currently grey kangaroos and rock wallabies there. I myself have taken my children down to Cranwell Park in Braybrook, and I have seen echidnas in Braybrook, so the Maribyrnong River is still thriving.

Why I am speaking about the Maribyrnong River is because I do not see in any of the information that I have read from Melbourne Water or the like talk about some of the problems that the Maribyrnong River currently faces. One of them is the crown-of-thorns starfish. These crown-of-thorns starfish are an animal that naturally eats reefs, and they are naturally seen in the Indo-Pacific region, including the Great Barrier Reef. They are coral-eating starfish that have no predators in the Maribyrnong River. They are arriving in Victoria on the hulls of container ships, and they make their way into the Maribyrnong River. You just need to go for a walk and you see them everywhere. I have great concern about this because I do not see anywhere a big chunk of money to fix this problem. I have heard that the federal government and apparently the Prime Minister talk about these crown-of-thorns starfish, but he talks about them in terms of the Great Barrier Reef. He fails to see the importance of looking after my Maribyrnong River in the west.

We obviously have a desalination plant, and I have heard from my community that over the years they have been disappointed at the amount of money that was spent by previous governments on this desal plant. I have also heard from my community their concerns that have been raised of late in and around the fires in West Footscray and the problems that occurred at Stony Creek. Stony Creek is another creek that runs along Yarraville, goes through the Yarraville area and through Sunshine and goes all the way into Brimbank and Brimbank Park. The Brimbank council has taken the initiative, and they currently have a project located on Melbourne Water land that has brought together all levels of government along with private enterprise to rehabilitate a 1.2-kilometre section of the upper Stony Creek from the existing concrete drain back to its natural state.

Now, you have to understand with Stony Creek, a bit like Moonee Ponds Creek, that maybe only 50 or even 30 years ago these creeks were actually concreted and industry was allowed to pump dirty,

contaminated water into those creeks. Governments over the last, say, 20 years have been removing that concrete, re-establishing the native grasses and trying to get the creek back to its native form for my community to be able to walk along and cycle along and enjoy. The Brimbank City Council realised that the realisation of their project would create a natural cool zone for the community in times of heatwave and a refuge for some of Melbourne's most vulnerable communities, who disproportionately feel the impact of climate change and are particularly vulnerable to heat.

There are seven project partners when it comes to the Upper Stony Creek rehabilitation project, including the federal government and the Victorian government. They have invested a combination of \$11 million to transform the site into a vibrant and natural community precinct. However, as happens with many projects in Brimbank and the western suburbs, shortly after breaking ground it was discovered that the site was contaminated, and the project came to a standstill after funds had been exhausted due to the escalating remediation costs and the need to clean up the asbestos and contamination.

What once was a beacon of hope for the Brimbank community—a transformational project that was designed to be a first in the Southern Hemisphere—is fast becoming an issue of environmental justice for the west. All of the project partners and agencies have identified that they want to keep the project going, but more money is needed to cover the cost of completing the remediation works and finishing the job that was started. We need leadership from this government to finish that project for my community in the west. What is obviously needed is more money to remediate the site. They wish to complete the works—including the wetlands, a revegetation of the creek bed and walking paths—and deliver on the promise to create a natural cool zone for the local community in times of heatwave. So as you can hear, they have started the project and have not really got to completion at all due to finding contamination in this upper part of Stony Creek. So the community of Brimbank are wanting this Parliament to help rescue that project from incompleteness.

I am also going to thank the government—as I always try to do—for recognising the City of Maribyrnong's project looking after the Footscray part of the Maribyrnong River. They have, and I thank them again, put money towards making sure that there is a realisation of better amenities when the West Gate Tunnel Project goes through along the Maribyrnong River. The Maribyrnong River is a wonderful river, much loved by my community. It stretches from Footscray, as I have said earlier, all the way through Avondale Heights to Kealba and beyond, right up into the Macedon Ranges. The Maribyrnong River has in past times often been treated as the second-rate river of Melbourne, as priority has always gone to the Yarra. I, here today, refuse to allow that to continue to occur. The waterways of the west need urgent attention and deserve as much of this Parliament's time as any other catchments and any other waterways in Victoria.

I also just briefly talked about the lower end of Stony Creek in Yarraville. Obviously with the West Footscray fires a huge amount of contamination occurred in Stony Creek. This Parliament, as an election promise, put \$1 million towards it. At the time, during the federal election, Bill Shorten made a promise of around \$3 million to \$5 million to get more works done for that area, but I have not seen the Daniel Andrews government pick up the Bill Shorten Labor Party promise to continue what the Labor Party was hoping to achieve federally. If we do not have the money as a Parliament, we should be making sure our federal colleagues do their job and find that money for Stony Creek. So I urge the coalition to talk to their mates and get some money for the west.

So we come to the bill. As you can hear from the passion in my voice, the waterways of the west are very important. I understand that this bill is trying to help in many ways to recognise the Aboriginal community in my area, and the elders that I have spoken to in my area are pleased to see, finally, some Aboriginal recognition—recognition of their right to and their love of the waterways of the west. I only hope that this Parliament takes what I have said on board and has some meaningful conversations with my communities and those councils around looking for projects to improve the amenity and the

waterways of my western suburbs—and northern suburbs, mind you, because there is Moonee Ponds Creek, and that goes way into the top end of the west and across the north and the north catchment.

I also understand that there has been previously a lot of money spent on flood mitigation for the Maribyrnong River because the Maribyrnong River is prone to floods. Only just recently has City West Water allowed the City of Maribyrnong to make any improvements around Footscray Park, due to always giving priority to the Melbourne Cup and Victorian racing rather than the needs of the Footscray community on the other side of the Maribyrnong River. I would hope in many ways that there is money to be found for these very important identified projects for my community and that the water catchment bill is just the start of the conversation. I especially hope that the Brimbank community, who are much deserving, do get money to actually continue the good work for the Upper Stony Creek project. I will leave it at that.

Ms TERPSTRA (Eastern Metropolitan) (14:38): I rise today to make a contribution in regard to the Water and Catchment Legislation Amendment Bill 2019. I have been listening to some of the contributions in the house today, and I note that some of the contributions have very ably gone at great length into detail about some of the fantastic aspects of this bill, particularly in regard to inclusion and ensuring that Aboriginal cultural rights in regard to water are respected and acknowledged. That is an important feature of this bill, but nonetheless there are many important features of this bill, and I might just touch on some of them which will signal to the Victorian community the seriousness with which the government treats ensuring that we protect our natural resources, such as water, and how important water and the need to protect it is to our communities.

One of the features of the bill is to make sure that compliance and enforcement have been strengthened and to make sure that there is a clear message about the need to comply with regulatory frameworks. I might just touch on, for example, some of the amendments in the bill to the compliance and enforcement provisions in the Water Act 1989. The commonwealth Water Act 2007 integrates management of water resources across the Murray-Darling Basin, including new limits on how much water can be taken from the basin's surface and groundwater systems. It also establishes the independent Murray-Darling Basin Authority (MDBA), which is charged with preparing a Murray-Darling Basin plan. Victoria's commitment to implementing the recommendations of the basin compliance review and meeting the basin plan requirements depends in part on the bill's amendments to the Water Act 1989, so that is very important.

In terms of the recommendations of the MDBA compliance review, there are three that the bill will focus on implementing, and they are: one, to propose any legislative amendments necessary to ensure strong penalties and greater consistency between the Murray-Darling Basin states—New South Wales's maximum penalty for intentional water theft is \$1.1 million for individuals and \$52.2 million for bodies corporate; two, to reduce the burden of evidence and simplify offences by way of strict liability; and, three, to have an appropriate range of penalties and sanctions.

The redrafted offences produce three levels of seriousness. First of all is the intentional commission of an offence; secondly, the reckless commission of an offence; and, third, strict liability, which is that the offender's frame of mind is not relevant at the time. These three levels now make it clear which offence needs proof that the accused was reckless and which offence does not require any proof of the accused person's frame of mind—so that goes to the last aspect of strict liability. Modern drafting style takes into account feedback from the courts who have had to interpret offence provisions and deal with them in the court system. Each offence needs to be clear on every element of proof, and any single offence provision should not include alternative options for what needs to be proved. The three levels of seriousness are also necessary to enable a proportionately different maximum penalty to apply at each level.

In terms of reckless liability, currently the elements of intent and recklessness are not written into the offence provisions but would have been implied by the courts and consequently would require the implementation of a High Court ruling. Therefore the whole-of-government criminal law policies

require that offences with very high penalties must require proof of intent or recklessness. Another element of the aggravated offences that justifies the very high penalties is the need to prove the offence resulted in serious harm to land, works or water or significant economic loss of a person.

So some of the penalties are indeed being increased in this legislation. It is the view of government that indeed the penalties that existed were inadequate. In many cases the courts would fine a person only \$1500 to \$3000 for taking water—which is considerably less than the cost of buying water from the rural market at approximately \$400 per megalitre—and profiting from a crop at the expense of the environment and other water users. In order to deter water theft we need to make sure it is not cheaper for farmers to steal water and then to pay a fine. In effect the cost of doing business should not operate like that. The penalties therefore are being increased because one of the recommendations of the basin compliance review is to ensure that there are stronger penalties that are also more consistent between the basin states.

While Victoria cannot legislate maximum fines precisely as high as New South Wales has, this bill will move Victoria's maximum penalties towards greater consistency between the basin states, and it is a welcome move. In terms of the other states' maximum penalties for taking water without authorisation, in New South Wales, for example, the maximum penalties for intentional water theft are \$1.1 million for an individual and \$5 million for a corporation. New South Wales increased its maximum fine from \$2.2 million to \$5 million in 2018. For water theft, enforced as a strict liability offence, in New South Wales there is now a \$247 500 fine for an individual and \$1.1 million for a corporation. In Queensland the maximum fine for taking water without authorisation is \$210 030. In South Australia the maximum fines are \$35 000 for an individual and \$70 000 for a corporation or a rising tariff of overuse fees of \$260 per megalitre for the first 10 per cent taken in excess of the authorised amount, \$780 per megalitre for between 11 per cent and 25 per cent, and it goes on. Holders of water rights in South Australia must balance their water accounts in June each year to ensure they are not penalised for overuse.

How will Victoria's penalties under this bill compare with other basin states' penalties? This bill will increase Victoria's maximum penalties for water theft to approximately 10 per cent to 20 per cent of New South Wales penalties and approximately 50 per cent to 90 per cent of Queensland penalties for strict liability offences, and in Victoria it must also be proven that the offence resulted in serious harm to land, works or water or in significant economic loss for a person.

I hear you ask: how is the maximum penalty for strict liability offences changing? Well, I can tell you that the bill will remove the penalty of three to six months imprisonment from the strict liability offence regime. This is to enable the government to establish a penalty infringement notice scheme to enforce breaches of these penalties with on-the-spot fines. Setting up a PIN scheme is problematic if the offences have imprisonment against them. The bill increases the level of fines for strict liability offences, plus the evidentiary presumptions are being expanded, so enforcing strict liability offences will be more feasible. For example, the power to estimate how much water was taken will be broadened to apply to farmers who pump or divert directly from waterways and aquifers. This power can currently only be used for supply of urban water and for water delivered to rural customers in irrigation districts. There will be a new evidentiary presumption if a person is found guilty by a court of interfering with a meter. It may be used as a presumption that the person took water without authorisation.

We believe that under the strict liability offences the fines that are being set are not too high and in fact strike the right and correct balance. Under the level of offence for non-aggravated strict liability offences, which will most likely be the level used for enforcement, the maximum penalty will be only \$38 000 for an individual or \$190 000 for a company. These are only maximums, and courts usually impose fines of between a quarter and a third of these amounts for first offenders. Further, imprisonment will no longer be one of the possible penalties for this level of offence. In regard to the non-declared water systems, licences to take and use water cost approximately \$1000 per megalitre, so

a small 20-megalitre licence can cost around \$20 000 and an average-sized licence of 700 megalitres can cost around \$700 000. Buying temporary water off the market can vary greatly depending on the source of water—for example, between \$100 and \$500 per megalitre.

That is just a little bit of background in regard to the offences. I will finish talking about offences on this point for now. In regard to whether the maximum penalties for aggravated offences are commensurate with other offences, we believe that the penalties are not disproportionately high, because the offences with high penalties of 10 or five years imprisonment for an individual or for a corporation require proof that the accused committed the offence knowingly or recklessly respectively. They also require proof that the offence resulted in serious harm to land, works or water or in significant economic loss to a person. The new penalties will be commensurate with the offences of theft and obtaining property by deception under the Crimes Act 1958, for which the maximum penalty is also 10 years imprisonment or 1200 penalty units and for which there is no requirement to also prove the offence resulted in serious harm or significant economic loss.

Now, there is an important distinction to make between taking water, diverting water and using water. Under the regime, water is taken when it is pumped directly from a waterway, an irrigation channel or an aquifer. Water is diverted when, for example, a dam is built away from a river and the water is diverted from the river into the dam using a canal or a gravity-fed pipe. Water is used when, for example, a dam is built across a waterway to hold the water and the water then evaporates or seeps into the ground. In effect those offences and that additional information clarify the basis upon which these things can be taken into account by the courts. What can happen, for example, if a person is just trying to maintain or repair the meter on their land? Could they in fact be wrongly accused of taking water without authorisation? For example, meters used by a water corporation to measure water supplied, delivered, taken or used on land are the property of the water corporation or under the management and control of the water corporation. There is no reasonable reason for a landowner or occupier to in fact maintain or repair the meter.

If a person interferes with a meter, it is an offence of interfering with the meter under section 288 of the act, and the same types of laws apply to gas and electricity meters. In the case of someone accidentally damaging a meter, for example, the Water (Estimation, Supply and Sewerage) Regulations 2014 require an occupier of land to notify the relevant water corporation of the loss of or damage to an authority's water meter within two business days after first becoming aware of the loss or damage. If they do this, there will be no reason for a water corporation to suspect the meter has been wrongfully put out of action. Also, under these water regulations, if requested by a land occupier, water corporations are required to test the accuracy of a meter and replace it if necessary.

You can see that some of those relevant provisions and arrangements have been put in place to strengthen and protect water as a natural resource but also to clarify penalty regimes and the arrangements under which somebody may in fact be charged with an offence or have to deal with an offence before the courts. I conclude my contribution there, and I commend this bill to the house.

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (14:53): I thank all members for their contribution to the debate on this important legislation. I know that members all have a great interest in the management of our water resources, and indeed the debate has been quite wideranging. But I have a couple of matters that members have raised with me or with the minister and/or her office through the running of this bill that I will respond to by just making a few brief concluding remarks.

As members have observed, the actions in *Water for Victoria* support a healthy environment, a prosperous economy, growing agricultural production and of course thriving communities. This bill makes some really important changes to the underlying principles and thinking that guide how we manage our water resources. Many members have spoken during the debate about the importance of better inclusion of traditional owners and Aboriginal Victorians in planning for and managing our water resources, and we are very proud to be making that change through this legislation. This bill will

embed in the Water Act 1989 and the Catchment and Land Protection Act 1994 enduring obligations to ensure that traditional owners and other Aboriginal Victorians have a seat at the table when plans and strategies are prepared for our water resources, waterways and catchments.

The bill also, importantly, embeds our government's commitment to ensuring our lakes, rivers and other waterways are made available as much as possible for the community's recreational enjoyment and benefit. I do get to see a lot of this firsthand in my boating and fishing portfolio responsibilities, and I have also seen this in my many years representing Western Victoria. When I was first elected to this place and visited the communities throughout Western Victoria as a new local member, we were many, many years into the millennium drought and the importance of recreational water use for communities was just palpable. Whether it was around synthetic sporting surfaces or a place where people could go for a splash, this was something people missed so very much. When, on occasion, recreational water could be made available through that particularly challenging period in the state's water history, the relief in the community was palpable.

A recent piece of research from indeed that region, the *Wimmera Southern Mallee: Socio-economic Value of Recreational and Environmental Water* study, found that 24 waterways in the region provided \$27.5 million in economic benefit and attracted more than 437 000 visitors in one year alone. So not only is being on the water exceptionally good for people's wellbeing, for their mental health and for their ability to spend time with family and friends, it is also very important for the economy.

This bill gives longevity to these valuable policies and actions, and it does embed ongoing obligations for the water corporations, the catchment management authorities and the Victorian Environmental Water Holder to consider and incorporate recreational values in the way they manage water resources, waterways and catchments while of course still giving priority to their core obligations around the holders of water rights, environmental obligations and preserving the very high standards of safe drinking water that we mostly get to enjoy in Victoria almost all of the time in almost every community.

Compliance has been a hot topic in national water policy and debate in recent years. Members will recall in a 2017 *Four Corners* program a very concerning report around water misappropriation in the northern basin states. Our government and Minister Lisa Neville were very quick to call for action supporting a basin-wide review of compliance and agreeing to better monitoring and metering to ensure compliance with those rules. The compliance review by the Murray-Darling Basin Authority found that Victoria has a good record and culture of complying with water laws—which does not surprise me, but it is still pleasing to have that confirmed—and it made that observation in comparison to the experience of the northern basin states. But in line with the review, we certainly recognise that Victoria's water laws can continue to improve, like lots of things. Where there is an opportunity to improve, we will take that opportunity.

The bill will delay the long-term assessment of water resources in northern Victoria until 2025. The reason is that—and I think this is perhaps one of the questions Mr Davis is keen to hear some further explanation on—the state's program of works to meet the sustainable diversion limits imposed by the Murray-Darling Basin plan will not be completed until 2024. Simply this is just a practical measure to avoid people having to go through something twice when they can go through it once. The water, through those projects, is still being returned to the environment, and environmental works and measures are still being put in place to meet those targets. The long-term water resource assessment should take into account those actions under the basin plan, and the best time to do this is after the implementation of the plan. It is worth noting, I think, that Victoria has already recovered or identified 800 gigalitres for the commonwealth of environmental water and that with projects undertaken to date and those in the works we are on track to reach our target of 1075 gigalitres. We are, as we have been for some time, well ahead of the other basin states.

I think there was some conjecture in the debate in the other place about what was the best approach here, but, just to clarify for the comfort of the opposition, this is just a very commonsense, practical

measure to make sure we are measuring the right thing at the right time rather than having that happen twice and having that happen prematurely.

There is an amendment that has been circulated in Mr Davis's name, and it is very similar in form to one that was circulated in the other place during the last sitting week, which is around the long-term assessment and subsequent review—specifically, the consideration of commonwealth environmental water holdings. We do not believe that there is any need to specify individual entitlement holders; the assessment as proposed takes into account all water resources, listing different types of water rather than individual entitlement holders. So I can absolutely reassure the house that all environmental water will be considered. This amendment that is proposed the government will not be supporting. We just do not believe it is necessary for its intended purpose. The current wording in the bill will more than suffice. So it is a little without purpose, but I understand that the opposition are keen to proceed with that, so we will cross that bridge when we get into the committee stage.

There are some issues around red-tape reduction and the impact of that that Mr Quilty has been interested in in particular. I did not have the opportunity to hear his contribution to the debate, but I believe I understand the nature of his concerns. So what I would indicate to Mr Quilty and to the house is that of course the government is doing everything it can to reduce red tape, because red tape costs water consumers, and the government wants to minimise costs to householders in whatever way it can. So the bill replaces 15 pages, or 23 sections, of unnecessary provisions with three pages, or seven sections, of legislation. The process for determining rights will be the same as the process already used for metropolitan water and sewerage districts, and that has been used since 2012. I want to stress that no accrued rights of any landowners will be affected, because new section 122L will save all districts in existence immediately before the new provisions come into effect. New section 336 will also save all serviced property declarations in existence immediately before the new provisions come into effect. So I hope that has provided a level of comfort for Mr Quilty on that particular question.

Just briefly, many members made contributions during the debate. In no particular order, in response to Dr Cumming, we share her interest and concern about the importance of rivers in Melbourne's west. We absolutely recognise the environmental, recreational and cultural values of the rivers. Waterways of the West is being supported. There is a ministerial advisory committee to ensure that the minister is engaging very directly and very clearly with people who have an interest in this. On the mighty Maribyrnong and Werribee rivers and Moonee Ponds Creek we know that there is more to do. I might just give a gratuitous shout-out to our good mates from the Essendon Anglers Club, because the last couple of times I have been on the Maribyrnong River I have been with them, and they are a dynamic and wonderful angling club—so hello, Essendon.

Mr Bourman referred to high flows and the impact on the Murray River and the Barmah Choke, and in response to that I would indicate that the government has announced all new licence applications in the lower Murray will be assessed by the minister against criteria including impacts on the environment and deliverability to irrigators.

Dr Ratnam wanted to make sure that we were thinking about climate change in how we manage our water resources—we are, just for the avoidance of any doubt about that. She wanted us to do a whole lot of things that we are already doing. On the question of Aboriginal water I think it is important, just in response to Dr Ratnam, to make the point that it is not just about legislating; there is also \$10 million there to support greater capability in Aboriginal water management—so working with traditional owners on projects and on economic development opportunities. I think we all have a lot to learn from traditional owners about how we collectively manage our waterways.

I would also just respond to Dr Ratnam by correcting the record. We have not had major fish kills in Victoria; that was in New South Wales. We did indeed offer to assist them with their clean-up. It was a very, very unfortunate event, but we monitor these things very, very closely in terms of our fish populations. Our water corporations are leading in mitigating and adapting to climate change. They

are working towards net zero emissions, and they are building water-saving projects and drought-resilient infrastructure and indeed drought-resilient communities across the state.

I hope I have acquitted a few of the things that people had questions about, but we will no doubt go into committee and talk in a little bit more detail about Mr Davis's amendments. If members have any other questions on the bill, I am happy to assist them. I commend the bill to the house.

Motion agreed to.

Read second time.

Referral to committee

Mr QUILTY (Northern Victoria) (15:07): I move:

That the Water and Catchment Legislation Amendment Bill 2019 be referred to the Environment and Planning Committee for inquiry, consideration and report by Tuesday, 26 November 2019.

I will be very brief, particularly because I did not know that I was allowed to speak to this. I have been contacted by a constituent. I imagine I am not the only person here who has been contacted. There have been frequent messages over the last few weeks, and the minister touched on that in her closing speech. The constituent is concerned that they have residual or accrued rights that will be extinguished by this bill and the minister will be getting new powers. I understand that the minister assures us that that is not the case, but I made a commitment that I would try to send this to committee for further consultation.

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (15:08): The government will oppose this referral to a committee. Really, irrespective of the argument for that process, I have had about 45 seconds to determine the government's position on this. This matter was not flagged with us beforehand. I encourage the member when seeking to establish parliamentary committee inquiries into matters to engage with us a little earlier, and then we might be in a different position to be able to consider things. But this is very short notice and we are pretty keen to get this legislation passed to be able to implement the changes that have been worked on for some time. I think if you have a constituent who has a particular concern or question about these matters, then there are other ways that we can go about that to provide whatever satisfaction or further information any individual might seek.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:09): Can I just indicate that like the minister we have only learned of this just now, and it is difficult in that circumstance to take a considered and thoughtful position. I think some of the issues that the member is referring to are legitimate matters that we are seeking some assurance on. Steph Ryan, the shadow minister, has provided some legal views to me about that, and I understand that she has also provided some of that material to the minister. We will be seeking some clarification in committee on exactly those matters. So my point is to agree with you, Mr Quilty, in terms of the significance of the points that you are raising, and we have a particular process that we are pursuing here. I am hopeful that the minister will be able to provide some of those answers in committee.

There is a longstanding issue where water rights are changed, both in the city and in the country. There is an economic impact and a social impact, part of which I referred to in my contribution. I think the community is very cautious about pre-emptory activities of government—potentially capricious activities by governments—that affect not only the value of the property but the usability of it and the quality of people's lifestyles. So these are legitimate questions to pursue, and I will certainly pursue some of them in committee. As I understand it, the minister has been provided with some material for her to comment on.

Motion negatived.

Committed.

*Committee***Clause 1 (15:12)**

Mr DAVIS: As I alluded to just a moment ago, there have been discussions between the opposition and the government on this particular issue. Some of the material that Steph Ryan, our shadow in this area, has provided to me and indeed provided to the minister point to matters around provisions of this act—part 6A, various parts of section 122 and some of the issues around that. I might just summarise some of the questions that were raised. In summary, the minister should at a minimum be required to give notice of a proposed determination to vary or abolish a district in accordance with the same requirements set out in section 122P of the principal act, which relate to a proposal by an authority under section 122M of the act to establish a new water district or sewerage district or extend a water district, a sewerage district, a waterway management district or an irrigation district.

The specific questions that were put were: can you confirm a variation or abolition of part 6A could mean that it probably is no longer serviced under section 144? Why has the government dispensed with the obligation to publish a notice in a newspaper circulating generally in the area concerned before moving to vary or abolish? Did the government obtain any advice on whether changes to these provisions would impact on property values? What compensation will be available to property owners in the event a minister decides to abolish or vary water or sewerage districts resulting in an impact on property rights? Finally, Minister, you would be aware of the concern of residents from Diamond Creek who believe these amendments give the minister unbridled power to vary or abolish water supply or sewerage districts. What guarantee can you provide that this provision does not unjustifiably or inequitably remove their rights?

Ms PULFORD: I can just illustrate this by listing the sections that exist now and the sections that will replace them. But in doing so, the effect of all of this is no change, so I want to provide that reassurance. The existing powers to vary a district are in sections 122GAB, 122M, 122S, 122Y and 122Z. They will be replaced with a new section 122I. The existing powers to abolish a district are in sections 122GAB, 122Y and 122Z. They will be replaced with section 122I. So the bill saves all existing districts, as I indicated in my summing-up comments, in a new section—that is, section 122L.

Mr DAVIS: So I now move to a different set of questions, on clause 1 quite specifically. I want quite a direct and quick response; I am not looking to drag this out. You have talked about the rationale in delaying the initiation of the long-term water resource assessment by seven years. You have tried to explain it is only to do it once, not twice. I would have thought it was also—

Ms PULFORD: At the right time.

Mr DAVIS: Yes, rather than repeated. I would have thought it is possible to do much of that work earlier and in a sense top it up or revisit the work in some—

Ms PULFORD: Refresh it.

Mr DAVIS: Refresh it is a nice way—spruce it up.

Ms PULFORD: So there are a couple of reasons. As you point out, there is one which is about inconvenience for people who would have to be involved in something twice rather than once. But the main reason is that while the savings are being made water is still moving as part of the arrangements that are in place through the Murray-Darling Basin plan. It is literally a fluid situation, so it just makes sense to wait until that work is concluded before making those assessments.

Mr DAVIS: I understand the minister's point, but I still think that there is an aspect where the state may be better armed and better positioned with respect to the national arrangements to have more data and more assessment earlier.

Ms PULFORD: I concur; it is a very reasonable question. I am advised that as part of the Murray-Darling Basin plan there is constant monitoring, there are yearly reports and that information is shared with the commonwealth and the other basin states. So it is not like we will be starting from scratch. That work is ongoing. That particular assessment will occur when the works are completed and the savings have been found and there is then, I guess, a stable point to measure.

Mr DAVIS: On a separate question, in regard to the changes affecting salinity impact charges, was a regulatory impact statement (RIS) conducted—because my understanding is it was not—and if not, why not?

Ms PULFORD: Because the bill does not change the way the salinity management scheme works, it does not alter the charges. It supports Victoria's long-held policy of requiring beneficiaries to pay for any environmental and third-party impacts resulting from their activities. I understand that the opposition have called for a regulatory impact statement to be produced, but the bill contains no proposed changes to the level of the fees or to who pays them. The salinity impact zones and program of works in the Mallee have enabled over 39 000 hectares of new irrigation development in low-salinity areas while protecting the Murray River and downstream water users. There has been a great commitment by everyone involved to deliver that outcome. The short answer to your question about why there was not a regulatory impact statement is because there are no changes to the fees.

Mr DAVIS: On a separate manner, why were the amendments regarding compliance not included in the 2017 iteration of this bill?

Ms PULFORD: Much of this bill, as Mr Davis indicates, was prepared some years ago. What happened in 2017, as I indicated in my concluding remarks in the second-reading debate, was that there was concern about compliance and misappropriation in other states, which was the subject of that *Four Corners* report in 2017. So it was in response to that that our government called for a review. The review found that there was a really good record of compliance in Victoria but that there were some opportunities that existed to improve. There was information that came to light as a result of that review—some I think modest opportunities for improvement. So given the legislation was prepared and well advanced, we took the opportunity to make those improvements at the earliest opportunity. But, yes, that information was not known to us in 2017 because the review had not occurred.

Mr DAVIS: I thank the minister for that response. By way of not a further question on this but just by way of comment, I would say that those compliance amendments are quite similar to those posed in the 2014 bill that the former National-Liberals had to proceed with. It would have been worthwhile to have them in that first version of the bill. But leaving that aside, I just make that as a comment on the way through.

Ms PULFORD: My memory is not that good, Mr Davis.

Mr DAVIS: And nor is mine, but I am provided with notes, where those who spend their life examining water bills have drawn that distinction. I just make that point and have no further points to make on clause 1.

Mr QUILTY: Returning to ground we have already ploughed a couple of times now, and I accept that you have spoken on this already, but I will just go through this. We would like confirmation that the bill does not directly grant the minister any new powers that can extinguish any accrued rights or entitlements that currently exist; diminish any claims to compensation for the removal from any districts and associated rights or entitlements; diminish any claims to compensation for the removal from being a serviced property; diminish any claims to compensation for removal from any water, sewer, drainage or irrigation districts; alter the continued duties, functions and responsibilities that Melbourne Water Corporation inherited from the Plenty-Yarrambat Waterworks Trust and urban district; or diminish any appeal rights or notification rights. Can the minister assure us that the bill does

not do any of those things above in relation to the properties at 175–199 and 201–219 Ironbark Road, Diamond Creek, and the adjoining property at 40–60 Pioneer Road, Yarrambat?

Ms PULFORD: I can absolutely provide that assurance in the general. So that is something that is an assurance I can provide to all landowners in Victoria, as I indicated in the summing-up and in response to Mr Davis's first question. I will resist the temptation or perhaps decline your invitation to comment on a specific property or properties. I am not sure that that is appropriate, and there are perhaps other ways to seek that assurance about a specific property. But in general and with a statewide application I can absolutely give you that assurance.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5 (15:27)

Mr DAVIS: I move:

1. Clause 5, page 8, after line 24 insert—

(11) In section 3(1) of the Principal Act **insert** the following definition—

“*Commonwealth environmental water holdings* has the same meaning as in the Water Act 2007 of the Commonwealth.”.

As I have made clear, this makes amendments to ensure that the definition of environmental water and environmental water reserve in the Water Act 1989 includes environmental water held by the Commonwealth Environmental Water Holder. I accept the government's assertion, which was made in good faith, that there is no negative impact in not making this change, but I would put to the minister that this in a sense is a belt-and-braces approach. Let us be quite clear about it. If there is no detriment to making this super clear, well, let us make it super clear. In that sense I seek the support of the chamber for my amendment 1, which is to clause 5, which as I understand it is regarded as a test for all of the amendments that have been proposed by the opposition.

Ms PULFORD: The government will be opposing this amendment. I think Mr Davis and I agree that it is minor in nature. We think that it is clearer without rather than in the bill in the language that Mr Davis has proposed. So we will be opposing it for the reasons that I outlined earlier.

Committee divided on amendment:

Ayes, 11

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

Finn, Mr
Lovell, Ms
McArthur, Mrs
O'Donohue, Mr

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

Noes, 28

Barton, Mr
Bourman, Mr
Cumming, Dr
Elasmar, Mr
Erdogan, Mr
Garrett, Ms
Gepp, Mr
Grimley, Mr
Hayes, Mr
Jennings, Mr

Kieu, Dr
Leane, Mr
Limbrick, Mr
Maxwell, Ms
Meddick, Mr
Melhem, Mr
Mikakos, Ms
Patten, Ms
Pulford, Ms

Quilty, Mr
Ratnam, Dr
Shing, Ms
Somyurek, Mr
Stitt, Ms (Teller)
Symes, Ms
Taylor, Ms (Teller)
Terpstra, Ms
Vaghela, Ms

Amendment negatived.

Clause agreed to; clauses 6 to 13 agreed to.

Clause 14 (15:36)

Mr DAVIS: On clause 14, Minister, I just wonder whether you can explain the rationale of the date proposed in the substitute section 22K(a)(i) over the current date in the Water Act.

Ms PULFORD: Sorry, Mr Davis, can you repeat that?

Mr DAVIS: It is 22K(a)(i), 31 January 2025. It is a repeat of the earlier question in a sense.

Ms PULFORD: This is one of those ‘You learn something new every day’ kind of moments. The language there is based on the recommendation from parliamentary counsel about providing absolute certainty about the day on which one set of arrangements stops and the other starts.

Mr DAVIS: Thank you. The further question I have relates to the next bit of this section 22K. Can you explain when the long-term water resource assessments for other Victorian water resources were supposed to be under the Water Act 1989 and explain why they have been delayed to 2021?

Ms PULFORD: There is only one other, and that is the southern long-term water assessment. There is nothing in this bill that changes the timing of assessments. The first 15-year assessment is underway, and that date represents the point at which the second period of assessment commences. They are 15-year periods.

Clause agreed to.**Clause 15 (15:41)**

Mr DAVIS: Just on clause 15, ‘Preparation of draft long-term water resources assessment’, the question I have is: can you explain how notice will be provided to affected irrigators and irrigator groups?

Ms PULFORD: The group that the question relates to represents half of Victoria, so this is usually done through representative organisations like the Victorian Farmers Federation. Also there are public notices, and there is a website that provides this information as well, But representative organisations—

Mr DAVIS: Are there postal comms as well?

Ms PULFORD: No, not individual letters to half the state but through representative organisations.

Mr DAVIS: Or in their rates notices or something?

Ms PULFORD: Can I take that question on notice?

Mr DAVIS: Yes.

Clause agreed to.**Clause 16 (15:43)**

Mr DAVIS: On clause 16, which is ‘Consideration and publication of long-term water resources assessment’, my question is: what is the rationale for increasing the period in section 22O(3) from 12 months to 18 months?

Ms PULFORD: With your forbearance, Deputy President, if we could jump back to the last question, I have the answer to that. We do not provide written notice to individuals, but the water corporations all have customer consultative committees. So in addition to representative groups, public notices and the website, there are those customer consultative committees as well.

In response to the more recent question on clause 16, 15 years ago when these arrangements were put in place 12 months was thought to be an adequate period of time to properly consult and consider these matters. Over the last 15 years the level of community interest and the complexity around these issues

have become greater than was perhaps anticipated 15 years ago, and so to do a thorough job of this takes a little longer than everybody thought it would 15 years ago.

Clause agreed to.

Clause 17 (15:46)

Mr DAVIS: Clause 17 is ‘Review following long-term water resources assessment’, and it deals with a number of points here. I guess the question for us is: can you explain the rationale for the groups ‘economic and environmental matters’, ‘Aboriginal cultural values and uses of waterways’, and ‘social and recreational matters’? Is there any grouping of hierarchy in that that is operating, and why the pairing in this matter?

Ms PULFORD: These are things for the minister to have regard to, and I think the second-reading speech and the comments that I made in concluding the debate really respond to this—the responsibilities of our water authorities to consider these additional responsibilities as well as the things that they have always done.

Mr DAVIS: Yes, the second-reading speech—Minister, thank you for that—is relevant of course, but that does not really get to the question of why this pairing in this way.

Ms PULFORD: I am wondering if Mr Davis could try and ask the question again because I am not sure exactly what he is after from me here.

Mr DAVIS: You have got these things in three duos, if I can put it that way. Is there some significance in the way that they are grouped? Is there some logic in that? Why are recreational matters not related to uses of waterways? Why are environmental matters not also, and so forth? It seems to me there is a choice of groupings here. Is there some rationale to that, or did it just fall out of the thesaurus?

Ms PULFORD: The drafters have been giving consideration to the readers. That is a big part of it. The three values—and members will all be familiar with the notion of the triple bottom line of economic, environmental and social—were there already, and what we have added is ‘Aboriginal cultural values and uses’, as many members have reflected on during the second reading. To ‘social’ we have added ‘recreational’.

Mr DAVIS: And there is no hierarchy?

Ms PULFORD: No.

Clause agreed to; clauses 18 to 26 agreed to.

Clause 27 (15:50)

Mr DAVIS: Clause 27 is ‘Renewal of licence’, and I just want to ask one very simple question: who makes the decision on an application for renewal under proposed section 58(7)?

Ms PULFORD: The water corporation acting as the delegate of the minister.

Clause agreed to; clauses 28 to 36 agreed to.

Clause 37 (15:51)

Mr DAVIS: This clause 37 inserts new section 75A, and my first question is: does new section 75A apply retrospectively to works carried out prior to the commencement of this bill?

Ms PULFORD: No.

Mr DAVIS: I have another question on the same section. Does the new section apply to levee banks?

Ms PULFORD: I am advised that it does if they do not have a permit.

Mr DAVIS: Thank you, Minister. Also, for the purpose of the new section 75A, ‘regulated activity’ includes the erosion or damaging of the surrounds of a waterway. Does this place an additional obligation on landholders to prevent natural erosion of the levee banks and irrigation infrastructure?

Ms PULFORD: No, it does not.

Clause agreed to.

Clause 38 (15:53)

Mr DAVIS: Clause 38 is ‘Approval of Minister for underground disposal’. I ask the question: can you explain the rationale to make section 76(8)’s target class of person exempt from the requirement to obtain approval under this section?

Ms PULFORD: This is a red tape reduction measure about streamlining the approvals process for less contentious matters. So for the less contentious matters, it is one approval process to run through rather than two.

Clause agreed to; clauses 39 to 43 agreed to.

Clause 44 (15:55)

Mr DAVIS: Clause 44 is ‘Power to give directions concerning dams’. My question is: are the new powers under clause 44 delegable powers?

Ms PULFORD: Yes.

Clause agreed to; clause 45 agreed to.

Clause 46 (15:55)

Mr DAVIS: Clause 46 is ‘Power of Minister to carry out work’, and my question is the same as in clause 44: are the new powers under clause 46 delegable?

Ms PULFORD: They are.

Clause agreed to; clauses 47 to 82 agreed to.

Clause 83 (15:56)

Mr DAVIS: Clause 83 is ‘part 11A inserted’, so that is a new part 11A, ‘Salinity mitigation’. I am asking the minister if she could just explain how the new requirements to publish differ from those in the Water Act 1989.

Ms PULFORD: This part of the bill codifies existing salinity policy, which has not existed in legislation before. It dates back to 1994, and it will effect no change for anyone.

Mr Davis: Is it for clarity?

Ms PULFORD: Yes, clarity and the standing of being in legislation rather than being policy.

Mr DAVIS: Thank you, Minister. As a further point, under this insertion here there is section 232A, ‘Functions and powers of the Minister as to salinity mitigation’, and I ask: can you explain the rationale for that new section?

Ms PULFORD: So these are powers that the Victorian water minister holds as a feature of federal legislation, so the commonwealth Water Act 2007. This will enable the Victorian water minister to delegate these responsibilities to the relevant water corporation so that they can continue performing a function that they are already performing.

Mr DAVIS: Thank you; that is helpful. The further question on this part is on new section 232B, 'Fixing salinity impact charges'. I would like to ask the minister if she could explain the imposition of salinity impact charges proposed in this bill and how they differ from the present system.

Ms PULFORD: There are no new charges, there are no increases. This is very similar to the question earlier about why there was no RIS—there was no RIS because there is no change.

Clause agreed to; clauses 84 to 128 agreed to.

Reported to house without amendment.

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (16:01): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (16:01): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The DEPUTY 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.

ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019

Second reading

Debate resumed on motion of Ms PULFORD:

That the bill be now read a second time.

Ms CROZIER (Southern Metropolitan) (16:02): I am very pleased to be able to rise this afternoon to speak to the Assisted Reproductive Treatment Amendment (Consent) Bill 2019. In doing so I want to say that this bill, as set out in the purposes clause of the bill, is to amend the Assisted Reproductive Treatment Act 2008 to ensure that a married woman is not required to obtain the consent of her spouse to undergo a treatment procedure using donor sperm in circumstances where the woman is separated from her spouse and to amend the Status of Children Act 1974 so that presumptions as to parentage of children operate consistently with the amendments made to the Assisted Reproductive Treatment Act 2008 and to clarify requirements for counsellors for the purposes of surrogacy arrangements commissioned without the assistance of a registered assisted reproductive treatment provider.

This bill on the face of it is of course very sensible. Members of the coalition are very supportive of women in what they choose to do with their reproductive rights, and of course I for one am very supportive of that. In saying so I just say at the outset that the Liberal-Nationals will not be opposing the bill, but we do have and I do have a number of concerns that I want to go through in relation to this bill which have been brought to my attention after many discussions with service providers.

But to go back to the intent of this bill—and, as I said, we are very supportive of the intent of the bill—the history around this, and I will go to the Gorton report in a moment, is that the government has said that the bill largely originated from the outcome of the Federal Court of Australia case *EHT18 v. Melbourne IVF* in 2018 whereby the Federal Court ruled in favour of allowing the woman to

undergo IVF to become pregnant using her own eggs and donor sperm. As it stands currently, a woman is unable to do that without obtaining consent from her husband or separated spouse. She needs to get the consent, and in many instances of course there are delays in court proceedings by the time that the full proceedings of separation and divorce are concluded, and for many women the opportunity for them to be able to undertake this very sensitive and in many instances delicate procedure is reliant on time.

As I said, the intent of this bill I absolutely agree with wholeheartedly, but as I have alluded to, there have been a number of concerns that have been raised through the course of what I have done in my consultation process, and I would just like to put on record my thanks to all those people who have assisted me in understanding their concerns specifically around many issues with what the government is proposing with this bill.

If I could just go back to a little bit of history. As I said, the bill largely originated out of a Federal Court decision, a very important decision, but it also is the result of ramifications from the report from an independent review into assisted reproductive treatment which was undertaken by Mr Michael Gorton, AM, and a panel of others in the review team: Dr Jeff Rich, Dr Genevieve Cowie, Rebekah McDonald, Alison Morris and Sophie Vasenzsky. I think they have done an extraordinary job in relation to reviewing many issues around assisted reproductive treatments, and I would like to place on record my thanks for the work that they did as well.

As the report states and as I think we would all agree in the house, there are a lot of women, a lot of families and a lot of people that actually undertake this very significant treatment to assist in their ability to have a child. Of course the purpose of the Assisted Reproductive Treatment Act is really to assist in the welfare and interests of persons that are born as a result of treatment and to ensure that their best interests are always maintained. With this bill we have seen that in actual fact, as has been highlighted by various stakeholders, they are concerned about some of the unintended consequences. The review that was undertaken by Michael Gorton absolutely highlights some of the risks, and I have read the interim report.

I want to just go through some time lines in relation to how this came about and in relation to how this bill is affected by two recommendations from the interim report—recommendations 4 and 17. In relation to the time lines, it was announced by the former health minister in April of last year that she would commission a review to be undertaken. The purpose of that was to look at assisted reproductive technology aspects that are in the state of Victoria. A lot has happened since 30-odd years ago when the first Victorian child was born through IVF—technological advancements but also different aspects around risks and of course improved technology for improved outcomes. It is really important that we continue to review this because of course we are talking about people's lives. As I said, on the face of it the intent of the bill is a very simple undertaking that I think most people would agree with—well, I would hope that most people in the chamber would agree with it—but it is the other elements that have been highlighted by the Gorton review.

In October last year the interim report of the Gorton review was released. In May of this year it is my understanding that the government received the final report, and just a few weeks ago, in early July, the final report was made public. But what I have been concerned about has been various issues around what has been highlighted in the report. The final report of the Gorton review talks about the risks that have been identified in the treatment process—that is, what surrounds assisted reproductive treatments for clinicians and of course for patients and family members. Obviously they have gone into a huge amount of detail, called for public submissions, got advice from specialists within the field—clinicians, those that are working both in the private and public sector—and put all that information together in this report.

Some of those identified issues that the report did make mention of include improving the quality, safety and experience of assisted reproductive technology; counselling; promotion of inclusive practice; affordability; accessibility; a shortage of donated gametes in Victoria; the causing of delays

for treatment or in treatment; removing the barriers to access; surrogacy, which is a very complex area; the emerging issues around technology and how that intersects with assisted reproductive technology; and ownership and consent issues around gametes and around the treatment itself. There was much more detail in the final report and I am just skipping over a lot of those issues, but I am trying to give the house an understanding of the extent of the report and the complexity around those various issues.

If I go back to the time frames, what has been made very clear to me is that it has been a quite shambolic process in relation to speaking with the affected stakeholders, the impacts on them and the concerns they have about this bill by the government. I have just spoken about the release of the report and the time lines. The bill was introduced in the lower house and debated back in June, but the final report was released after that. At the time that it was introduced in the lower house, a whole range of stakeholders had not even been consulted. They had no input into this legislation. I find that extraordinary because these private providers are doing a huge amount of work in this area. They take it very seriously. They are doing something in the vicinity of 30 000 cycles for Victorian patients, so we are not talking about small numbers here. We are talking of tens of thousands of cycles. They have every right to have an understanding, and I think it is incredibly disappointing that the government failed to consult with them on the aspects of and their concerns about the bill.

Now, the stakeholders in the private areas who I have had numerous discussions with—and I want to again acknowledge the work that they have done—say openly, ‘We support the intent of this bill’. However, there are other aspects—and certainly that is highlighted in the interim report of the Gorton review—about how this issue should be handled, and I will come back to that in a moment. For instance, the Fertility Society of Australia IVF directors group wrote to the minister and asked for an urgent briefing in relation to their concerns many, many weeks ago. I am absolutely incredulous that they were finally given a hearing last Wednesday—last week—by the department. They said that they had a very good discussion with the department where they were able to put forward their concerns on these issues around the very real issue of separation and what that means, and the legalities—the legal issues—for the protection of all parties, not just for the clinicians but also for those women and the patients that they are treating.

Now, I think it is extraordinary that the government went to a major group and consulted with them only last week and provided information to them to allay their concerns. I want to say that I have had a number of conversations with the minister around this, who has assured me that their concerns will be addressed. Even the minister’s own staff have given assurance to stakeholders to say that there will be amendments to this bill so that those concerns can be addressed more fully.

As I mentioned, the Gorton review has made mention of how this is a complex area and needs a proper review; it should not be rushed at all. But we have got this bill before us that has caused a huge amount of consternation amongst a number of stakeholders, especially those in the private sector, who feel that they were not listened to—they were not consulted—and it took weeks and weeks and weeks for the government to act. I am hoping that the government, in good faith, will be able to provide that assurance. I say that because the Scrutiny of Acts and Regulations Committee (SARC) report, which also highlighted some very real concerns around discrimination, around definitions and around various aspects that were also raised by the stakeholders, was only responded to by the minister last Friday. The minister has said, ‘I have responded to all the concerns in the SARC report’, but that was only provided last Friday. So the point I am making is that we have got legislation that is rushed into the lower house. No consultation with a major stakeholder group has been undertaken. Answers are going back and forth after many conversations that I have had in relation to understanding the concerns and getting the assurances from the government to make sure that these issues—these unintended consequences that could very possibly happen—are resolved. In reality the clinicians and the providers that are providing the treatment do say, ‘This is what happens in practice and therefore we need to have the proper protection’.

In her response to the SARC report the minister makes a number of comments in relation to some of the concerns that SARC highlighted, and she has provided that explanation in her written response of last week. The response sets out what SARC identified as the complexity of what is actually in this bill, as others have done, yet it is a very simple statement that came from the government to say, 'We're fixing this'. In fact their media release of 4 June says:

The Andrews Labor Government is making important law changes that will make it easier for women to access IVF treatment.

The minister herself in that statement said:

These amendments are an important step towards ensuring Victoria's assisted reproductive treatment laws are fair, up to date and reflect the expectations of our modern community.

I understand where the minister is going in relation to that, but again it needs to reflect, as she says, a modern community, where we have got clinicians and where we have got people who, in times of emotion and stress and other things, can actually provide misinformation to clinics. In Gorton's final review he makes comments around the implementation process. He says:

In total, the Review has proposed 80 recommendations in its Interim and Final Report. The Review considers that this set of reforms may be best implemented over a number of years. They will require an overhaul of Victoria's ART legislation, and for the government to consider the best approach to that legislative change.

Gorton was saying, 'Don't rush this and make any mistakes. Understand that it is complex and that it is interactive with the principal act, which has certain requirements'. Again, as the treatments and as things have evolved throughout the past few years, we have now got a far more complex environment that we are working in.

A number of areas of concern were highlighted by the Monash IVF Group around the legislation. I want to just read into *Hansard* the concerns that they have about various aspects of the bill, because I think it is important that the government understand fully their concerns and what needs to be done. One of the areas they spoke to me about was around the discriminatory aspects of the bill. They feel that the bill does not cover all scenarios. I quote:

These explain the intent of the change as "a married woman is not required to obtain the consent of her spouse to access a treatment procedure using donor sperm", but this explanation should not be gendered and gives rise to the following circumstances that we do not believe are intentional:

1. This does not allow for a male, separated from his spouse (irrespective of gender) to commission a surrogacy arrangement ...

So when we are talking about same-sex couples who are going into these surrogacy arrangements, the Monash IVF Group have particular concern around the discriminatory nature, and that needs to be addressed if this bill is going to be amended in the future, I suggest. The group continued:

2. This does not allow for the use of donated embryos;
3. Could be interpreted as prohibiting the person from using donated eggs;
4. It is unclear if this would allow a woman separated from her spouse (irrespective of gender) to commission a surrogacy arrangement.

Around the definitions of 'partner' and 'separation' there is a very clear issue that many clinicians have in terms of how people are perceived. Separation comes in so many forms, and to define that is very difficult, because it will have different meanings for different people. We know that there are different living arrangements for so many people in relation to how they live in their domestic lives. Some people are separated and live in the same house and share the parenting of their children. Others are in relationships but live in different homes. I mean, there are so many different forms of how people live, and that is why it is very confusing around separation.

They go on to talk about the definitions, as I said, around partner and separation. They point out that the bill itself implies a number of things, including the following concerns:

1. Implies that a woman separated from her husband could use embryos created with his sperm and while they were together, without his consent. Division 3, section 16(1) and (2), refers only to donated gametes requiring both gamete sources to consent ... the male was not a donor at the time of embryo creation.
2. Implies that a woman separated from her wife could use embryos created with the wife's eggs (under an egg sharing agreement) and while they were together, without the wife's consent.
3. Allows a woman separated from their partner (irrespective of gender) to use embryos created with donor eggs and/or sperm or donated embryos while they were together, without the spouse's consent. These embryos are currently considered 'jointly owned' by the spouses.
4. Allows a person separated from their partner (irrespective of gender) to commission a surrogacy arrangement using embryos created with the estranged spouse's gametes, without their consent.
5. Allows a person separated from their partner, irrespective of gender, to commission a surrogacy arrangement using embryos created with donated eggs and/or sperm or donated embryos and while they were together, without their consent.
6. Prohibits couples who have separated but not divorced and wish to co-parent from doing so as they no longer meet either (a) or (b). In this case, the male is not considered a 'donor' because the intent is for him to be named on the birth certificate and have equal right.

Now, I have read that in because that is essentially a lot of concerns. But the definition of separation or what evidence there is of separation when people do come to the clinics is really what many of the clinicians are concerned about, because a variety of scenarios can arise in relation to how people do approach clinicians. They are not always accurate in their assessment of their status. It could be that a woman who has got a very violent partner who she is married to does not want to have his child. So they are technically together, but she says to the clinic that she is separated and therefore wants to undertake the donor treatment—and in good faith that is done. However, as time goes by with that husband who she is actually not separated from, who is on the birth certificate, there are various elements around parenting and legal obligations. This is an example of some of the scenarios, and they are obviously complex.

It is a concern of the clinics that there is no evidence required that a woman has to provide that speaks of that separated status. That of course is what is required to provide certainty for women to be enabled to access the treatment so that they are not denied the treatment but also to provide certainty for those who are providing the clinical treatments. I think that is a very important element, because both patients and clinicians—the doctors—need to be able to provide certainty of an outcome and have no ambiguity or doubt about what they are doing, no threats to what they are doing and no prospect of having litigation in years to come.

Of course we have seen the enormous cost that that litigation brings. We have seen the recent case that went to the High Court, the *Masson v. Parsons* case, which I am led to believe cost in excess of \$1.5 million. Now, that was a case where a friend who had donated the sperm had been part of bringing up the child so in the eyes of the law was seen as very much a parent. The woman and her wife were unable to go back to New Zealand to bring up that child. The court did agree that the male who donated the sperm was indeed very much part of that parenting role. Now, that is a different aspect, but my point is that that was very expensive litigation and that nobody wants to be putting these people under any more stress in relation to the costs of IVF or by challenging it or of course through the heartache that that brings to the families and most importantly to children.

In relation to these areas I am led to believe that the minister's office have provided assurance to the stakeholders and have actually said that they would amend this legislation, as I mentioned before, to provide certainty around that area of concern—around the status and around their obligations. It is up to this Parliament to provide that certainty—the legislation, the guidelines and the framework for that to occur. It is not up to a court of law to be determining this every time someone wants to challenge it, and that is what I think is very important and needs to be made very clear.

There is one other element I want to raise briefly—because I see my time is fast escaping—and that is around the working with children checks that were introduced into the Assisted Reproductive Treatment Act 2008 by former Attorney-General Rob Hulls. I know that Ms Patten has a huge concern about this and that she has been speaking to the government about this. Again, it was out of the scope of the Gorton review, but it was one of the major issues that came through that was highlighted in the report—and I totally agree. At the time of that debate in this place Mr Davis made a number of comments in relation to his concerns about the very unnecessary checks that had been put in place. He said:

I want to put on record in strong terms my concerns about the Attorney-General's decision to impose a criminal records check or a child protection check on certain procedures ...

It is concerning to me to see that medical and health procedures have been linked in this way with checks on criminality or on other matters. Medical procedures, as a matter of general principle, should be available to people in the community and should not be subject to checks on a person's background as such.

He also said:

My concern as expressed in the debate—about the linking of police checks with health procedures as a principle, in the first instance, and the specific impacts that will have on the steps that women seeking assistance will face—is a point I hope that the Legislation Committee, if this motion is carried, will examine.

It was 11 years ago that he made those comments. We should have dealt with this a long time ago, in my personal view, because it is putting unnecessary stress on people that are seeking this very important treatment.

I want to conclude my remarks to this debate by saying that it was a shambolic process undertaken by the government. There were the time lines, as I have highlighted, in relation to the release of the report, and the consultation process—or non-consultation process—that was undertaken with a very important part of the ART sector was not done properly. It has been done in the last few days. Letters were written last night and have not even been received today.

Again I say that I am very disappointed that despite the fact that everybody understands the intent of the bill, in actual fact a proper process for such an important piece of legislation has not been undertaken. I hope with the remaining recommendations of the Gorton review that there is a far more considered process to what is very important legislation with multiple complexities around it. I have consent forms here that highlight the huge number of requirements that a patient and their family have to undertake that are designed to protect them but also to protect clinicians. At the moment clinicians do not feel that they have the protection that we in this place should be providing. I would like the minister—and she has given me her undertaking and I thank her for that—to provide assurances to these clinicians that they will get that support and that protection.

I want to raise some questions in committee, so I will have to leave it there, but again I say that it is up to us to provide to the patients, the doctors and those that are providing this very important treatment certainty as to outcomes and to not rush through such important legislation. I hope as we go forward with the remaining recommendations of the Gorton review that that is undertaken.

Ms TERPSTRA (Eastern Metropolitan) (16:32): I rise to make a contribution today in regard to the Assisted Reproductive Treatment Amendment (Consent) Bill 2019. Last year, on 13 November 2018, the Premier announced that a re-elected Andrews Labor government would abolish an outdated rule that allows men to control the reproductive rights of women, amending the Assisted Reproductive Treatment Act 2008 to remove the requirement that women need the approval of their former partner to access IVF using their own eggs and donor sperm. The commitment was made following the release of the interim report of the review of assisted reproductive treatment called *Helping Victorians Create Families with Assisted Reproductive Treatment* undertaken by independent reviewer, Mr Michael Gorton, AM—otherwise known as the Gorton review. We heard Ms Crozier talk about that, and I will talk about that in a bit more detail in a moment.

Having to get permission from somebody who is not in your life and who is not part of any prospective family you wish to create simply does not make any sense. This bill gives effect to that key election commitment, and in doing so implements a recommendation of that interim report. Importantly it also follows a Federal Court ruling from September 2018, which found that the requirement to seek consent in the circumstances of the particular case where a woman was separated from her husband, but not yet divorced, discriminated against the woman because of her marital status. It was considered discriminatory because this requirement to seek consent would not apply to a woman in a de facto relationship who separated from her partner.

So what do the changes accomplish? The bill amends the definition of ‘partner’ in the Assisted Reproductive Treatment Act to ensure that a married woman is not required to obtain the consent of her spouse to access assisted reproductive treatment if she is separated from her spouse. This amendment will apply equally to women in same-sex and heterosexual marriages. The bill also makes consequential amendments to the Status of Children Act 1974 to ensure that where a married woman is separated from her partner and has a child with the assistance of assisted reproductive treatment using donor sperm the presumptions about who is the parent are the same as those that apply to women with no partner. This means that the woman’s estranged spouse is not presumed to be a parent of the child. The bill further amends the Status of Children Act to replace a redundant reference in the provision regarding counselling requirements for the purposes of substitute parentage orders granted by a court for traditional surrogacy arrangements—that is, those commissioned without the assistance of a registered assisted reproductive treatment provider. The amendments to the definition of ‘partner’ in the Assisted Reproductive Treatment Act and consequential amendments to the Status of Children Act will commence 28 days after the bill receives royal assent. All other amendments will commence the day after the bill receives royal assent.

The Victorian Assisted Reproductive Treatment Authority, otherwise known as VARTA, the regulator of assisted reproductive treatment, will work with treatment clinics to ensure a smooth transition to the new arrangements when they come into effect. The authority will work with clinics to ensure they are aware of the changes and help them change consent forms to reflect the new laws. The Andrews Labor government is making these important law changes to make it easier for women to access IVF treatment. This is a genuine issue that our government has acted swiftly on to address, and I will talk about why we acted so swiftly in a moment.

Anecdotally, clinics have reported that they have seen several women who have been unable to access assisted reproductive technology because of the current wording of the act. When it comes to fertility treatment, timing matters. We know that a year can make a difference to the quality of eggs for women in their late 30s or early 40s, and that this can impact on their chance of success in conceiving. We also know that divorce proceedings can take time, and some women do not want to lose that precious time when they have to undergo treatment. As you have probably heard people say, the clock does tick. The requirement for a woman to seek the consent of her former spouse is outdated and has no place in our society today, especially when the same requirement would not apply to a woman in a de facto relationship. Our government committed to getting rid of this requirement, and that is what we are doing, because the choices that a woman makes about her body should not be determined by a former spouse. Our amendments are an important first step towards ensuring Victoria’s assisted reproductive treatment laws are fair, up to date and reflect the expectations of our modern community.

The Andrews Labor government is committed to ensuring more Victorians can start a family and discover the joys of parenthood through IVF. In the past year alone more than 13 000 women accessed assisted reproductive treatment services in Victoria. Whether treatment is successful or not, IVF can be an isolating, emotional and challenging journey and an incredibly difficult subject to talk about. It is deeply personal for many women. Anecdotally we hear that two-thirds of women who undergo IVF treatment are unsuccessful, and there are others who have suffered at the hands of unscrupulous clinics that have misled or misinformed patients, causing financial, physical and emotional harm to women.

This is why, last year, we commissioned a landmark independent review of assisted reproductive services in Victoria. The review's interim report, handed down in November, highlights issues of affordability and access to IVF, leaving the service out of reach for many Victorians. This is why we made a \$32 million commitment to public IVF services, bulk-billed and subsidised for low-income Victorians. We will also ensure that this includes a partnership with regional health services to improve affordability and accessibility for rural and regional Victorians. This year's budget includes \$2 million for work to begin on developing a business case for this model. As part of the review some brave women and IVF practitioners came forward with troubling cases of potential breaches, clinical errors, inadequate communication with patients and unethical practices.

The interim report highlighted a number of examples of concerning instances of clinics and individual fertility specialists publishing information that was misleading and deceptive, including about the chances of success and the costs associated with treatment. These practices are unacceptable, and we need to crack down on those providers who do the wrong thing. We want all Victorians seeking assisted reproductive treatment to do so in a safe and supportive environment with accurate information so that they are able to make informed choices about treatment options.

To save families the heartache of false hope the government has also asked the health complaints commissioner to investigate the dodgy, dangerous and unethical practices of some IVF providers, with a report due by the end of this year. Our objective is to make sure that people are not exploited and that we have got arrangements that are fair with good checks and balances in place. Assisted reproductive treatment is a vital health service that has helped countless Victorians create their families and allows more options for women when they choose to do so. It is vital that Victorians have access to understandable and accurate information before they embark on their journey to create a family so they know what is ahead, especially given that that journey may be a lengthy and costly one.

I might just circle back and talk a little bit more about the Gorton review, which I touched on earlier. As a precursor to these legislative changes, in April 2018 the Andrews Labor government commissioned a landmark independent review of assisted reproductive treatment in Victoria, and that review, as I have mentioned previously, was conducted by Michael Gorton, AM. The final report was released in July 2019. The amendments in the bill deliver on two of the recommendations from the Gorton interim report, and there were other reasons for that, which I will get to in a moment. But before I do, the first recommendation was that the Assisted Reproductive Treatment Act be amended to remove any discrimination against married women who wish to access assisted reproductive treatment following separation, and the second recommendation was that the Status of Children Act be amended to remove the redundant reference in the current provision setting out who can provide required counselling and include a new provision for parties to a surrogacy arrangement to receive counselling from a counsellor who provides counselling on behalf of a registered assisted reproductive treatment provider or an independent counsellor who meets specified qualification criteria and has relevant experience and skills.

The question has been raised as to why the government has pushed ahead with legislative change about these requirements, and in particular consent requirements for women who are separated from their husbands. On the contrary, the government did not want to wait for the final report of the review to address this important issue. It moved to abolish an outdated rule that allows men to control the reproductive rights of women by introducing the Assisted Reproductive Treatment Amendment (Consent) Bill 2019. This key election commitment will ensure that a married woman who is separated but not divorced can access assisted reproductive treatment using donor sperm without the consent of her spouse. It was also important to act quickly on this issue as the Federal Court ruled in September last year that the requirement to seek consent in the circumstances of the specific case discriminated against the woman on the basis of her marital status.

The Gorton review also went on to make a further 80 wideranging and complex recommendations, and the government is considering the recommendations in detail. The government will also move

quickly to make other important changes in response to the recommendations of the review, while the detailed analysis of the more complex issues is also underway. The government recently received the final report of the review, which included a number of recommendations for legislative amendments, and I have touched on some of those already, so the notion that moving swiftly is a hasty decision of the government just does not bear out when you look at the urgency.

Ms Crozier interjected.

Ms TERPSTRA: Well, the Federal Court has ruled that the laws discriminated against married women, and so the consideration of these laws has meant that the Andrews government has acted swiftly to remove discriminatory laws that prejudice married woman. That is something that we have acted quickly upon. It is not ill-conceived and it is well thought out.

Having said that, I just might correct the record in regard to an earlier contribution from Ms Crozier in regard to consultation. On the contrary, it was during the development of the bill that the government consulted the Victorian Assisted Reproductive Treatment Authority and the County Court. The authority has indicated support for the amendments to the Assisted Reproductive Treatment Act and the Status of Children Act. The County Court's feedback has been taken into account in the drafting of the amendments to the counselling provisions in the Status of Children Act. In addition, the interim report of the Gorton review was informed by extensive public consultation, including a consultation paper, 40 written submissions, 191 survey responses and approximately 40 meetings involving more than 120 stakeholders. Clinics were also consulted during the development of the bill.

The policy was announced by the Premier as a key election commitment in November 2018 and, as I mentioned earlier, aligns with previous recommendations from the interim report. The Victorian Assisted Reproductive Treatment Authority consulted a representative group of clinics in relation to the time clinics would require to implement the changes, including updating their consent forms. Two issues were raised by the Monash IVF clinic and the IVF directors group. They further bear out the level of consultation the government undertook in regard to developing this bill and the legislative changes necessary.

The purposes section of the bill explains all the consequences of the amended definition of 'partner'. So the purposes section sets out the main purpose of the bill. If the bill is passed, this section will help to interpret the meaning of the act. It is not intended to encompass every aspect of the bill. Additionally, the gendered language in the purposes section of the bill helps in the removal of discriminatory practices, so the amended definition of 'partner' in the bill is no longer discriminatory. The amended definition will apply equally to women in heterosexual and same-sex marriages. The amendment addresses an aspect of the existing act that the Federal Court found to be discriminatory. The Federal Court found that the act treats married but separated women differently from women in de facto relationships. The current definition of 'partner' includes a person's spouse. The amendment will clarify that a partner does not include a spouse from whom a person is separated. However, the consequence of this amendment, which is outlined in the purposes section of the bill, is that the existing consent required in section 10 of the act, which relates to a woman undergoing a treatment procedure, will mean that a woman will not require the consent of her spouse to access assisted reproductive treatment where the woman has separated from her spouse. Additionally, the amendments in the bill do not affect a person's ability to enter into a surrogacy arrangement.

I might leave my contribution there in the sense that it has addressed some of the issues that Ms Crozier raised in her submission. The changes that the government is seeking to implement address an election commitment that was made by the Andrews Labor government to women who were seeking assisted reproductive technology. I commend this bill to the house.

Ms PATTEN (Northern Metropolitan) (16:47): I am pleased to rise to speak to the Assisted Reproductive Treatment Amendment (Consent) Bill 2019. I must say I did not think it was something I was really planning to speak on or to be involved with. Oddly enough my interest in this bill was

drawn out of the spent convictions inquiry that is being undertaken by the Legal and Social Issues Committee, and I will get onto that in a moment.

This bill does meet recommendation 4 of the Gorton review, which recognises that married women are discriminated against and married women within the Assisted Reproductive Treatment Act 2008 are treated differently to single women and women in de facto relationships or women leaving de facto relationships. Specifically, women separating from marriage are treated differently, and this bill goes to rectifying that. I think that is commendable. I think it is a very outdated provision; it has that notion that the man still has control over the woman's body. I do not think there is anyone here in this chamber who would disagree with this. I do understand that in some circumstances this refusal of consent has been around family violence and has been around male domination, which have been some of the reasons why these women have separated and have left their marriage.

And as previous speakers have mentioned, this was highlighted in the Federal Court decision in *EHT18 v. Melbourne IVF* last year. That case also found that this provision was inconsistent with the commonwealth Sex Discrimination Act 1984, but they only ruled on that specific case and did not broaden their ruling to say that all married women in a situation of separation could rely on that decision. In this context I am pleased that the government is moving swiftly on this matter. Anecdotally I am aware of six or seven women who are being negatively affected by the provision right now, so I am pleased that we can act quickly in this Parliament today to assist them.

Looking at some of the issues that were raised by the sector in a letter that was sent to us last month, certainly in my eyes the response from the minister's office to the questions that the Scrutiny of Acts and Regulations Committee raised goes a long way to answering the concerns of the sector. I think it is also important to note that this is a recommendation from the Gorton review, which actually consulted with the sector very broadly. So I do not think this should come as any surprise.

I suspect there is some disappointment in the sector that they are not seeing all of the Gorton review implemented as swiftly as they would like, because the Gorton review found that this legislation is in desperate need of renovation. It is not really, as they would say, particularly fit for purpose. But I have spoken to the minister about this and she assures me that there is a tranche of reforms that will be coming through shortly and quickly to really meet a lot of the issues that were raised in the Gorton review.

But one issue, and the issue that certainly piqued my interest in this from a personal and a professional perspective, was the use of police checks and working with children checks as part of the application process for accessing IVF. We know that it is a very stressful time for families undertaking IVF, and this adds just another absolute level of stress. While the Gorton review said that this was outside the scope of their review, they made note, and I would just like to quickly quote a section from the review looking at 'Presumptions against treatment':

In terms of presumptions against treatment, many responses to the Review's consultations suggested that Victoria's system of conducting police and child protection checks for all people undergoing ART and establishing a presumption against treatment could be reconsidered. As reported in the Review's Interim Report, this requirement received more comment during the public consultations and survey conducted in 2018 than any other issue with the exception of cost.

So this was the biggest concern. During the Gorton review those police checks were the highest concern of any other issue, probably equal to cost. The report goes on to say:

In later consultations with stakeholders, including clinics, patients and service users, this issue continued to be raised. The Review has heard many reports of the cost, burden, delay and distress caused by this requirement. The Review has not heard any evidence of the effectiveness of this system in preventing the abuse of children. The system could be dismantled without creating significant risk to children, or revised to better target the risks of family violence and the risks to children.

And this would be welcomed. I thought that this was a perfect vehicle to meet those concerns and to finally put to rest this burdensome and unnecessary regulatory hurdle that families and women are having to undertake. I think this is absolutely urgent.

We know that allowing separated women to access assisted reproductive treatment now is also urgent. We know it is always a time game—time is of the essence in the circumstances—so any barriers and anything that causes delays should be, as much as we possibly can, reviewed. I was talking to someone who was talking about women with cancer having to urgently freeze their eggs before they could undertake treatment. As they now have to wait for a police check and a working with children check before they can do this, this adds an extraordinary amount of stress. So I have formulated an amendment which would remove this discriminatory requirement under the act, because I think it is an important one. I am wondering if my amendments could be circulated quickly now.

Fiona Patten's Reason Party amendments circulated by Ms PATTEN pursuant to standing orders.

Ms PATTEN: While that is being distributed—obviously I have clarified what that main amendment is—today the minister presented me with documentation that they have now put out a review process to consider this. I guess I am an impatient person, and I suspect most of the people on IVF are impatient people too. Well, not impatient; they have probably been working very patiently towards conceiving, but when they are undertaking IVF, every second, every minute, every hour can matter, so I do think that this is an urgent reform. I am encouraged that the minister has sent out a background paper with an option for removing this requirement.

I have to say, in going back and looking at the Gorton review, that I think it is very clear what the sector has to say about this, and while it might have been outside the scope of the review it was the most common issue that was raised in that review, so I will accept that the minister is doing this and accept her proposal, which is in response to the feedback that was received in the Gorton review, that the government is now considering removing this requirement for police and child protection checks as a precondition to accessing assisted reproductive treatment. I accept that, and I look forward to hearing the minister make some assurances on the floor about how that process will happen because, as I mentioned, very often we know women do access IVF later in life, when they have realised that other options have failed them or have not come to pass, so we know that all burdens and all things that delay the process delay that person undertaking treatment and just make it more difficult.

I look forward to seeing further amendments. I look forward to seeing this act being renovated and this program being renovated wholeheartedly in line with, I think, some of the very sensible suggestions from the Gorton review. Apart from that, I am happy to lend my support to the bill.

Dr CUMMING (Western Metropolitan) (16:59): Speaking briefly to the Assisted Reproductive Treatment Amendment (Consent) Bill 2019, many here know that I am a doctor of Chinese medicine. For many years I have actually treated women with fertility problems as well as having the pleasure of helping women while they are using IVF to actually get their wish of having a baby.

Members interjecting.

Dr CUMMING: I love listening to the giggles in the back. It is always fun to listen to them. There is plenty of IVF research around Chinese medicine and using Chinese medicine as part of IVF. There are actually very good results with clinical trials using point-specific protocols in acupuncture at the pre-embryonic or post-embryonic transfer stage. Using acupuncture and Chinese herbs improves pregnancy rates and has been proven with research. A lot of women and men experiencing infertility problems have a high level of anxiety, and I hope this bill goes some way towards helping those people calm their minds, because obviously a calm mind and reducing people's anxiety when they are going through IVF increases success rates. I just really briefly want to say that we as a Parliament do not need to cause any more undue stress on people who are going through their fertility problems. If in

any way possible as parliamentarians we can actually help people who are going through IVF to make their chances of having a baby more successful, we should. I am supportive of this amendment.

I am looking forward to future ways that we can actually help people who are going through IVF as a Parliament, and I also look forward to the Minister for Health and this current government's proposals to help people and families in all their different ways, shapes and forms by helping in some way with the cost, which can be a problem when people are going through the process of IVF. As I was saying, being a doctor of Chinese medicine, not everyone can afford to look at using natural therapies and acupuncture even though the Monash IVF clinic actually recommends that women use acupuncture before, during and after transfer of their embryos because there is an increased success rate.

As a Parliament we should do everything that we can to help, and hopefully—maybe in the future as a progressive Parliament and a progressive society—we will go down the path of, say, Norway, Sweden, Denmark or even New Zealand and Germany, where there are thousands of midwives who actually complete acupuncture courses and help people in hospitals while they are going through labour. One day I can only hope that our medical system looks at all of the natural medicines that are out there and has them integrated with our Western medicine and that they help families to achieve their goals of healthy babies.

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (17:04): I am very pleased to rise and say a few words in relation to this really important bill. This is a bill that has come about as a result of both a very considered review of ART laws in this state as well as a federal court decision and, following that, an election commitment by our government. In April 2018 the Andrews Labor government commissioned a landmark independent review of assisted reproductive treatment in Victoria, and in November 2018 the interim report by independent reviewer Michael Gorton, AM, was released, with the final report released in July 2019. I take this opportunity to thank Michael Gorton and his team for delivering a very important report to Victorians and to our government in terms of how we can make improvements to ART services and laws in this state.

The amendments in the bill deliver on two of the recommendations from Michael Gorton's interim report, which as I mentioned was handed down in November last year. The first recommends that the Assisted Reproductive Treatment Act 2008:

... be amended to remove any discrimination against married women who wish to access assisted reproductive treatment following separation.

The second recommends the Status of Children Act 1974 be amended to remove the now redundant reference in the current provision setting out who can provide the required counselling, and it also states:

A new provision should allow for parties to a surrogacy arrangement to receive counselling from a counsellor providing services on behalf of a registered ART provider or an independent counsellor who meets specified qualification criteria and has relevant experience and skills.

As a government we did not think it was appropriate to wait for the final report of the review to address the important issue of consent requirements for women who are separated from their husbands. We moved to abolish an outdated rule that allows men to control the reproductive rights of women, by introducing this bill. This was a key election commitment: to ensure that a married woman who is separated but not divorced can access reproductive treatment using donor sperm without the consent of her spouse.

It is also important to acknowledge that we did want to act quickly on this issue following a Federal Court ruling in September last year that the requirement to seek consent in the circumstances of the specific case discriminated against the woman on the basis of her marital status. I want to acknowledge the courage of Joy, who took this matter forward to the Federal Court and had this success, not just for her benefit but for all future Victorian women who may be in this predicament. For this reason I have always referred to this as Joy's bill, because it is a tribute to her and the courage that she had to take

this matter forward to the court. I think it is important to acknowledge her courage and also to thank her and her legal team at Maurice Blackburn for taking this matter on and highlighting this as an important issue that needed to be addressed.

I also want to acknowledge that whilst we have received this final report now from Michael Gorton, there are 80-odd wideranging and complex recommendations in this report. I did make the comment when I released the final report to the public in July of this year that the government is considering the recommendations in detail, as one would expect, but that it will also move quickly to make other important changes in response to the recommendations of this review whilst this detailed analysis of the more complex issues is underway. So it is very likely that we will be looking at these broader issues at some point again in the future, because it is important that we do whatever we can to support women and families to get access to quality ART services in this state.

There will be a lot of issues that will be canvassed, no doubt in the course of the committee stage, and I am very happy to acknowledge those issues. I just want to make the point that this is a really important reform. We are very mindful of the fact that for people who have had challenges with their fertility and do want to either start or grow their family, it is very important that they can access ART treatment in a timely manner. This is why I am appreciative of the support of the members in the house today to enable us to do exactly that—to get on and address this particular issue that has come to light and make sure that there is no impediment to women being able to access ART services and being able to do so without anachronistic requirements sitting on the statute book as an impediment.

It is really quite discriminatory and inappropriate to have a woman needing to seek the consent of her former spouse. We know that that has no place in our contemporary society. We know that women can leave marriages—or relationships, for that matter—for a range of reasons and that sometimes they include issues around family violence. We have had a lot to say about that issue in this Parliament in recent years, and we know what a scourge that is on our society. I cannot think of absolutely anything worse than a woman who has left a marriage due to family violence then—under the current law—having to seek the consent of her former partner in order to undertake ART treatment with donor sperm. I just think that is absolutely inappropriate and appalling and inherently discriminatory.

We know that divorce proceedings can take time, and women do not want to lose that precious time that they do have to undergo treatment. This is why it is important that we remove these provisions, especially when we consider also that this same requirement would not apply to a woman in a de facto relationship. So we have got women with different relationship statuses being subject to different requirements under this law. We will get rid of this anachronistic requirement, and I acknowledge those people who have had the courage to come forward and advocate on this issue, but particularly Joy. I thank her very much for having the courage to take this issue on. I wish her—I wish every woman, every family for that matter, undertaking ART treatment—every success.

We know how much people's hopes and aspirations for their lives are centred on issues around starting and having and growing a family. It is so important to so many people, and of course we want to make sure we can act swiftly on this issue but also make sure that we have got an ART sector here that fulfils people's aspirations to parenthood. We support that sector and support those families and those women by making sure that those aspirations can be fulfilled. This is why we have also made commitments as a government to establish public IVF services in our state. It is something I am tremendously proud of. It is something we are doing work on, and I look forward to having more to say to the house about that in due course. But with those words, I am grateful for the fact that people have been supportive of this bill, and I look forward to addressing the issues that have been raised in more detail during the committee stage.

Motion agreed to.

Read second time.

Ms Patten: I would just like to say that I will withdraw my notice of motion and amendments.

Committed.

Committee

Clause 1 (17:16)

Ms CROZIER: Minister, could I just make a couple of comments in relation to some issues that I want to raise with you and also go to Ms Terpstra's point. She spoke about the fact there is obviously a degree of urgency around this legislation because of the Federal Court ruling, which I alluded to too in relation to why the government proceeded with the legislation. But in the Gorton review, at recommendation 4, which this bill goes to, one of the main points is that it would also be appropriate for government to consult with key stakeholders on the specific legislative approach. I know that you have been speaking to various stakeholders, but I would like to understand who. As Ms Terpstra said, the County Court, I think she mentioned, and the Victorian Assisted Reproductive Treatment Authority (VARTA) were the only two that were consulted in this process. I am wondering if you could please provide me with details of anyone else who was actually consulted in this process.

Ms MIKAKOS: As I explained in my summing up, we had an interim report handed down by Michael Gorton to the government, and it was subsequently publicly released in November. The interim report of the Gorton review was informed by extensive public consultation, including a consultation paper, 40 written submissions, 191 survey responses and approximately 40 meetings involving more than 120 stakeholders. There were a range of stakeholders that were involved as part of those consultation processes. I do not have an extensive list, but I can give you a bit of a sample. They included obviously the regulator, VARTA, the Reproductive Technology Accreditation Committee (RTAC), the Fertility Society of Australia, IVF directors, ART clinics and clinicians, fertility nurses, Access Australia, Rainbow Families, LGBTIQ+ representatives, legal groups, the health complaints commissioner, service users, counsellors, Surrogacy Australia and professional groups such as the AMA. So there was very broad-ranging input into this process as well as, of course, from consumers themselves. That very extensive process led to these interim recommendations that we have been discussing.

It is also worth mentioning that the policy to make this change was announced by the Premier following the release of that interim report. It was very publicly flagged as an election commitment in November last year and therefore should not have taken anybody by surprise for that reason. VARTA as the regulator also consulted a representative group of clinics in relation to the time clinics would require to implement the changes, including updating their consent forms. I understand that those discussions are still ongoing of course as VARTA finalises what the consent forms will look like as part of these changes. Of course I am happy to confirm the information that Ms Terpstra alluded to, which was that there had been consultations with the County Court and VARTA as well, and the consultation and the feedback from the County Court was incorporated into the drafting of those amendments.

Following the passage of this bill—hopefully that happens today—there will be further discussions by VARTA in consulting with clinics on the guidance material that they will be issued as to how these changes will operate. So VARTA as the regulator will continue to work with the sector around the implementation issues of the bill.

Ms CROZIER: Thank you, Minister, and thank you for that clarification in relation to who was consulted. I said during the debate that there was disappointment that the private sector were not consulted through the process even though they had submitted to the Gorton review around the consent

area. To go to one of the submissions by Monash IVF, where they had very strong views agreeing with what you are intending to do:

The current wording of these sections results in a discriminatory situation whereby: a woman is prevented from undergoing treatment as a single woman if she is separated from her spouse but not divorced, however, the partner can undergo treatment prior to the divorce if they re-partner.

So it goes to your point about the intent of the bill. But as I said in the debate, with close to 30 000 or over 30 000 cycles, they are not an insignificant partner, and it is disappointing that they were not consulted in this process. What I want to know is: do you have the assurance that that was provided by your staff to the private directors today, this afternoon, after they did not receive the letter that you sent out that was dated yesterday?

Ms Mikakos: We sent it yesterday.

Ms CROZIER: It was dated yesterday, 14 August, but it was not received. It was not received, they have told me. I am taking it on face value. They have looked but no-one has received it.

This is a day before we are passing this bill. My point is that it was in relation to the concerns that they have that your staff have made guarantees to them in relation to the issues around separation and protection from potential litigation that that will be undertaken. Can you provide that assurance?

Ms MIKAKOS: We have got an awful lot that has been put into that preamble that I need to respond to.

Firstly, this is a very straightforward bill that primarily relates to a matter that was covered both in the interim Gorton report, which we have talked about already, and the Federal Court decision. The interpretations that providers may have put on the provisions are ones that we do not agree with. If you look at the 12 pages of response—

Ms Crozier: You have misled me and you've misled them.

Ms MIKAKOS: No. Let me finish, Ms Crozier. You are getting ahead of yourself. If you look at the 12 pages of response that I provided to the Scrutiny of Acts and Regulations Committee (SARC) addressing all of their potential concerns about this, and if you look at the letter that Minister Donnellan sent responding to those IVF providers' concerns, you will see that all those assurances have already been given in the past. And the letter that I sent yesterday—that was in fact emailed yesterday—is a letter summing up what came out of a meeting between my department and the IVF directors group last Wednesday.

In terms of the concerns that have been raised, I am happy to go into those in considerable detail, but the point that I want to make to the member is that issues have been raised by providers that do not relate to this bill. Issues have been raised that relate to other issues around consent, and it is those issues that we have given a commitment to looking at as part of the considered response that the government will undertake in looking at the full gambit of Michael Gorton's recommendations and his review report.

I am happy to go through in detail the concerns that have been raised and why they are not well founded, because that is where I can put those assurances on the record and give them those assurances. For example, as I understand it there was a concern raised about why there was not a definition of 'separation' in the bill. In our conversations you have articulated those concerns to me, and what I can advise you—and I am happy to read it into *Hansard*—is that Minister Donnellan sent a letter as acting Minister for Health dated 15 July addressed to the IVF directors group where he addressed this issue at some length. I am happy to read that so that is on the record. The view that we take is that the term 'separation' is a commonly understood one under family law, and as soon as you try and codify a term like that in legislation you run the risk of inherently narrowing it down, because we know that

separation can mean different things. I quote from the letter from Minister Donnellan to the IVF directors group dated, as I said, 15 July 2019:

I note your concern that the Bill does not include a definition of the term 'separated', and that this may place a burden on clinics in having to determine whether a person is separated from their spouse. The term 'separated' is not defined in the Bill, so has its ordinary meaning. This allows for a person to be considered separated based on the advice they give about their circumstances, rather than on set criteria. The ordinary meaning of 'separated' in this case is that the couple have stopped living as a married couple without becoming divorced. That is, that the two people are no longer in a relationship together. This means that the specific circumstances of the couple will determine whether they are separated. For example, a married couple may be separated even if they are both still living in the family home, if they have genuinely stopped living as a couple. Similarly, a married couple who live in separate residences will not be separated if they are genuinely living as a couple.

The point that Minister Donnellan made and that I reiterate here is that the concerns that have been raised—and I acknowledge the concerns that have been raised—are not well-founded ones, because as soon as we put a definition in the bill, that will inadvertently create other potential problems where you limit or try and codify something that is understood also under family law.

Minister Donnellan went on in his letter to say the following:

Consistent with current requirements that relate to de facto couples that have separated, it will be the responsibility of a person seeking assisted reproductive treatment to identify if they have a partner as part of the requirements to provide consent. A person who wishes to access treatment will need to confirm their relationship status on the consent form provided by the assisted reproductive treatment clinic.

I note that section 38 of the Act makes it an offence for a person to knowingly or recklessly give false or misleading information or omit to give material information in an application or consent made under the Act.

He went on to say:

The Victorian Assisted Reproductive Treatment Authority will provide guidance material to the clinics about the changes and to help clinics make any necessary changes to consent forms. I have asked the department to work with the Authority in relation to this guidance material.

So it is very clear. I understand that the concern—or perceived concern, as I understand it—is that IVF providers will need to go off and do some fact finding of their own to satisfy themselves as to whether someone has genuinely separated or not—

Ms Crozier: Why should they? Why should they be doing an investigation—

Ms MIKAKOS: No, Ms Crozier, I am just trying to tell you that they will not need to do that. Can you just settle down a little bit?

The point I am making is that I understand that that is the perception that exists and the concern, and perhaps that is your concern. The point I have just made in quoting this letter that was sent out in the middle of July is that there is an offence provision under the act now—not in this bill, now—that makes it an offence for a person to knowingly or recklessly give false or misleading information or to omit giving material information when they sign an application or give consent under the act. So that is currently a provision. If people want to be patronising and somehow suggest that women are going to lie and provide incorrect information, then that is something I think people need to have a good, hard think about.

At the moment de facto couples who have separated sign these consent forms, and it is all undertaken in the exact manner as will occur following this bill. So that is happening now. De facto couples separate, a woman will sign the consent form indicating that she has no partner and then they are able to access ART treatment. There is no knocking on doors and satisfying themselves independently. The consent form is what is provided. That is what happens now for de facto couples who separate, and that is what will happen in the future. That is what happens for a woman in a de facto relationship who has separated, and that is what will happen for a married woman who separates. It is going to be exactly

the same. There are already offence provisions in there. People do these things through a declaration, and that is what is going to happen here. I do think people are getting very anxious about something that is relatively straightforward, because that happens now, and that is what is going to happen under this bill as well. I think it is really important to be very clear about that.

That was the one issue that has been raised around the definition of ‘separation’, and I have responded to that, but there have been other issues raised that relate to consent issues more broadly, and these are complex. There are a range of recommendations in Michael Gorton’s report that go to the issue of consent, and they go to the issues around the use of gametes and embryos following the separation of a couple. That is quite a different scenario to what we are talking about in this bill. In this bill we are talking about a woman who is separated but not divorced who wants to do ART using donor sperm, okay? The issues that have been raised go to a scenario where a couple separate and want to use their own gametes and use embryos that have been created jointly. There are already provisions in the act that relate to those situations. Michael Gorton has made some recommendations that go to these issues, and we will look at these broader issues. That is the assurance that has been provided by my office to the providers. We will look at these broader issues that they have raised, which do not relate to the subject matter of this bill, as part of the broader piece of work that we will be doing in response to Michael Gorton’s report.

I do think, Ms Crozier, you are a bit confused about what directly relates to the bill. This is a very straightforward bill. It relates to married women who are separated but not divorced and what will apply to them. That is what we are addressing. If people want to litigate and make the case for broader changes to the act that relate to a broader range of consent issues and other issues, then that is fine. I am happy to have those conversations with the sector around those broader issues. We will sit down and have those discussions with the sector around those broader issues. We will be doing that as part of the response to Michael Gorton’s report, which, as I said, has a number of recommendations in it beyond the ones that we are dealing with today that go to complex consent issues.

I have set out in a lot of detail these issues around consent, and I am happy to come back and quote from my correspondence and Luke Donnellan’s correspondence to the IVF directors group and my correspondence to SARC. Clearly people have taken a particular view of the provisions. I am very happy to put these things on the record and refer to that correspondence because it clearly resolves these issues and makes the point that for these other scenarios that have been canvassed there are no changes. I am happy to quote from Minister Donnellan’s letter further because it goes to those broader issues.

Ms Crozier interjected.

Ms MIKAKOS: I think we can resolve a lot of these issues, Ms Crozier, by putting this letter on the record because this is what has gone to the providers and I want to reiterate it here tonight.

Ms Crozier interjected.

Ms MIKAKOS: Ms Crozier, I absolutely refute that. I have just made it very clear—

The DEPUTY PRESIDENT: Order! Minister, can we please go through the Chair, and can we just have the answers to the questions rather than the debate across the chamber, please.

Ms MIKAKOS: I am explaining the complexity of the issues, and I have dealt with one issue that has been raised—

Ms Crozier interjected.

Ms MIKAKOS: No, no.

The DEPUTY PRESIDENT: Minister, now you are arguing with me. Can we just please return to the answer to the question.

Ms MIKAKOS: Sure. I am trying to explain to Ms Crozier that there were essentially two issues, thematically, that were dealt with. One related to the term ‘separation’, and I have just explained that at some length. Then I have explained that there have been extraneous issues that do not relate to this bill which have been raised and which have also been addressed in the correspondence. That is why I want to refer to that part of the correspondence because it goes to that particular issue which, as I have explained, does not relate directly to this bill. Minister Donnellan went on to say, under the heading ‘Use of gametes and embryos following separation’:

I note your concerns about the use of a previous partner’s gametes, or embryos that were created by a couple accessing assisted reproductive treatment, who then separate. I am advised that where a woman and her spouse are accessing assisted reproductive treatment and then separate, neither the former partner’s gametes, or an embryo created while they were accessing treatment as a couple, should be used in a new treatment procedure without the renewed consent of both parties.

This is because, under common law, informed consent is required before a medical procedure is undertaken. This would include having to provide consent again if circumstances have changed since consent was last provided. This would currently apply to de facto couples who separate or married couples who divorce while accessing assisted reproductive treatment.

In addition, the 2017 National Health and Medical Research Council’s *Ethical guidelines on the use of assisted reproductive technology in clinical practice and research*, require that valid consent must be obtained from all relevant parties for each specific procedure or treatment. The guidelines also require clinics to manage disputes between individuals for whom embryos are stored.

So in that part of the letter Minister Donnellan is clearly explaining that in these scenarios, these examples that have been raised and concerns that have been raised, there is no change to these consent provisions and that they have already been addressed. But I did talk about the fact that Michael Gorton in his report has made a raft of recommendations around the complexity of consent issues across a range of scenarios. He talked about separation, he talked about posthumous use of gametes and embryos and he talked about storage periods for personal and donated gametes. He talked about a whole range of issues, and all of those will be considered in due course as well.

The DEPUTY PRESIDENT: Just before we proceed, can I acknowledge a former member in the gallery, Ms Nina Springle. Welcome, Nina.

Ms CROZIER: Minister, you basically called clinicians patronising because at times people misrepresent the truth.

Ms Mikakos: No, I was suggesting that you might be patronising.

Ms CROZIER: You said that just then.

The DEPUTY PRESIDENT: Minister, can we just go back to the questions and answers, please?

Ms CROZIER: Do you believe it is up to the clinics or the clinicians to investigate a woman’s status when she provides that on a consent form?

Ms MIKAKOS: I think we are going to have to introduce the VAR—Mr Ondarchie will understand what that means—because I have got to go back 10 minutes to replay what I just said to you 10 minutes ago.

The DEPUTY PRESIDENT: Can we please just have the answers?

Ms MIKAKOS: I actually said to the chamber 10 minutes ago that IVF providers will not need to satisfy themselves of these matters, because people will provide a declaration in a form, as currently occurs for couples who are in a de facto relationship and separate. They do that now, and that is what is going to occur for married women who separate and are not divorced. They are going to provide a declaration, and that is what will be sufficient. I explained that there is no knocking on the door, there is no investigation, and any suggestion otherwise, that people might be lying—I think that is

patronising. That was the point that I was making to you, Ms Crozier. So I think I have addressed this issue already—10 minutes ago.

The DEPUTY PRESIDENT: To both the minister and the member, it is getting very late on a Thursday and everyone is getting tired and a little bit cranky, but I think we can progress this more quickly if we can take the emotion out of the debate, please, or out of the questions and answers.

Ms CROZIER: These are important aspects. I understand your comments, but there have been considerable concerns raised by stakeholders who feel very strongly about this. I am trying to get some clarification from the minister regarding their concerns, because the minister provided an assurance to them—well, the minister's office did—in relation to their concerns about their protection from litigation. I do not believe the minister has provided an adequate answer. It goes to the point where they have had no consultation and received a letter—well, they have not even received it—that was written by the minister last evening.

Ms Mikakos: It was sent yesterday.

Ms CROZIER: Minister, I believe the clinicians when they say they have searched high and low. I have got it here, the letter, and I am going to refer to it now. They said, 'We did not receive that until we received it from you'—meaning me. Now, if I could go to the second-last paragraph of your letter:

Regarding concerns the IVF Directors Group raised at the meeting about clinics' potential for liability in relation to the consent process, the Act provides that if a person has carried out a treatment procedure and consent was withdrawn before the procedure occurred, that person is protected against civil or criminal liability if they did not know and could not reasonably be expected to have known that consent had been withdrawn. This provision extends to clinics.

Could you please provide for me clarification—I think you mentioned section 38—of where the act is that enables that provision that extends to clinics?

Ms MIKAKOS: That is a different matter altogether. I will come to that in a moment. So the letter was sent yesterday by me to the IVF directors group—and it is not my fault if people did not find the email, okay? It was sent yesterday. I will quote from that letter:

Regarding concerns the IVF Directors Group raised at the meeting—

and this is the meeting that I referred to earlier with my department last week—

about clinics' potential for liability in relation to the consent process, the Act provides that if a person has carried out a treatment procedure and consent was withdrawn before the procedure occurred, that person is protected against civil or criminal liability if they did not know and could not reasonably be expected to have known that consent had been withdrawn. This provision extends to clinics.

So that assurance was already given.

Ms Crozier: Which part of the act is it in is my question.

Ms MIKAKOS: Well, that was already given in relation to the issue of liability. It was given in the meeting, and it was reiterated in writing by me yesterday. I just want to finish. The issue around section 38 that you refer to is the criminal offence provisions, but I will just get some further advice.

I understand it is the Deputy Clerk's birthday. Happy birthday. I know you want to spend your birthday here with me and all of us! So we are going to get you out as quickly as possible, aren't we, folks?

Section 117 of the Assisted Reproductive Treatment Act 2008 says:

- (1) This section applies if—
 - (a) a person has carried out a treatment procedure for which consent was required; and
 - (b) before the treatment procedure was carried out, the consent was withdrawn under this Act.

It goes on to say:

- (2) No civil or criminal proceeding lies against the person because of the withdrawal of the consent if, at the time the treatment procedure was carried out, the person did not know and could not reasonably be expected to have known that the consent had been withdrawn.

So this has been a longstanding provision in the act. I gave that assurance yesterday, and I am happy to reiterate that today.

Ms CROZIER: Thank you, Minister. I have got section 117, which you have just read. It is my understanding, though, that this was designed to protect clinicians, patients, everybody involved and the clinics but because the consent aspect has been changed this will now no longer cover that. Is that the case or not? That is the understanding of the clinics. It used to protect them, but now that the consent element will be changed it will no longer protect them. That is what I need clarification on.

Ms MIKAKOS: Section 117 of the act will continue to apply; it remains part of the act. I have just also read out the advice that I have provided to the clinics—that reassurance that a person is protected against civil or criminal liability if they did not know or could not reasonably be expected to have known that consent had been withdrawn. So I am able to give that reassurance.

Ms CROZIER: Thank you for providing that reassurance, Minister. If I can just go back to your letter, on the first page at the last paragraph it states:

In my view it remains appropriate not to include a definition of ‘separated’ in the Bill. This allows for a person to be considered as separated based on the advice they provide about their circumstances, rather than based on set criteria or a set time period. Consistent with current requirements relating to de facto couples that separate, it will be the responsibility of a person seeking assisted reproductive treatment to confirm their relationship status. This is because their partner, if they have one, will be required to sign the consent form prior to a treatment procedure occurring.

Now, we have been through this in the last few minutes. We have discussed this, so I understand that the onus is on the person. But my question is: how do you prove that someone is actually separated, or do clinics need to prove that?

Ms MIKAKOS: I think I have already addressed this issue. I have made the point now on a number of occasions that the person undertaking the treatment completes a declaration form. That is sufficient. I do not know how many times I need to say that the IVF clinics do not need to undertake their own inquiries, because the declaration is what is used now and that is what will occur following the passage of this bill.

Ms CROZIER: Thank you, Minister, for providing that assurance to clinics and clinicians who are dealing with patients in sometimes, as has been highlighted, stressful periods. It is a very emotional time and it is a very stressful time, and as others have said they have got huge amounts of paperwork to fill out, which is very complex. So in relation to streamlining, I am sure that clinics and clinicians, more importantly, who are undertaking this work on behalf of their patients, will be very assured that you say that this legislation protects them from any litigation.

I would just like to ask finally, because I know people do not want this to be extended to any degree: in relation to the Gorton review there was reference to the storage of sperm, eggs and gametes. Currently there is a time period associated with storage of 10 years. For children who may be, for instance, 15 or 16 years who have undertaken cancer treatment and who have put their eggs or donor sperm in storage for use later down the track, it is critical to them that those eggs and sperm are not destroyed because of the time period applied under the broader legislation. I believe that is an urgent issue that needs to be addressed—that those people do not have those time frames or that there is a mechanism whereby their eggs and sperm are not destroyed unnecessarily and therefore they are denied the ability to have children. I wonder what the government’s priorities are in relation to that aspect.

Ms MIKAKOS: Well, we are really digressing from the bill now because this does not relate to the subject matter of the bill. But what I can say to the member is that there are in fact, as the member has acknowledged, recommendations from Michael Gorton's report that go to the issue of storage of personal as well as donated gametes. As I explained earlier, the government is giving appropriate consideration now to these recommendations and will have more to say about that in due course. It is important that the member understands that this needs to be done in a considered fashion. I am giving consideration—

Ms Crozier interjected.

Ms MIKAKOS: Well, Ms Crozier, I will take up that point. In my summing-up I explained that there was a process that led to the recommendations in the interim report, and we have wanted to expedite an election commitment and a response to a Federal Court decision. It is about a very straightforward matter, and the fact that some people seem to have made it sound as if it is far more complicated than it actually is is unfortunate. But the point is that there is consideration being given to all of the recommendations from Michael Gorton's review. I am giving consideration to the priority recommendations that will come forward as part of that process.

What I can advise the member is that a person can apply to the Patient Review Panel to have the storage period extended. That is currently the case. Ms Crozier, it is a shame that you are too busy muttering to your colleague to listen to my response, which you said was an important issue—

The DEPUTY PRESIDENT: The minister, through the Chair.

Ms MIKAKOS: Currently section 33A of the act enables the Patient Review Panel to approve further storage periods if there are exceptional circumstances. That currently is the case. So in those types of scenarios that you indicated people would be able to do that currently, but we are giving appropriate consideration now to other recommendations that have been made that go to these issues and to other issues.

The DEPUTY PRESIDENT: Are there any other questions on clause 1 of the bill?

Ms MIKAKOS: I might just take this opportunity. I know Ms Patten had some issues that she wanted to raise, and just in her absence I am happy to put some assurances on the record. I know she was keen for me to do that. This really goes to the issues that Ms Patten raised in her contribution earlier around the issue of police and child protection checks. I want to acknowledge that Ms Patten has had a discussion with me about these issues and has expressed her very deep concern at the fact that under the current act patients—consumers—undertaking or wishing to undertake ART need to first undergo a police and child protection order check. I did explain to Ms Patten that there were provisions put into the legislation following a Victorian Law Reform Commission recommendation, but I do think it is very timely that we have a good look at this issue.

When Michael Gorton considered the broad issue of ART this particular issue was outside his terms of reference; however, it was the second-most commented upon issue that he received in his submissions. Clearly people who have undertaken ART themselves have felt discriminated by virtue of these provisions. When I released Michael Gorton's final report I did talk on that day about how in essence we are viewing one class of parents with some inherent suspicion, regarding them having to go through some additional hurdles and hoops that we do not require of people who are blessed and able to conceive naturally. So it is appropriate that we look at these issues more deeply.

This is why I am happy to put on record to the house and to reassure Ms Patten that I have released a background paper to stakeholders, including IVF providers, the commissioner for children and young people, Victoria Police and other interested parties around this specific issue, and I am looking forward to receiving the feedback from this consultation process soon. My department will be undertaking some face-to-face consultations later this month as well on this particular issue, and I will have more to say about it once the consultation process has been completed. But I do think it is important that we

give members of the community the opportunity to have their say about this issue, bearing in mind that inevitably people will have had a broad range of views about this issue, as they did on the conscience vote when the first ART bill was passed in this chamber back in 2008.

I look forward to updating the house about this matter in due course, but I do assure Ms Patten and other members that it is an issue that is receiving active consideration from the government at the moment.

Clause agreed to; clauses 2 to 10 agreed to.

Reported to house without amendment.

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (17:58): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (17:58): I move:

That the bill be now read a third time.

It is with great pleasure that I do so in supporting Joy's bill.

Motion agreed to.

Read third time.

The DEPUTY 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.

ENVIRONMENT PROTECTION AMENDMENT BILL 2019

Introduction and first reading

The DEPUTY PRESIDENT (18:00): 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 **Environment Protection Act 1970** to prohibit the provision of certain plastic bags and to prevent the provision of misleading information relating to plastic bags and to make technical and consequential amendments to the **Environment Protection Amendment Act 2018** and for other purposes'.

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (18:01): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms MIKAKOS: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (18:01): 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 Environment Protection Amendment Bill 2019.

In my opinion, the Environment Protection Amendment Bill 2019, 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 Environment Protection Amendment Bill 2019 amends the *Environment Protection Act 1970* to introduce a ban on lightweight plastic shopping bags and creates related offences. The Bill bans the provision by retailers of all bags with handles that comprise, either wholly or partly, plastic; and where any part of the bag has a thickness of 35 microns or less, including degradable, biodegradable and compostable plastic. The Bill provides for new offences relating to the supply of banned plastic bags (the ‘supply offence’) and the provision of false information as to the composition of a banned plastic bag and, whether a plastic bag is a banned plastic bag (the ‘information offence’). New compliance and enforcement powers are included, which will enable the Environment Protection Authority (EPA) or authorised officers to issue remedial notices and prevent and respond to breaches of the new ban provisions.

The Bill also makes a number of unrelated amendments to the *Environment Protection Amendment Act 2018* to make technical changes and rectify minor errors in that Act. When the key provisions of the *Environment Protection Amendment Act 2018* commence, the Act will repeal the *Environment Protection Act 1970* to set out a reformed environment protection framework. The Bill provides for the errors in the *Environment Protection Amendment Act 2018* to be rectified ahead of the commencement of the relevant provisions. These amendments will ensure the original intent of the Act is given effect. They do not give rise to any new Charter issues beyond those outlined in the Statement of Compatibility in relation to the *Environment Protection Amendment Act 2018*.

Human Rights Issues

The human rights protected by the Charter that are relevant to the Bill are:

- The right to privacy and reputation (section 13);
- Property rights (section 20); and
- The right to be presumed innocent (section 25(1)).

The right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have their reputation unlawfully attacked. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Adverse publicity order

If a person is found guilty of either the supply offence or the information offence contained in the Bill, they may be made subject to one of the penalties contained in existing section 67AC of the *Environment Protection Act 1970*, including an order that they take action to publicise the offence or related matters.

To the extent that this may interfere with a person’s privacy or reputation, in my view any such interference will be lawful and not arbitrary, and therefore will not limit the right to privacy. Any interference with a person’s privacy or reputation arising from an adverse publicity order made under section 67AC relating to a finding of guilt would be lawful, as it is provided for by the clear provisions of the Act. Such an order will also not be arbitrary as it serves legitimate purposes of deterrence and informing the public of wrongdoing, and will have been subject to the safeguards that apply to court proceedings including the obligation to provide the offender with a fair hearing. Further, any information made public pursuant to an adverse publicity order is likely to already be in the public domain as a result of the court proceedings.

Authorized officer power of entry

Section 55(1) of the *Environment Protection Act 1970* sets out the current circumstances in which an authorized officer may enter premises for compliance purposes. The powers of entry in section 55(1), in their

current form, do not enable an authorized officer to enter retail premises to determine whether a retailer complies with the plastic bag ban. Failing to extend these powers of entry would limit the EPA's ability to prevent environmental harm through enforcing the ban, which largely relies on regulation at the point of supply to effect a reduction in the number of plastic bags in circulation.

To ensure that the ban is effective, clause 7 of the Bill amends section 55(1) of the *Environment Protection Act 1970* to extend existing powers of entry of authorized officers to enter, 'at any reasonable time, any retail premises'. The purpose of extending powers of entry to retail premises is to ensure compliance with the new plastic bag offences at the point of supply. I acknowledge that these powers of entry may result in interferences with the privacy of occupants in retail premises; however, in my view, any such interferences will be lawful and not arbitrary and therefore not amount to a limit on the right to privacy.

The proposed expanded powers of entry onto retail premises are proportional to the existing powers of entry afforded to authorized officers under the *Environment Protection Act 1970* onto other regulated premises; and consistent with the *Environment Protection Act 2017* amendments which are yet to take effect. As the exercise of the proposed powers of entry will be lawful, compatibility with the right to privacy turns on whether any interference they may cause is arbitrary. The prohibition on arbitrariness requires that the interference with privacy must be reasonable in the circumstances of the law's legitimate purpose.

Clause 7 provides appropriate safeguards to reduce the potential for these interferences to be arbitrary in nature. For example, the exercise of these powers of entry is permitted 'at any reasonable time'. This requires authorised officers to consider, on every occasion they propose to exercise these powers of entry, whether entering at that time is 'reasonable'. Further, the criteria contained in section 55 that apply to the existing powers of entry will also apply in this case, including the requirement that the entry be only for a permitted purpose such as to determine whether there has been compliance with or any contravention of the Act. These statutory requirements mean that the powers of entry do not apply at large, and will protect against unreasonable or arbitrary exercise of the proposed powers of entry.

Additionally, the proposed powers of entry to retail premises are rationally connected to the purpose of reducing the provision of banned plastic bags from the retail premises. Without extending the powers of entry to retail premises, the ability of EPA to enforce the plastic bag ban would be frustrated. Failing to extend these powers would limit the EPA's ability to enforce the ban, and therefore the effectiveness of the policy, noting that a reduction in the number of plastic bags in circulation relies on regulation at the point of supply.

I consider that any interference with privacy under the proposed powers of entry will be lawful and not arbitrary, as it will be reasonable in the circumstances and proportional to the end sought.

Property rights

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Seizure and forfeiture of property

Section 55(1) of the *Environment Protection Act 1970* provides that an authorized officer may take and remove samples to determine whether there has been compliance or contravention with the *Environment Protection Act 1970* and to protect the environment. Under the Bill, enforcing compliance with the plastic bag ban will be subject to the existing enforcement scheme contained in the *Environment Protection Act 1970*, including the seizure power in section 55(1). This means that when enforcing the supply and information offences under proposed sections 45ZM and 45ZN, a retailer may be deprived of samples of plastic bags which are suspected of being banned plastic bags.

However, any exercise of the seizure powers by the EPA would be in accordance with the law as formulated by these precise provisions. In my view, any deprivation of property through the enforcement of the plastic bag ban will be reasonable and lawful and is therefore compatible with section 20 of the Charter.

The 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 proved guilty according to law. The right in section 25(1) is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

The supply offence in proposed section 45ZM, contained in clause 6 of the Bill, constitutes a strict liability offence for the provision of banned plastic bags. In order for the offence to be made out, the prosecution will only have to prove the conduct of the retailer, namely the prohibited provision of the plastic bag, occurred. The creation of a strict liability offence removes the requirement for the prosecution to prove the element of

fault. This gives rise to a risk that a person may be found guilty of the offence where they did not know that they were providing a banned plastic bag, although a person does not commit a strict liability offence if they act under an honest and reasonable mistake as to the existence of facts which, if true, would have made that conduct innocent.

The availability of the defence of honest and reasonable mistake of fact that applies to strict liability offences may appear to engage the Charter right to be presumed innocent of a criminal charge until proven guilty, to the extent that in order to raise that defence, a person would be required to adduce some evidence that he or she acted under an honest and reasonable mistake. However, the prosecution retains the burden of proving the absence of an honest and reasonable mistake.

Further, the proposed strict liability offence serves an important public purpose as it is fundamental to the effective deterrence of the supply of banned plastic bags. As such, it is justified in preventing the serious environmental harm that results from the widespread dissemination of plastic bags from multiple points of supply. The ban's enforcement regime would be undermined if the EPA was required to prove mental intent, knowledge or recklessness for each prosecution.

In my view, a less restrictive measure of enforcement, such as by creating an exception for reasonable excuse for supply, would not be appropriate considering the strong public interest in preventing indelible harm to the environment through the dissemination of banned plastic bags. I do not consider that the supply offence being one of strict liability limits the right to be presumed innocent as it only places an evidential burden on an accused. Moreover, for the reasons stated here, I consider the imposition of strict liability for the supply offence is necessary and appropriate in the circumstance.

Hon Gavin Jennings MLC
Special Minister of State
Minister for Priority Precincts
Minister for Aboriginal Affairs

Second reading

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services)
(18:01): I move:

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

Motion agreed to.

Ms MIKAKOS: I move:

That the bill be now read a second time.

Incorporated speech as follows:

This Bill will achieve two objectives—to introduce a ban on lightweight plastic shopping bags, and to correct minor technical errors in the *Environment Protection Amendment Act 2018*.

The problems with plastic

Plastic is ubiquitous in our society. Because it is light and inexpensive—much cheaper than other materials—it has become an almost indispensable material across all sectors of the economy. We recognise that plastic is fundamental to our modern lives and is used in sectors ranging from construction and transportation to healthcare and packaging. We acknowledge its important role in the global economy—including Victoria's. It protects goods against contamination, preserves food and because it's light—reduces weight in transportation, saving fuel and reducing greenhouse gas emissions from transport.

However, one of the adverse effects of the omnipresent nature of plastics has been the rise of a throwaway culture centred on convenience. Single-use plastic items, many of which are used for minutes or even seconds, have become commonplace in our society, yet they can take hundreds of years to break up in the environment. Microplastics, which are very small pieces of plastic that pollute the environment, have been recognised by the Environment Protection Authority as an emerging pollutant of concern. When plastic waste ends up in the environment, it becomes increasingly problematic to manage and can be devastating for animals and entire ecosystems. Reducing the number of plastic bags we use is an important part of addressing the overall impact of plastic pollution in Victoria.

We are addressing the growing issue of plastics

The Bill I am introducing today will implement a ban on lightweight plastic shopping bags in Victoria. It is an important milestone in tackling problematic plastics in our environment and will deliver positive outcomes for our natural environment, animal life, waste stream and our public amenity. The ban will encourage greater uptake of reusable bags and build on positive momentum that has been growing in our communities towards embracing more sustainable alternatives.

The Bill bans the provision of all lightweight plastic shopping bags made—in whole or part—of plastic, where any part of the bag has a thickness of 35 microns or less. The ban will include biodegradable, degradable and compostable plastic bags as we know they have comparable impacts on the environment.

The ban will result in significant behaviour change by preventing retailers from providing shoppers a banned plastic bag. The ban also prohibits retailers, wholesalers and manufacturers from providing false or misleading information about the composition of a banned plastic bag; or whether a bag is banned. This includes the omission of information that a retailer, wholesaler or manufacturer should reasonably know about a bag's composition, or whether it is in fact a banned or exempt plastic bag. Similar to other jurisdictions, the Bill introduces penalties for the two offences I have just outlined.

The Bill will also correct minor technical errors in the *Environment Protection Amendment Act 2018*, expected to commence on the first of July 2020. That Act was passed to comprehensively reform Victoria's environment protection laws. The technical amendments will ensure the new legislation operates as intended.

We have worked closely with Victorian communities and businesses during the development of the plastic bag ban. We have learnt from other jurisdictions, both in Australia and overseas, and from these experiences we have designed a ban that will produce the right outcomes for Victoria. The ban builds on initiatives already taken by retailers in Victoria to stop providing lightweight plastics bags, including most recently Coles and Woolworths in July 2018. The ban will not only reduce plastic pollution and the consequential negative impacts on our environment, wildlife and amenity, it will also build awareness and encourage all Victorians to use more sustainable products and packaging. It will help inspire the adoption of circular economy principles, where avoidance and reuse are encouraged as much as possible.

We have observed the recent introduction of plastic bag bans elsewhere in Australia and have aligned our approach with that taken in other jurisdictions to ensure consistency for retailers and suppliers, some of whom operate in a national market. National consistency is also important for consumers who can travel between jurisdictions in the knowledge that the policy on lightweight plastic bags is the same wherever they go. The ban will also help reduce the rate of contamination from plastic bags in kerbside recycling bins, and improve sorting, reprocessing and the quality of recyclable packaging. Through this ban we support global efforts to improve the productive use of finite resources, reduce greenhouse gas emissions and tackle the impacts of single-use plastics.

We have listened to the views of the Victorian community and are therefore putting a ban in place by the end of 2019. This Bill provides for this, via amendments to the *Environment Protection Act 1970*. The legislative framework for environmental protection has recently been overhauled by the *Environment Protection Amendment Act 2018*, which is expected to commence on the first of July 2020. The new legislation will include broader regulation-making powers, including the ability to ban plastic bags, and expanded powers of entry and inspection by authorised officers to aid enforcement of the ban. Introducing a plastic bag ban in 2019 therefore requires the ban to initially take effect through amendments to the *Environment Protection Act 1970*, and then continue under regulations to be made under the *Environment Protection Act 2017*.

Preparing retailers and consumers

To ensure Victorian retailers are ready for the ban, the government has engaged the National Retail Association to deliver a 12-month education and engagement program. The program will focus on in-store face-to-face engagement with small-to-medium businesses across Victoria, providing information in accessible ways, and encouraging long-term sustainable packaging solutions. In implementing this program, the National Retail Association draws on years of experience in the retail sector and utilises its extensive network and learnings from similar programs it's run in Queensland and Western Australia as part of the implementation of plastic bag bans in those states. By its nature, the program will also assist in promoting the ban to consumers, including through signage at retail outlets.

Sustainability Victoria commenced a consumer-targeted education campaign, 'Better Bag Habits' in 2018 to get the Victorian public ready for the ban. This innovative campaign involved comedian Sam Simmons singing instructions to the public to remember their 'Bag, Wallet, Keys & Phone'. The catchy tune reached almost six million consumers. Sustainability Victoria will deliver Phase 2 of this campaign across Victoria in the months leading up to the ban taking effect in November.

We are listening to the Victorian public

We know that the Victorian community takes the issue of plastic pollution very seriously. Our public consultation on plastic pollution, held in 2018, received over 8,000 submissions—more than any public consultation undertaken by the government that year. Respondents expressed strong support for a ban on lightweight plastic shopping bags, with more than 96 per cent of submissions supporting a ban.

We also heard that the Victorian community wants more action on plastic pollution. We are therefore committed to turning the tide on plastic pollution entering the Victorian environment.

We know that the problem with plastic starts long before it reaches our natural environment. Plastic waste and pollution are symptomatic of an imperfect system in which most products are designed with little or no consideration of what happens to them after they are used. We must move upstream and tackle the plastic pollution at its source.

To enjoy the benefits that plastic brings to all of us without compromising the Victorian environment, we need to align our entire plastics system around a common vision, namely to:

- Eliminate plastic we do not need and replace those we do with sustainable alternatives
- Support innovation so purposeful plastics are designed to be safely reused, recycled or composted
- Circulate everything we use, making sure the plastic we produce stays in the economy and never becomes waste or pollution.

To achieve this vision, the Victorian Government has committed to developing and implementing several complementary policies, in line with national and international best practice, which will reduce plastic pollution, transition Victoria to a circular economy and improve the value of our recycling system.

We have committed to developing a Plastic Pollution Prevention Plan to prioritise the most effective actions to reduce plastic pollution in Victoria. To help guide this plan, we established a reference group of government, industry, community, environmental and academic representatives to provide strategic and expert advice on how plastic pollution can be tackled both at source and in the environment. By 2025, we want to see Victoria leading the country in tackling plastic pollution.

Shifting Victoria to a more circular economy can reduce waste generation, increase reuse and recycling of resources and improve waste management. Our circular economy policy and action plan will provide clear policy direction on resource productivity in Victoria. It will consider how governments, businesses and households can all avoid waste, make better use of materials and resources, prolong the life of infrastructure and products, and increase reuse and recycling.

The Victorian Government recognises that more needs to be done to increase the resilience of the recycling sector which is why the government released the Recycling Industry Strategic Plan (the Plan) in July 2018 and committed \$37 million from the Sustainability Fund to implement it. The central vision of the Plan is that Victoria's recycling sector transitions to a more resilient, sustainable model. The Plan's main objectives are to increase our capacity to locally sort and process our recyclable waste, build demand for recycled products, and educate the community to recycle more effectively. This will reduce our reliance on export markets, and therefore our exposure to future market disruptions.

The Victorian Government is tackling the challenges facing the recycling industry and helping to reduce plastic pollution with a new \$34.9 million package of recycling reforms in its 2019–2020 state budget.

This latest package has been committed towards immediate priorities to strengthen the Victorian recycling sector and builds on the strong foundations of the \$37 million Recycling Industry Strategic Plan—bringing this government's total investment in the waste and resource recovery industry to more than \$135 million over the last four years to 30 June 2019.

Conclusion

To close, I want to acknowledge the countless people—volunteers and other dedicated people—who give their time and energy to combatting problematic plastics in our environment. Their commitment to the health of Victoria's environment and actions to conserve it for future generations is commendable. And to all the individuals and organisations who have been advocating for the introduction of a ban on lightweight plastic bags—thank you for your efforts. We heard you and now it's done.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (18:02): I move, on behalf of my colleague Ms Wooldridge:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019

Introduction and first reading

The DEPUTY PRESIDENT (18:02): I have another message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Flora and Fauna Guarantee Act 1988** to promote Victoria's biodiversity by establishing objectives and principles of the Act, imposing additional obligations to consider biodiversity in decision-making, improving transparency and accountability and making various other amendments to strengthen the Act and to make consequential amendments to other Acts, and for other purposes'.

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (18:03): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms MIKAKOS: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (18:03): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

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 Flora and Fauna Guarantee Amendment Bill 2019.

In my opinion, the Flora and Fauna Guarantee Amendment Bill 2019, 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 Flora and Fauna Guarantee Amendment Bill 2019 (the Bill) amends the *Flora and Fauna Guarantee Act 1988* (**Principal Act**) to promote Victoria's biodiversity, enhance accountability and transparency, and deliver effective protection for native species and important habitats.

Most relevantly for the purposes of assessing compatibility with the Charter, the Bill provides for the application of critical habitat determinations and habitat conservation orders over any land in Victoria, the use of a register to record instruments issued under the Principal Act, and improvements to the compliance and enforcement of the Principal Act. This includes the expansion of inspection, seizure and evidence gathering powers of authorised officers, the introduction of infringeable offences, and increased penalties for breaches.

Human Rights Issues

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

- The human rights protected by the Charter that are relevant to the Bill are:
- The right to freedom of movement in section 12 of the Charter;
- The right to privacy and reputation in section 13 of the Charter;

- The right to public life in section 18 of the Charter;
- Cultural rights in section 19 of the Charter;
- Property rights in section 20 of the Charter; and
- The right to be presumed innocent in section 25(1) of the Charter.

For the reasons outlined below, in my opinion, the Bill is compatible with each of these rights.

Freedom of movement

Section 12 of the Charter provides for the right of every person within Victoria to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live.

Critical habitats and habitat conservation orders

Clause 15 of the Bill substitutes section 20 of the Principal Act, which allows the Secretary to make critical habitat determinations. Limits on when an area may be declared to be critical habitat are in set out in new section 20(2).

Under new section 26, inserted by clause 20 of the Bill, the Minister may make a habitat conservation order for the purposes of conserving, protecting or managing any critical habitat (being an area determined under substituted section 20), or any area of Victoria that the Secretary proposes to determine as critical habitat but in respect of which a critical habitat determination has not been made. The Minister must not make such an order unless the Minister considers it is necessary to halt, prevent or repair damage that has occurred, is occurring, or is likely to occur to the critical habitat or proposed critical habitat, or to manage that critical habitat or proposed critical habitat to ensure its conservation or protection.

A habitat conservation order may (among other things) restrict or prohibit activities and the use or development of property within the critical habitat or proposed critical habitat. An order may also require that a person proposing to undertake an activity, land use or development obtain a permit from the Minister. Additionally, an order may also restrict or prohibit activities and the use or development of property within an area that is outside the critical habitat or proposed critical habitat if the activity, land use or development is likely to adversely affect the relevant habitat.

To the extent that a habitat conservation order may limit the freedom of movement of a person by imposing conditions that restrict or prohibit movement or actions within a relevant area, any such limitation is reasonable and justified within the meaning of section 7(2) of the Charter. This power is an appropriate management tool to ensure the protection of habitats which may be essential to the survival of threatened species. A habitat conservation order must not be made unless the Minister considers that the order is necessary to halt, prevent or repair damage that has occurred, is occurring, or is likely to occur to the critical habitat, or to manage the critical habitat to ensure its conservation or protection. New section 29 contains a process for providing notice of the making of such an order to relevant landholders, including the opportunity to provide submissions.

The Bill also provides a process by which a permit can be obtained for a particular use or activity in an area subject to a habitat conservation order. Additionally, under new section 36, a person can apply to the Victorian Civil and Administrative Tribunal for a review of a requirement or prohibition contained in a habitat conservation order that affects that person's interests, a decision of the Minister under a habitat conservation order that affects the person's interests or a decision of the Minister to suspend a licence, permit or authority of that person. Further, a person can apply to the Tribunal, under new section 37, for a declaration concerning the validity of such a requirement, prohibition or decision.

In my opinion, the inclusion of the above measures in the Bill means that any limit on the right to freedom of movement that occurs due to the imposition of a habitat conservation order will be a proportionate measure. I also consider that no less restrictive means are available that would sufficiently serve the protective purpose of the orders.

Accordingly, I consider that the Bill is compatible with the right to freedom of movement under section 12 of the Charter.

Privacy

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, and not to have their reputation unlawfully attacked. An interference with privacy will not be unlawful where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be arbitrary provided they are reasonable in the particular circumstances, and just and proportionate to the legitimate aim sought.

Habitat conservation orders

Section 13(a) protects the right not to have one's home unlawfully or arbitrarily interfered with. It is possible that the creation of a habitat conservation order and associated restriction and conditions may interfere with a person's home, where that home is located on land that was subject to such an order.

As discussed above, the habitat conservation orders serve an important purpose, and the restrictions imposed by such orders are proportionate to that objective. Additionally, review can be sort of the orders. For these reasons, any interference with privacy caused by the creation and/or operation of a habitat conservation order would not be arbitrary. Neither will such an order be unlawful, given that the provisions are clear and proportionate.

Entry without warrant by authorised officers

Clause 29 of the Bill amends authorised officers' existing inspection and evidence gathering powers in section 57. Entry without consent or a warrant is only permitted for land, non-residential buildings and vehicles, and the powers of authorised officers are appropriately restricted to only permit seizure of any thing (including documents) where it is necessary to prevent its use in the contravention of the Principal Act and related instruments or to prevent its concealment, loss or destruction. Further, entry without consent or warrant may only occur at a reasonable time and by reasonable means. Given these protections, and the fact that there is no power to enter residential buildings, I consider that the power of entry without warrant in section 57, as amended by clause 29, does not limit the right to privacy.

Entry with warrant by authorised officers

Consistent with the current position under the Principal Act, a warrant must be obtained to enter a building that is occupied as a residence. Only things named or described in the warrant, or things that the authorised officer believes on reasonable grounds are connected to the offence specified in the warrant or another offence against the Principal Act or regulations, may be seized. The Bill provides that an authorised officer may only apply for a search warrant if the authorised officer believes on reasonable grounds that there is, or may be within the next 72 hours, on or in the building a particular thing that may be evidence of the commission of an offence against the Principal Act or the regulations.

In addition, the Bill inserts new provisions to ensure that a search warrant for residential premises is executed under appropriate circumstances. For example, new section 57C requires announcement prior to entry, unless the authorised officer or person assisting the officer believes on reasonable grounds that immediate entry to the building is required to ensure either the safety of any person, or that the effective execution of the search warrant is not frustrated.

The entry with warrant power accordingly also does not arbitrarily or unlawfully interfere with the right to privacy.

Inspection and evidence gathering powers

As well as powers of entry, authorised officers also have the power to seize any thing (including a document) found at the land, building or vehicle; examine or take copies of or take extracts from documents that are seized or produced to the officer; require samples to be given or take samples of any thing.

To the extent that any of these items contain personal information, these powers may result in an interference to privacy. However, these powers relate to regulating the Principal Act and protecting flora and fauna. Consequently, it is unlikely that an item seized would contain personal information of a kind that a person expects to remain private. Additionally, the powers can only be exercised where an authorised officer has lawfully exercised a power of entry which, as discussed above, are themselves compatible with the right to privacy. Accordingly, these powers do not limit the right to privacy.

Publication of enforceable undertakings and agreements with landowners

Clause 20 will insert new section 42 into the Principal Act, which provides that the Secretary must ensure that a register of critical habitat determinations and habitat conservation orders is kept and maintained, which must include 'agreements with landowners'.

Clause 37 inserts new Division 3A into Part 6 of the Principal Act, creating a framework for enforceable undertakings. New section 62E provides that the Secretary may publicise the failure of a person to comply with a court order made under new section 62D in relation to an enforceable undertaking. New section 62I provides that the Secretary must maintain a register of enforceable undertakings which must be published on the Internet.

The publication of certain information on a register, and the publicising of a person's failure to comply with a court order, engages but does not limit the right to privacy and reputation under the Charter.

Enforceable undertakings are voluntary. A person who enters into an undertaking with the Secretary would be aware of the framework in new Division 3A, including the enforcement and publication provisions, and so would know that details of the undertaking will be publicly available and that failure to comply with a court order may be publicised. Publication of a failure to comply with a court order may only occur after a person has failed to comply with the enforceable undertaking, a subsequent order of the Magistrates' Court, and written notice from the Secretary under section 62E (within 14 days of being given the notice). A landowner who entered into agreement would also be aware that the agreement would be published. Public availability promotes transparency and accountability in relation to enforceable undertakings more broadly. Additionally, there is unlikely to be an expectation of privacy regarding the kind of information published by virtue of the operation of these provisions.

In my opinion, the publication of possibly personal information by way of the operation of the enforceable undertaking regime and the creation of a register of critical habitat determinations and conservation orders do not limit the right to privacy and reputation as they are neither unlawful nor arbitrary.

Accordingly, the Bill is compatible with the right to privacy under section 13 of the Charter.

Right to public life

Section 18(1) of the Charter provides that every person in Victoria has the right to participate in the conduct of public affairs.

Clause 9 amends section 8 of the Act which establishes the Scientific Advisory Committee. New subsection 8(3B) provides that a majority of members of the Committee must be scientists who are not employed under Part 3 of the *Public Administration Act 2004*. The amendment to section 8 may operate to restrict some public servants from being members of the Committee, and thus restrict the ability of such public servants to participate in public life through participating on the Committee. However, the restriction serves an important purpose of ensuring the objectivity of the Committee members. Additionally, at least four of the nine scientists appointed to the Committee can be public servants, so the restriction will not operate to prevent all public servants from possible appointment to the Committee.

Accordingly, any limitation on the right to public life under section 18 of the Charter is reasonable and justifiable.

Cultural rights

Section 19 of the Charter provides for the rights of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The Bill maintains and makes amendments to offences in the Principal Act which prohibit the taking of listed flora and fish without approval, which on their face may be seen to restrict the rights of Aboriginal persons to access flora and fauna which have a connection to traditional laws and customs.

However, the Bill maintains the existing exemption at section 6A of the Principal Act that provides that where a traditional owner group entity has an agreement under Part 6 of the *Traditional Owner Settlement Act 2010*, any provision in the Principal Act that provides for an offence for carrying out an agreed activity (other than section 32) does not apply to a member of the traditional owner group who is bound by the agreement, and who is carrying out an agreed activity, to which that offence would apply, on land to which the agreement applies.

As outlined in relation to the freedom of movement above, the Bill provides for the application of critical habitat determinations and habitat conservation orders over any land in Victoria, which may restrict or prohibit activities and the use of property within an area. The offence of failing to comply with a habitat conservation order (section 32), is not exempted by section 6A and continues to apply to traditional owners carrying out agreed activities on land to which an agreement applies under Part 6 of the *Traditional Owner Settlement Act 2010*.

On their face, these powers may be seen to restrict the rights of Aboriginal persons to access natural resources which have a connection to traditional laws and customs.

However, the Bill will provide at new section 28 that, prior to making a habitat conservation order in relation to critical habitat that is within the area of land subject to an agreement under Part 6 of the *Traditional Owner Settlement Act*, the Minister must not make that order unless the Secretary has taken all reasonable steps to reach agreement with the relevant traditional owner group entity on alternative measures for the conservation, protection or management of the critical habitat.

Furthermore, clause 6 of the Bill provides for new decision making principles including the requirement that a decision, policy, program or process undertaken under the Principal Act gives proper consideration to the

rights and interests of traditional owners by acknowledging the cultural and spiritual connections to land, biodiversity and resources through a relationship with country; by supporting participation in decision-making; and by facilitating access to biodiversity and providing opportunities for economic advancement.

Consequently, in applying critical habitat determinations and habitat conservation orders over land that may potentially restrict the cultural rights of Aboriginal persons the decision-maker will be required to give consideration to those rights and interests.

In my opinion the Act's offences and application of critical habitat determinations and habitat conservation orders do not unjustifiably limit the rights of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Accordingly, the Bill is compatible with cultural rights under section 19 of the Charter.

Property rights

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Expansion of inspection and evidence gathering powers of authorised officers

Clause 29 of the Bill amends authorised officers' existing inspection and evidence gathering powers under section 57 of the Principal Act.

These amendments empower an authorised officer to seize any thing found at the land, non-residential buildings or vehicles for the purpose of preventing its use in the contravention of the Principal Act, regulations and specified instruments, or preventing the concealment, loss or destruction of the thing. An authorised officer may also take samples of any thing found at the land, building or vehicle in respect of which the authorised officer suspects that there has been a contravention of the Principal Act or specified instrument.

An authorised officer may only exercise these powers when doing so is necessary to investigate compliance with the Principal Act or relevant instruments. Further, under new section 57E, the authorised officer must provide a written receipt for the item seized and must take reasonable steps to return the item if the reason for its seizure no longer exists. As described above in relation to the right to privacy, the Bill strengthens the framework for obtaining and executing a search warrant for residential premises to ensure they are limited to appropriate circumstances. In my view, the powers of authorised officers are appropriately circumscribed to only permit seizure of items necessary to investigate compliance with the Principal Act, ensuring that the important conservation objectives of the Principal Act are protected.

New section 57I also provides for the disposal or destruction of seized flora or fauna by order of a court, if the court is satisfied that the person was not authorised to possess the flora or fauna, or of any other thing if the owner of the thing cannot be found.

Habitat conservation orders

As outlined in relation to the freedom of movement above, habitat conservation orders may prohibit or restrict land use and development within a critical habitat, proposed critical habitat, or outside the relevant habitat if the land use or development is likely to adversely affect the habitat.

To the extent that a habitat conservation order may apply to private property to limit a person's property rights, any such limitation is reasonable and justified as this power is an appropriate management tool to ensure the protection of habitats essential to the survival of threatened species. Additionally, the Bill provides at new section 39 for compensation to be paid for financial loss suffered as a natural, direct and reasonable consequence of the making of the order where the order affects an existing use right under the *Planning and Environment Act 1987* or an authority granted under another Act.

These provisions do not infringe the right to property because any deprivation of property that may occur as result of making a habitat conservation order is clearly provided for by law and will occur for a legitimate purpose, being to achieve important conservation objectives.

Accordingly, the Bill is compatible with the right to property under section 20 of the Charter.

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 proved guilty according to law. This right is relevant where a provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Evidentiary provisions relating to retention notices

New section 57H, inserted by clause 30 of the Bill, sets out evidentiary presumptions in relation to retention notices that apply in any proceedings under the Principal Act. An authorised officer may, in circumstances specified in new section 57G, issue a retention notice requiring a person to keep a thing, and not dispose of or sell it. New section 57H provides that if a thing specified in such a notice is no longer in the specified person's possession, that is evidence that the person has not complied with the notice. The section further provides that if a thing is specified in a notice as being in the possession of a particular person that is evidence that the thing was in the possession of that person.

In my view, new section 57H will not lessen the burden of proof placed on the prosecution. The burden of proof remains on the prosecution to prove that the item subject to the retention order is no longer in a person's possession, and that the retention order has not been complied with.

Accordingly, in my view, new section 57H does not limit the right to be presumed innocent under section 25(1) of the Charter.

Offences regarding restricted and protected flora

The Bill will include several new offences in the Act which contain exceptions. However, since the exceptions to the offences must be disproved by the prosecution in order for the relevant offence to be proved, the offences do not place an evidential onus on a defendant to raise one of the exceptions.

Clause 25 substitutes section 52 of the Principal Act and inserts new section 52A. Clause 22 substitutes section 47 of the Principal Act and inserts three new offences. These offences do not shift the burden of proof since the prosecution is required to prove all elements of the relevant offences, which includes proving that the exceptions in these offences do not apply.

Accordingly, the Bill is compatible with the right to be presumed innocent under section 25 of the Charter.

Hon. Gavin Jennings, MP
Special Minister of State
Minister for Priority Precincts
Minister for Aboriginal Affairs
Leader of the Government in the Legislative Council

Second reading

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services)
(18:03): I move:

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

Motion agreed to.

Ms MIKAKOS: I move:

That the bill be now read a second time.

Incorporated speech as follows:

This Bill strengthens and modernises the *Flora and Fauna Guarantee Act 1988* (the Act), delivering on the Government's commitment to review the Act. The Bill amends the Act to ensure that it is stronger and can more effectively protect Victoria's biodiversity in the face of existing and emerging threats such as climate change. The reforms in this Bill were first introduced into Parliament on 23 May 2018 but lapsed when Parliament was prorogued before the election. This Bill reintroduces substantively the same reforms, consistent with the Government's ongoing commitment to ensure Victoria's biodiversity is healthy, valued and actively cared for.

Victoria's natural environment is home to a special and unique blend of plants and animals. Many species and ecological communities only occur in this State. However, despite the best efforts of individuals, the community, non-government organisations and governments, Victorian native species continue to face significant pressures that threaten their survival.

The vulnerability of our flora and fauna is only likely to increase as climate change affects our environment.

In 1988 the Act established for the first time in legislation a clear commitment to the achievement of the conservation of our native species and was a landmark piece of conservation legislation. The Act was prepared in recognition by government that Victoria's native species were in trouble and declining. The Act introduced

‘modern, efficient and effective management systems for the protection of the State’s native species, basic legal powers and a framework for public participation’ and, at the time, was transformative.

The Act created the framework for strategies and approaches that remain relevant today. For example, the Act was more than just endangered species legislation and placed importance on prevention, to ensure more species did not become threatened in the future. The Act emphasised the importance of cooperative approaches to biodiversity conservation and recognised that all government agencies and the community need to participate in the conservation effort. As such, much of the Act’s architecture is still fit for purpose. Victoria’s continued decline in biodiversity can in part be attributed to a lack of implementation of this Act, rather than to deficiencies in its structure.

In the 30 years it has been in operation, however, the Act has not been comprehensively reviewed, and in parts, no longer reflects contemporary international and national approaches to biodiversity conservation. This Bill is not a reinvention of the Act but seeks to modernise it and revive its use. Where the Act’s existing tools are still appropriate, this Bill seeks to encourage their effective use and to create incentives for positive conservation action.

The reforms in this Bill respect the aspiration of the original championing Act, but introduce contemporary practices in biodiversity management, regulation and government accountability.

The development of this Bill was informed by community consultation and in 2017, the Government released the *Review of the Flora and Fauna Guarantee Act—Consultation Paper* for eight weeks of public comment. The public consultation period attracted significant community interest. Two hundred and ten written submissions were received from a broad range of stakeholders, including industry, local government, environment groups, public authorities and individuals.

Since the introduction of the 2018 Bill, the Commissioner for Environmental Sustainability Victoria released the Victorian State of the Environment 2018 report. The report finds most biodiversity indicators are poor and trending downwards. Also released was the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES): Global assessment summary report on biodiversity and ecosystem services, which found similar trends occurring globally.

What is clear is that business as usual will not adequately address threats to Victoria’s biodiversity. That is why, during the past four years, the Victorian Government has provided more than \$149 million for the protection of Victoria’s biodiversity, including for initiatives that deliver on ground environmental action. Coupled with *Protecting Victoria’s Environment—Biodiversity 2037* and new native vegetation clearing regulations, this Bill will give Victoria a modern and effective approach to protecting Victoria’s biodiversity.

WHAT CHANGES WILL THE BILL MAKE?

Part 1—Preliminary

I now turn to the specific amendments which the Bill will make to the existing Parts of the *Flora and Fauna Guarantee Act 1988*.

Section 4—Objectives of the Act

Currently the Act contains a set of conservation management objectives. The scope of the objectives is broad: they relate to all indigenous flora and fauna in Victoria and not merely threatened species, as well as communities of flora and fauna, potentially threatening processes, and genetic diversity.

The objectives have been updated to place greater emphasis on prevention and restoration. The first objective [section 4(a)] guaranteeing the survival of all Victoria’s flora and fauna has been retained, with minor modernising amendments.

New objectives include:

- To prevent indigenous taxa and communities of flora and fauna from becoming threatened and to recover threatened taxa and communities so their conservation status improves;
- To identify and conserve areas of the State in respect of which critical habitat determinations are made.

New Section 4A—Principles of the Act

The Bill introduces a set of principles to guide the administration of the Act and direct decision makers to consider certain matters in exercising functions under the Act. They require that decision makers give proper consideration to the rights and interests of Traditional Owners, the potential impacts of climate change, public participation, supporting collaboration between government, the community and partner agencies, the precautionary principle and the best available information in the management of Victoria’s biodiversity.

New Section 4B—Minister and public authorities to give proper consideration to the objectives and instruments made under the Act.

The Act currently contains an obligation on public authorities to be administered so as to have regard to the flora and fauna conservation and management objectives (section 4(2)).

The proposed Bill will provide greater clarity as to what is required, with a new provision that specifies the relevant considerations, consistent with the existing objectives, as well as any instruments made under the Act such as the Biodiversity Strategy, critical habitat determinations, action statements and management plans.

The Bill will replace ‘have regard’ with ‘give proper consideration to’, which is reflected in other statutory obligations on public authorities, such as section 32 of the *Charter of Human Rights and Responsibilities Act 2006*. The Bill clarifies the obligations of public authorities under the Act by specifying relevant considerations and provides tools to guide and support public authorities in fulfilling the duty. These tools include:

- Ministerial guidelines that can clarify the duty and define what is reasonably expected of public authorities when considering the obligations under the Act;
- public authority management agreements which can combine a public authority’s biodiversity obligations under the Act into a single instrument, including permit requirements and obligations under section 4B;
- powers for the Minister to request information from a public authority if there are concerns regarding the authority’s ability to fulfil their duty.

Overall, the duty strengthens government leadership and accountability by encouraging consideration of biodiversity across government and by clarifying the existing requirement for public authorities to have regard to the objectives of the Act.

Part 2—Administration

Minor amendments have been proposed in the Part 2 of the Act, which relates to Administration. They include updating terminology introduced in the objectives and including references under the functions of the Secretary to the newly created principles.

The membership of the Scientific Advisory Committee has increased from five members to a minimum of seven and a maximum of nine members. References to the Conservation Advisory Committee have been removed, as it has not been established for over 20 years.

Part 3—Listing

The Bill proposes to amend the Act to give effect to the *Intergovernmental Memorandum of Understanding agreement on a national common assessment method for listing of threatened species and communities*. This Bill does not change the Act’s current approach to listing threatened communities.

Under the common assessment method, Victoria will manage a single list of threatened species in threat categories consistent with the Commonwealth Government and other States and Territories. Eligibility will be assessed initially on the basis of extinction risk in Australia. However, eligibility can be assessed on the basis of risk of extinction in Victoria in suitable circumstances.

Provided that the Scientific Advisory Committee has had input into the process, assessments conducted by other jurisdictions, in accordance with the common assessment method, can bypass the need for a preliminary recommendation and the Scientific Advisory Committee can proceed to make a final recommendation.

In order to maintain and ensure government accountability, a new provision has been created to ensure the Minister must, after any change to the threatened or processes list, ensure an up-to-date consolidated version of the list is published on the Department’s website as soon as practicable and that the lists are reviewed at intervals of no longer than 5 years.

Part 4—Management processes

The Bill maintains the Act’s requirement to prepare a Biodiversity Strategy which establishes proposals for achieving the objectives of the Act. The Bill provides that the existing Biodiversity Plan, *Protecting Victoria’s Environment—Biodiversity 2037* will be taken to be the first Biodiversity Strategy. The Bill adds the requirement for the Strategy to contain targets to measure the achievement of the objectives and introduces a new framework for monitoring and evaluating implementation, which embeds key components of the existing plan into the Act. The Bill inserts a new obligation on the Commissioner for Environmental Sustainability to report on the progress of a Biodiversity Strategy in achieving its proposals and targets every five years and

makes consequential amendments to the *Commissioner for Environmental Sustainability Act 2003* to reflect this obligation.

The Bill maintains the Act's obligation on the Secretary to prepare an action statement for every listed species, community or potentially threatening process as soon as possible after it is listed.

The Bill also retains the Secretary's power to determine that an area is critical habitat. Greater participation will be provided to landowners affected by determinations, underpinned by proportionate regulatory protection for these areas. The Bill inserts a new definition of critical habitat which clarifies and expands upon the current Act's definition. Under the current Act, the Secretary may determine that the whole or any part or parts of the habitat of any taxon or community of flora or fauna is critical to the survival of that taxon or community. Establishing that any particular area of a taxon's habitat is critical to its survival is scientifically challenging.

The Bill's new definition of critical habitat includes any area that significantly contributes to the conservation in Victoria of a listed taxon or community of flora or fauna and includes an inclusive list of factors which may contribute to an area's significance.

Critical habitats may:

- contain habitat that makes a significant contribution to the conservation in the State of any species or ecological communities listed as threatened under the Act, or is in the process of being listed as threatened under the Act (a preliminary recommendation must be made by the Scientific Advisory Committee before it is eligible); or
- support ecological processes or ecological integrity that makes a significant contribution to the conservation in the State of any species or ecological communities listed as threatened under the Act.

The Bill gives a greater role to the Scientific Advisory Committee in critical habitat determinations. The Scientific Advisory Committee may make a recommendation to the Secretary to make a critical habitat determination. In preparing a critical habitat determination, the Secretary must consult the Scientific Advisory Committee. The Secretary must give reasons to the Scientific Advisory Committee for a decision to propose—or not propose—a critical habitat determination following a recommendation.

Once a critical habitat determination has been made, the Secretary must take all reasonable steps to enter into agreements with affected landowners or public authorities.

The ability to prepare more detailed management plans for species, communities or potentially threatening processes that require particular attention will be maintained. A management plan must set out:

- the way in which the objectives are to be implemented or promoted for the benefit of that species or community or the management of that threatening process; and
- how the effectiveness of management activities will be assessed; and
- the date by which the management plan is recommended for review by the Secretary.

Circumstances in which a management plan must be prepared will be set out in Ministerial guidelines. Publication of a draft plan and public consultation will continue to apply to the making of management plans.

Part 5—Conservation and control measures

Under the current Act, critical habitat can be protected by the making of an Interim Conservation Order. The Bill proposes that an interim conservation order may have effect beyond the existing two-year limit, consistent with similar powers in New South Wales and Western Australia. The proposed new name for the order—'habitat conservation order'—reflects this move to longer term management.

The Bill requires the Minister to consider whether to make a habitat conservation order within 2 years of the making of a critical habitat determination in relation to critically endangered flora or fauna, or communities of flora or fauna. The Minister must not make the order unless it is necessary to:

- halt, prevent or repair damage to the critical habitat or proposed critical habitat; or
- manage the critical habitat or proposed critical habitat to ensure its conservation or protection.

Consistent with the current Act, the Minister may suspend a licence, permit or other authority issued under any other Act that permits the holder of the licence, permit or authority to act in contravention of a habitat conservation order.

Habitat Conservation Orders may provide for:

- the conservation, protection or management of flora, fauna, land or water within an area of critical habitat or proposed critical habitat;

- a requirement for any person proposing to undertake any activity, land use or development within the critical habitat to obtain a permit from the Minister;
- a power to enable the Secretary to undertake any actions or works to conserve, protect or manage the critical habitat or proposed critical habitat;
- a requirement to repair any damage to the critical habitat or proposed critical habitat that has occurred since notice of the critical habitat or proposed critical habitat was given;
- similar powers in respect of an area that is outside the critical habitat or proposed critical habitat without which actions are likely to adversely affect the critical habitat.

Compensation will be available to a person who has an existing right under the *Planning and Environment Act 1987* or an authority under another Act, and who is affected by a habitat conservation order, or a person with a licence, permit or other authority which has been suspended by the Minister. A person who has been affected by an order may also appeal to the Victorian Civil and Administrative Tribunal for review.

Consultation and notice provisions will continue to apply to the making of orders.

The Act continues to protect listed species and members of ecological communities and prohibit activities impacting on protected taxa without approval. Strict liability offences have been created to enable enforcement using infringement notices in future.

The current Act enables flora that are not listed as threatened to be declared to be protected by order of the Governor in Council. This power has been used to manage flora at risk from commercial and personal use. Under the current Act, flora declared protected in this way are covered by the same offence as threatened flora. As a consequence, the same approval requirements apply to public works for non-threatened flora and threatened flora. With respect to non-threatened flora, this duplicates the role of the native vegetation clearing controls in the Victorian Planning Provisions.

The Bill focusses the regulation of common, non-threatened flora on higher risk activities such as commercial harvesting and removes the existing overlap with native vegetation clearing controls. In order to facilitate this, the current list of protected flora will be reviewed. The Bill introduces a new “restricted use” category, which will apply to flora that are not listed as threatened, but may be at risk if commercial or personal use is not sustainably managed. Protection of threatened flora is retained.

The Bill inserts a new exemption from the need for a permit to take protected flora for public authorities acting in accordance with a public authority management agreement under the Act. This can bring a public authority’s flora and fauna obligations under the Act (including its duty under section 4B) into one instrument, removing the need for individual approvals and significantly reducing regulatory burden, provided equivalent or improved ecological outcomes are achieved.

The Bill maintains the Act’s exemption for taking protected flora from private land, for non-commercial purposes, and will clarify that private land excludes land owned by or vested in a public authority (consistent with the existing protected flora order of the Governor-in-Council).

Part 6—General

The current Act has been challenging to enforce. It lacks a range of enforcement tools that enable a tiered response based on the severity of the offence. The enforcement provisions, powers of authorised officers and penalties are out of date and do not match related legislation in Victoria and interstate.

The Bill increases penalties so the Act provides an effective deterrent to breaches and is brought in line with other legislation in Victoria. The penalty for a number of offences will increase from a maximum of 50 penalty units to 240 penalty units, in line with related legislation such as the *Wildlife Act 1975*. Higher penalties will apply for body corporates. The Bill also strengthens the powers of authorised officers and introduces an enforceable undertaking regime.

These amendments aim to bring the Act in line with other legislation in Victoria and with best practice enforcement frameworks. They will provide an effective deterrent to breaches of the Act.

Conclusion

In summary, this Bill reaffirms the Victorian Government’s commitment to guarantee the persistence of Victoria’s flora and fauna. It brings the Act in line with international best practice and enables greater protection for critical habitats. It re-establishes a modern framework for biodiversity protection and management in Victoria, supported by strong enforcement structures.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (18:04): I move, on behalf of my colleague Ms Wooldridge:

That the debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019

Introduction and first reading

The DEPUTY PRESIDENT (18:04): I have another message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Births, Deaths and Marriages Registration Act 1996** to provide for a person to alter the record of a person’s sex in the person’s birth registration and to further provide for the issuing of a document acknowledging a person’s name and sex, to make consequential amendments to the **Children, Youth and Families Act 2005**, the **Corrections Act 1986**, the **Serious Offenders Act 2018** and the **Sex Offenders Registration Act 2004** and for other purposes’.

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (18:05): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms MIKAKOS: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (18:06): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

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 Births, Deaths and Marriages Registration Amendment Bill 2019.

In my opinion, the Births, Deaths and Marriages Registration Amendment Bill 2019, 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 *Births, Deaths and Marriages Registration Act 1996* to remove a requirement for an applicant seeking to alter the sex recorded in their Victorian birth registration to have undergone sex affirmation surgery. Instead, the Bill allows an adult to apply to the Victorian Registrar of Births, Deaths and Marriages (the Registrar) to alter the sex recorded in their birth registration by way of a statutory declaration that the person believes that their sex is as nominated in the application, and which is accompanied by a supporting statement from an adult who has known the applicant for at least 12 months. The applicant must nominate the description of the sex to be used on their birth record, which may be ‘male’, ‘female’ or any other gender diverse or non-binary descriptor nominated by the applicant. This means a person will be able to describe their sex in a way that reflects their identity.

The Bill introduces a new process to allow the parent(s) or guardian of a child to apply to the Registrar to alter the sex recorded on the child’s Victorian birth registration. This process will be restricted to children with the capacity to consent to the alteration. Children aged 16 and 17 years old will be presumed to have that capacity.

The Bill allows the Registrar to issue a document acknowledging the sex of an adult or child whose birth is registered outside of Victoria, if they have lived in Victoria for at least a year.

In addition, the Bill amends the *Children, Youth and Families Act 2005*, the *Corrections Act 1986*, the *Serious Offenders Act 2018* and the *Sex Offenders Registration Act 2004* to require detainees in youth justice facilities, prisoners, prisoners on parole, offenders or registered sex offenders to comply with an approval process before making their application to alter the sex recorded in their birth registration, or for a document acknowledging their sex. The approval process is similar to the approval process for change of name applications.

The Bill amends the Births, Deaths and Marriages Registration Act and the Corrections Act to allow the Secretary of the Department of Justice and Community Safety to obtain information from the Registrar about all alterations of the record of sex of a prisoner or all of the documents issued acknowledging the sex of the prisoner where this is reasonably necessary for the purposes of the administration of the corrections legislation or for the purpose of the provision of services related to the health of the prisoner.

The Bill also amends the Births, Deaths and Marriages Registration Act to allow the Registrar to provide written notice that a document has been issued to the Registrar in the state or territory where the birth of the person, the subject of the document, is registered.

Human Rights Issues

Right to equality and the protection of families and children

Section 8 of the Charter provides that every person has the right to enjoy their human rights without discrimination, is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. Discrimination under the Charter means discrimination on the basis of an attribute set out in section 6 of the *Equal Opportunity Act 2010*, including gender identity, marital status or sex.

Section 17 of the Charter provides that families are the fundamental group unit of society and are entitled to protection and that every child has the right, without discrimination, to such protection, as is in their best interests and is needed by reason of their being a child.

New sex descriptors

New section 30A(2), inserted in the Births, Deaths and Marriages Registration Act by clause 8 of the Bill, and new section 30E(2), inserted by clause 10 of the Bill, allows a person to nominate a sex descriptor to describe their sex in their birth registration or document respectively. A sex descriptor may be 'male', 'female' or any other descriptor nominated by the applicant. This means a person will be able to describe their sex in a way that reflects their gender diverse or non-binary identity. This new additional category promotes the right to equality of trans and gender diverse people because it allows a person to use a description of their sex that is the most appropriate and meaningful to them. This description will be recorded in their birth registration, and be what is shown on their birth certificate.

Removal of barriers to acknowledging a person's sex on their birth record

Currently, a person wanting to alter the sex recorded in their birth registration must have undergone sex affirmation surgery.

Sex affirmation surgery is a serious medical procedure that involves the alteration of a person's reproductive organs. For some people who identify as a sex that is different from that recorded in their birth registration, such surgery is not an option because the person has a medical condition or disability that prevents the surgery being undertaken, or because the surgery is unaffordable, not easily accessible or even available where the person lives. Further, some people who identify as a sex different from that recorded in their birth registration do not wish to undergo surgery. The surgery requirement applies regardless of other ways in which the person may live in their affirmed gender identity.

New section 30A in clause 8 of the Bill removes the current requirement to have undergone sex affirmation surgery. New section 30E in clause 10 of the Bill similarly removes these requirements for a person whose birth is registered in a place other than Victoria, in order to apply for a document that acknowledges their sex in accordance with their nominated sex descriptor.

In removing this unnecessary barrier, the Bill promotes the right to equality and makes it easier for trans and gender diverse people to alter their birth record in a way that recognises the inherent dignity and autonomy of a person. It also promotes the right to privacy which seeks to protect personal and social individuality and identity, encompassing physical and psychological integrity.

The new process for applying to alter the record of sex in a birth registration does not require a person to show medical evidence of gender transition or confirmation by a medical professional as to the person's sex: such requirements would inappropriately medicalise the person's sex or gender identity, and undermine the

person's own statements about their sex or gender identity. Instead, the new process is primarily based on the person's self-declaration as to their sex. The equality rights of persons with disabilities may also be promoted by these changes, as some medical conditions preclude persons from undertaking sex affirmation surgery.

New process for acknowledging a child's recorded sex

New sections 30B and 30BA, inserted by clause 8 of the Bill, introduce a process for the parent(s) or guardian of a child to apply to alter the sex recorded in the child's birth registration. New sections 30EA and 30EB, inserted by clause 10 of the Bill, introduce a process with the same requirements for the parent(s) or guardian of a child whose birth is not registered in Victoria, but who has lived in Victoria for at least 12 months, to apply for a document acknowledging the child's name and sex in accordance with the nominated sex description.

In both cases, an application cannot be made unless the child consents to the application and the child must have the capacity to consent to the alteration. As for adults, clauses 8 and 10 of the Bill provide for the nomination of a sex descriptor of the child's choice. The introduction of these new processes for altering a child's recorded sex, where previously there were no mechanisms for doing so, promotes the right to equality and the protection of trans and gender diverse children by allowing them to alter the sex recorded in their birth registration in a way that is appropriate and meaningful to them.

However, the Bill may also limit the right to equality of children and the right to protection of children by: providing for a special approval process to alter a child's recorded sex that is different to the process for adults; providing a more restrictive application process for children under 16 than for those aged 16 and 17 years old; and requiring minors to obtain parental approval for altering their recorded sex. In my opinion, any such limitation is reasonable and justified for the protection of families and children in accordance with section 7(2) of the Charter.

The Bill introduces a special approval process to alter a child's recorded sex by requiring a relevant person, being a doctor, registered psychologist or a person in a prescribed class of persons, to make a supporting statement affirming that in their opinion the application is in the best interests of the child. Although this requirement makes the application process for children more restrictive than for adults, it provides an important independent safeguard of the child's general health and wellbeing, and takes into account the particular vulnerabilities of children. I therefore consider that it strikes a balance between the rights of the child to equality and their right to such protection as is in their best interests, and is needed by reason of their being a child under section 17(2) of the Charter.

Children aged 16 and 17 years old are presumed to have the capacity to consent to an application to alter their recorded sex. This presumption means that the application process for children under 16 years of age is different than those for children aged 16 and 17. Unlike children aged 16 and 17, children under 16 years of age must have their individual decision-making capacity assessed by a relevant person to ensure that they have the capacity to consent to the application being made. This variation recognises that children aged 16 and 17 generally have the maturity to understand the meaning and consequences of altering their recorded sex. A different process for children aged under 16 than for those aged 16 and 17 is therefore appropriate in recognition of this variation in capacity. In my view, there is no less restrictive means available to ensure that the rights of children who have different decision-making capacities are protected in this context.

The application process for altering the child's recorded sex is also more restrictive than that available for adults in that the application must be made by a child's parent(s) or guardians on their behalf. I consider that this process strikes an appropriate balance between the rights of the child to equality, and the protection of families under section 17 of the Charter, by preserving the rights of parents to make decisions in the best interests of their child and recognising the variations in capacity between children of different ages and children and adults.

In recognition of the fact that parents might disagree as to what is in their child's best interests, new section 30BB, inserted by clause 8 of the Bill, and new section 30EC, inserted by clause 10, provide a mechanism for one parent or guardian to make an application to the County Court for an order to approve the alteration of the child's recorded sex if the Court is satisfied that the alteration is in the child's best interests. Where neither the parents, nor a guardian, make an application on behalf of the child, despite the child's request for an application to be made, the matter would need to be resolved through the Family Court. New section 30C(3)(a), inserted by clause 9 of the Bill, would allow the Registrar to alter the record of the child's sex if the Family Court has ordered that the record be altered. In my view, there is no less restrictive means available to ensure that the rights of families, children and the right to equality are all respected.

Right to privacy

Section 13 of the Charter provides that a person has the right to not have their privacy unlawfully or arbitrarily interfered with.

Change to process for acknowledging recorded sex

Both clauses 8 and 10 of the Bill remove the requirements that a person must have undergone sex affirmation surgery in order to apply to alter the sex recorded in their birth registration, or for a document acknowledging their name and sex. The Bill therefore promotes the right to privacy, as a person seeking to alter their recorded sex will no longer be required to disclose their medical history in their application. Further, the removal of the surgery requirements promotes bodily autonomy which also falls within the scope of the right to privacy.

Information sharing

New section 30K, inserted by clause 16 of the Bill, allows the Secretary of the Department of Justice and Community Safety, in certain circumstances, to obtain information from the Registrar about all of the alterations to a prisoner's recorded sex and all documents issued acknowledging the name and sex of the prisoner.

New section 30K clearly sets out that the Registrar must only disclose information to the Secretary about a prisoner's recorded sex upon the request of the Secretary. The interference is not arbitrary because the information that the Registrar must disclose is limited to certain information about a prisoner's recorded sex and the request can only be made in relation to a defined class of persons who are deemed to be in the legal custody of the Secretary under part 1A of the Corrections Act.

Furthermore, the Secretary will only be able to make a request for this information where the request is reasonably necessary for the administration of Corrections legislation, as defined in section 104ZX of the Corrections Act, or for the purpose of providing services related to the health of the prisoner. Requests for information about alterations to the prisoner's recorded sex in their birth registration may be required for the management, supervision or transfer of prisoners in the Secretary's custody. Such information might be required, for instance, to ensure the safety of trans or gender diverse prisoners, or to determine whether a person should be considered an at-risk prisoner in need of special protective measures.

Further, the information disclosed under new section 30K to the Secretary would come within the meaning of 'personal or confidential information' in part 9E of the Corrections Act and would be subject to the provisions of that part providing for the use and disclosure of that information only in prescribed circumstances.

New section 30FA, inserted by clause 12 of the Bill, provides that the Registrar has the power to provide written notice to another Registrar that a document has been issued. The interference with privacy is lawful because it is clearly set out in the Bill and it is not arbitrary because it relates only to providing notice in the specific circumstances where a document has been issued and only to the Registrar in the state or territory where the birth of the person, the subject of the document, is registered.

The purpose of sharing this information with another Registrar is to ensure the integrity of all state and territory registers for births, deaths and marriages, as a person who has altered their recorded sex could potentially have different identity documents. Written notice of the acknowledgement document offers the best identity security protection, enabling the Registrar of the state or territory where the person's birth is registered to appropriately note the name and sex of the person as recorded in the document.

I therefore consider that any interference under the Bill with a person's privacy is lawful and not arbitrary and is therefore compatible with the Charter.

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

Second reading

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services)
(18:06): I move:

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

Motion agreed to.

Ms MIKAKOS: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Before this Government had begun its first term, we committed to putting equality back on the agenda after four years of regression, particularly for lesbian, gay, bisexual, trans and intersex—LGBTI—Victorians. It is

with great pride that we can say that promise was kept with achievements including the first Minister for Equality, adoption equality, an historic apology for historical convictions for homosexual sex, the establishment of the first Gender and Sexuality Commissioner and the now under-construction Pride Centre.

It is a list, however, that sadly remains incomplete. In the last Parliament, the government introduced similar reforms by way of the Births, Deaths and Marriages Registration Amendment Bill 2016. That legislation was defeated by a single vote in the other place leaving trans and gender diverse Victorians to continue to be subject to unfair and unnecessary barriers to obtaining documentation that reflects who they truly are.

As a government, we will continue the work of creating a fairer Victoria by eliminating discrimination in our laws and respecting the diversity inherent in our state. The Births, Deaths and Marriages Registration Amendment Bill 2019 (the Bill) is an important part of this broad equality agenda.

Though in that pursuit, we should not become complacent and forget that opposition remains. While many of us here, in the other place and across Victoria recognise the importance of advancing equality, it is not a universal belief across the political spectrum. While we continue in our efforts, we must not forget how hard the LGBTI community and their allies have fought and how the advancements we have made must continue to be protected.

The inability for trans and gender diverse people to have an accurate birth registration, which truly reflects their identity, means that high barriers continue to be thrown up against them in their daily lives. As a result, organisations and institutions may query the person's sex by asking inappropriate and intrusive questions, for example when providing a service or amending documentation such as bank accounts, insurance details, credit cards, and university records. In some circumstances where there is a lack of understanding, it may lead to appropriate care and services not being provided.

While the government is pleased that in 2018, in response to legislative changes brought about by marriage equality, the unfair "forced divorce" requirement was removed from the *Births, Deaths and Marriages Registration Act 1996* for people seeking to alter the sex recorded on their birth registration, we remained committed to reintroducing the 2016 reforms to remove other unnecessary barriers.

The Bill, which reflects that commitment, was developed in consultation with LGBTI communities. I am grateful for their assistance in developing a Bill that will improve the legal recognition of trans and gender diverse people in Victoria.

The Bill amends the Birth, Deaths and Marriages Registration Act to set out a new process for a person to alter the sex recorded in their birth registration without first having to undergo sex affirmation surgery. Sex affirmation surgery is a serious and invasive surgical procedure that involves a number of health risks, is not covered by Medicare, and not always available in Australia. This requirement also inappropriately medicalises the recognition of a person's affirmed gender, sending a harmful message to trans and gender diverse people that there is something wrong with them that needs to be "fixed". Growing numbers of trans and gender diverse people do not feel the need for medical transition.

The Bill's amendments mean that a person can apply to have their recorded sex altered on the basis of the person's own declaration and in accordance with a description of their sex that is appropriate and meaningful to them. By removing the requirement to have undergone sex affirmation surgery, the Bill promotes the right to equality in the Charter of Human Rights and Responsibilities.

The application process for adults

The Bill introduces a new application process for adults to alter the record of sex in their birth registration in a way that provides an appropriate level of legal formality, while promoting the dignity and personal autonomy of applicants. The applicant must make a statutory declaration nominating the sex to be recorded in their birth registration. Their application must include a statement from another adult who has known the applicant for 12 months or more, who believes the application is made in good faith and supports the application.

The Bill allows the applicant to nominate a sex descriptor of their choice to describe the sex on their birth record. A sex descriptor may be 'male', 'female' or any other descriptor chosen by the applicant to recognise their gender diverse or non-binary identity. This new additional category is not limited by the Bill and will allow a person to describe their sex in a way that reflects their identity. This choice is important because a list of descriptive terms to describe a person's sex in their birth registration has not otherwise been widely agreed within the general community. This approach is consistent with that of the Australian Bureau of Statistics, which allows counting of persons who are male, female or 'other'. The category of 'other' can be further described in a way that is specified by the applicant. In addition, in the most recent Commonwealth census, people who do not identify as either male or female had the option of identifying as 'other', with such identity able to be specified in the way chosen by the person completing the census.

The only limitation on the use of sex descriptors in the Bill is a discretion for the Registrar to refuse to register a descriptor that is obscene or offensive, or cannot practicably be established by repute or usage.

The Bill similarly provides for a person, whose birth is registered in a place other than Victoria, but has lived in Victoria for at least a year, to apply for a document that acknowledges their nominated sex.

The application process for children

Unlike all other Australian states and territories, Victoria currently has no statutory process for a child to alter the sex recorded in their birth registration. In recognition of the fact that many young trans and gender diverse people are capable of expressing a strong gender identity, the Bill also introduces an application process for a child's record of sex to be altered in their birth registration. Similar to the process for an adult, a child would not be required to undergo treatment and a sex descriptor of their choice must be nominated in the application.

The application would be made on behalf of a child by their parents or guardian (or in particular circumstances one parent may make the application on the child's behalf). The application must include a statutory declaration from the parents or guardian of the child stating that they believe on reasonable grounds that altering the sex recorded in the child's birth registration is in the best interests of the child.

An application cannot be made unless the child consents to the application. Where the child is under 16 years of age, the application must include an assessment by a doctor or registered psychologist (or prescribed person) that the child has the capacity to consent to the application. All applications on behalf of a child must include a statement from a doctor or registered psychologist (or prescribed person) that the alteration is in the child's best interests. These are all important independent safeguards of the child's general health and wellbeing that recognise the different decision-making capacities of children and their ability to understand the outcomes of their decisions. A child aged 16 or 17 will be presumed to have the necessary legal capacity.

The Bill similarly provides for the parents or guardian of a child, whose birth is registered in a place other than Victoria, but who has lived in Victoria for at least a year, to apply for a document that acknowledges the child's nominated sex.

Approval process for people subject to detention or supervision orders to make an application

The Bill will provide additional checks and safeguards in respect of applications by people (both adults and juveniles) in detention or under supervision who wish to make an application to alter their recorded sex. The additional conditions are very similar to those that currently apply in relation to the change of name process. The approval process provides for the relevant supervising authority to consider the application with regard to its reasonableness, necessity and other relevant considerations including security or the safe custody or welfare of the person or any other person.

Responding to concerns

The Parliamentary debate on the Bill in 2016 demonstrated a disappointing lack of understanding and acceptance by certain Members of Parliament of the difficulties faced by trans and gender diverse Victorians in our community. Trans and gender diverse people are not some abstract, hypothetical category in a text book: they are your parents, your children, your siblings, your friends and your work colleagues.

Misguided concerns were raised that the proposed reforms put women's safety at risk, for example in domestic violence shelters, change rooms and toilets. The government takes concerns about women's safety seriously but makes it very clear that these concerns are not supported by the evidence. Women have nothing to fear from these reforms.

In reality, trans and gender diverse people are at higher risk of facing harassment or violence in receiving services or using facilities if they are forced to use those that are not appropriate to their affirmed gender.

In practice, and regardless of the Bill, Victorian service providers already endeavour to respond to the needs of trans and gender diverse people who wish to access particular services that might have been established for a single sex.

Conclusion

This Bill is about giving trans and gender Victorians a basic right—a birth certificate which reflects who they truly are. It enables more adults who want to alter their recorded sex to do so without having to undergo invasive surgery, and enables children to have a birth certificate that reflects their affirmed gender identity. Together these amendments promote the right to equality and privacy in the Charter of Human Rights and Responsibilities. The Bill recognises the inherent dignity and autonomy of a person applying for a new birth certificate that is most appropriate and meaningful to them.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (18:06): I move, on behalf of my colleague Mr O'Donohue:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Questions without notice and ministers statements

WRITTEN RESPONSES

The PRESIDENT (18:07): Before we adjourn I would like to deal with an issue from question time. I refer to a question without notice directed to Mr Somyurek today by Ms Crozier. I promised the house I would return with a ruling as to whether or not the minister should provide a written response. I have given consideration as to whether the question is best directed to the Minister for Local Government or the Minister for Health. I acknowledge the minister's response at the time that this is a question that should be directed to another minister. On that basis I will order a written response from the relevant minister within two business days not counting today, given the time of day, so a response is required by Tuesday, 20 August.

A member: President, which minister?

The PRESIDENT: The relevant minister is the Minister for Health.

Adjournment

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

That the house do now adjourn.

BRIDGE ROAD, RICHMOND, TRAM STOP

Mr ONDARCHIE (Northern Metropolitan) (18:08): My adjournment matter today is for the Minister for Roads and Minister for Road Safety and the TAC. I ask this question on behalf of some local constituents in Northern Metropolitan Region, specifically in Richmond, because they have asked this question directly of the Minister for Public Transport and have been referred back to the Minister for Roads and Minister for Road Safety and the TAC. It concerns tram stop 19 on Bridge Road, Richmond. This is quite an unusual tram stop because it is outside the Richmond town hall, and if you want to cross Bridge Road, you actually have to go halfway, wait for the trams to come past, then move another 15 metres further west and then, on an angle, get across to the other side of Bridge Road. It is quite a bizarre place to cross the road.

What happens is that trams do not have to stop for the pedestrians crossing the road, so many people who get halfway out there then have to have a quick look around to see if a tram is coming from either direction, make their way 15 metres further to the west and then use the angled crossing to cross back over to the southern side of Bridge Road. This has become particularly hazardous for people trying to contemplate getting across, particularly for people on motor scooters, for the elderly and for people with assistance dogs and particularly for mums with children in the morning trying to get them to and from school. It has been particularly hazardous.

Local residents have written to the Minister for Public Transport and have been referred to the Minister for Roads. Public Transport Victoria say, 'It's not our issue'. The City of Yarra is saying, 'It's not our issue'. Yarra Trams is saying, 'It's not our issue'. Everybody is dodging what is going to happen here, and I have to say that unless we do something about it there is going to be a tragedy on Bridge Road. I have myself seen people getting stuck out in the middle with trams coming from either direction—they cannot go backwards because they will step into a line of traffic and they cannot go forwards because they will walk into the path of a tram. It needs to be addressed.

So the adjournment matter I have for the Minister for Roads and Minister for Road Safety and the TAC is to provide me with what the solution is that can be done to save tram stop 19 and particularly the people using that tram stop—to provide the appropriate solution to me so that I can provide it to the residents of Richmond. We need to do this before a tragedy occurs.

HYDROMORPHONE TRIAL

Ms PATTEN (Northern Metropolitan) (18:10): My adjournment matter today is for the Minister for Mental Health, and the action I seek is for the minister to immediately introduce a hydromorphone trial as part of the medically supervised injecting centre. Part of this is that I just want to read the following poem, which was written by a user of the MSIC who recently died. His grief-stricken father, who would rather not be named here today, wrote to me to thank me and colleagues across the Parliament for supporting the injecting room and asking me to support a hydromorphone trial.

There is a great place us outcast drug users can go,
Where we can come to safely use our show—
A safe room to keep us alive—and I want to share how much it means to me and everyone should know.

All are allowed young, mature and old,
As for dedication for my safety, the injecting room is sold.
Carefully the staff are there so we can safely inject,
Friendly without judgement for it's our lives they protect.
Making sure if need be reversing an overdose effect
All times friendly and helpful, they truly make an effort to connect.

Those who work here are surely worth much more than their weight in gold.
I feel warmly treated like family, the reception is never cold.
Now, three times they have saved my life, if not for this place I'd be in great strife.
So us users who tend to walk on the edge of a knife, I advise you an OD never needs to end a life.

My admiration and respect for this caring crew I cannot portray in words, more positive recognition each one deserves.

Sadly, this person could not use the centre at a time when it was shut, and he died. Marginalised heroin users spend most of their time trying to acquire heroin and the money to pay for it. In desperation they turn to crime and they turn to drug trafficking. It is maintenance therapy, and it is chaotic. If we had a hydromorphone trial, we would be able to improve the amenity of the area, reduce crime in the area, save people's lives and move them onto better paths. I seek the minister's support for that.

HOPETOUN P-12 COLLEGE

Ms LOVELL (Northern Victoria) (18:13): My adjournment matter is for the Minister for Education and relates to the substandard learning conditions endured by students at Hopetoun P-12 College. The action that I seek from the minister is, considering the disgusting condition of the science and technology areas that students at Hopetoun P-12 College are forced to learn in, that the minister provide immediate funding to complete an internal renovation of this area of the school.

I previously raised this issue of the substandard conditions of the science and food technology areas at Hopetoun P-12 College with the minister in April. This building is used by students for home economics and science classes and was built in 1964. It has had no capital works improvement since its construction. The science room has not changed in 55 years apart from the installation of a whiteboard and a projector, while the student workbenches around the perimeter of the room are completely worn out. The food technology room has old benches and stoves—including an old combustion stove—leaking sinks, outdated and ineffective extraction systems, poor lighting and archaic equipment. The building's condition is impacting negatively on Hopetoun P-12 College's VCE, VET and Victorian certificate of applied learning offerings and on the lead-up programs offered in the primary years through to the middle years of secondary school.

During the parliamentary break I travelled to Hopetoun so I could see firsthand the condition of the science and food technology building. It is best described as disgraceful. In his reply to my

constituency question the minister stated that Hopetoun P-12 College would undergo a maintenance condition assessment in 2020 as part of the rolling facilities evaluation project. This has no connection with the capital works funding required for the renovation, as funding from this project can only be used for items identified in the maintenance assessment and cannot be used for capital works projects such as the much-needed internal renovation of this college.

To tour the facilities myself and to see that the students are forced to put bowls of water around the table legs to prevent mice from getting on the food prep benches really emphasises the need for an upgrade of this facility. Hopetoun P-12 College students are severely disadvantaged as they do not have access to facilities and equipment anywhere near the standard needed to provide quality VCE classes. Students have no incentive to pursue the food or science areas because the training is compromised by the unacceptable condition of the building provided by the Department of Education and Training. Again, the action that I seek from the minister is to provide immediate funding to complete an internal renovation of the science and food technology building at Hopetoun P-12 College.

VIDEO GAME CLASSIFICATION

Mr QUILTY (Northern Victoria) (18:15): My adjournment item is for the Attorney-General. *DayZ* is an open world video game, the kind of game that lets people live out their fantasies—fantasies like struggling to avoid being eaten by zombies, always being short on ammo, being killed on sight by people who turn out to be basement-dwelling video gamers and listening to those same people lose their minds when they hear a girl in the voice chat.

There are plenty of bad experiences to be had in *DayZ*, yet the one that attracted a ban was far less sinister. The developers planned to include cannabis to heal the player's character—medicinal cannabis. This was seen as encouraging drug use and attracted a refused classification rating, which is a ban in Australia. What makes this ban especially absurd is that Australia has an R18+ classification for video games. If the game is too mature for young audiences, the classification system has a place for it. Despite this, the classification board refused classification for *DayZ*. This is a ban.

Refusal of classification should be reserved for illegal materials, things like child pornography and snuff films that should never have been created in the first place. It should not be used for zombie survival video games. Sadly the developers of *DayZ* have caved and they are removing cannabis from the game worldwide. Australia is once again the wet blanket and laughing-stock of the whole world. It is an embarrassment that we obediently let our government treat us like children. While the rest of the world is legalising cannabis, we are banning representations of cannabis in video games.

Though the actual classification of video games is federal, the enforcement of classifications is state based. I call upon the Attorney-General to explore and implement options that would allow games that contain adult themes, including showing drug use, to be sold for adult consumption here in Victoria.

GEELONG MALL CRIME

Mrs McARTHUR (Western Victoria) (18:18): My adjournment matter is for the Minister for Police and Emergency Services and concerns the necessity for a stronger police presence at Geelong's Little Malop Street mall to ensure the safety of traders and residents in the area. Geelong's mall is currently a hotbed of crime, violence and other antisocial behaviour, which has damaged lives, property and the prosperity of business owners.

Last Thursday the Shadow Minister for Police and I visited small business owners at the mall to hear their concerns regarding the unaddressed crime problem in the area. We talked to small business people like Vanessa at VenHair Creations and Ricky at Alamarah Barbers, who expressed the difficulty for traders to do business when customers are not confident visiting their premises for fear of intimidation by those who engage in unruly antisocial behaviour. In January a man in his 20s was

stabbed at the bus exchange beside the mall. How can businesses thrive in an environment where customers feel that their lives may be endangered should they shop at that location?

The problem is undoubtedly multifaceted and needs a holistic approach to its causes. However, the violence in Geelong's mall is often fuelled by alcohol and drug abuse and often results in unfortunate wilful damage to public property and business premises. These problems are not new, but if Geelong is to have a thriving city centre, this particular crime issue must be solved. A stronger police presence and greater visibility would act as an effective deterrent to antisocial behaviour, which is why the action I seek from the minister for police is that she introduce a permanent police presence in the Geelong mall.

FOREST MANAGEMENT YOUTH SYMPOSIUM

Ms BATH (Eastern Victoria) (18:20): My adjournment matter this evening is for the Minister for Agriculture and it relates to the regional forest agreements and in particular the phase 1 engagement process. In March 2018 the Victorian government and the commonwealth of Australia signed a memorandum of understanding to deliver modernised and harmonised RFAs by 31 March 2020. What this MOU has in its objectives is to provide for a comprehensive, adequate and sustainable reserve system, to provide for the ecologically sustainable management and use of forest areas in a region or regions and to provide for the long-term stability of forests and forest industries. The process has been run by the Department of Environment, Land, Water and Planning. I believe the Future of our Forests engagement process is flawed, as do many of my constituents who have contacted me. It is flawed insofar as the agenda around this process is heavily weighted against the native timber industry.

In the Future of our Forests report, about eight pages talk about a youth symposium and trumpet how wonderful it was. It was based in Footscray and 49 youths attended. The point was to gain an understanding of the views of young Victorians to inform the renewal process for the RFAs and Victoria's forest management systems. When we look at the 49 people who attended the symposium in Melbourne we can see that less than a handful of people were actually from regional Victoria. There were three from the Stratford logging area—that is, in Bullen Bullen—and a couple from the Sporting Shooters Association of Australia, and I am not exactly sure where they have come from. But the overwhelming majority of these people have come from environmental groups, such as the Wilderness Society, the Victorian National Parks Association, Environment Victoria, the Australian Conservation Foundation and others. I am not saying that these young people should not be at the table, but there is a huge bias in the lack of representation from country Victoria. Indeed there were students from Williamstown High represented. Why wasn't there representation from Orbost Secondary College?

The action I seek from the minister is that she hold a youth symposium in country Victoria. I specifically ask the minister to organise a symposium in Heyfield in the heart of the forestry region and to include widespread representation of students and young people from country Victoria.

MYKI DATA

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (18:23): My matter for the adjournment tonight is for the attention of the Premier, although it does concern the Minister for Public Transport, the Special Minister of State and other ministers across government. The bombshell report today by the Office of the Victorian Information Commissioner, *Disclosure of Myki Travel Information: Investigation under Section 8C(2)(e) of the Privacy and Data Protection Act 2014*, is an absolute shock. The commissioner said a range of things, but he points to a serious contravention of Myki data: 15 million pieces of Myki data released without proper controls, data that can be reverse engineered to find out personal information about hundreds of thousands of Victorians. It is an absolute disgrace. Today's report, according to the commissioner:

... demonstrates that deficiencies in governance and risk management in relation to data can undermine the protection of privacy, even where the project is well-intentioned.

He went on to say:

Where a dataset contains unit-level data about individuals, especially where it contains longitudinal unit-level data ... such material may not be suitable for open release, even where extensive attempts have been made to de-identify it.

He also stated:

The evidence before the Deputy Commissioner suggests the identities of individuals can be extracted from the dataset with relative ease.

PTV has provided no persuasive evidence to the contrary, and has instead relied on technical arguments about the definition of personal information. The facts before the Deputy Commission show that the dataset contains a wealth of information about the travel movements of Victorians, which was disclosed with no effective controls in place to guard against re-identification.

This is a story in Daniel Andrews's Victoria, and he has form with data manipulation back in the period before 2010. He also has bad form with respect to this recent plan for city-wide monitoring and the information that is been put out on that tender. I for one do not feel comfortable about that matter. He went on further and said 'the failure to take reasonable steps to protect the personal information contained in the dataset from disclosure'. He said that the steps taken by Public Transport Victoria (PTV) in considering Data Science Melbourne's request for the provision of Myki data were inadequate and not reasonable to protect it. He issued a compliance notice.

Now, what particularly concerns me is that the Department of Premier and Cabinet (DPC), the Department of Transport and PTV are pushing back against the independent officer here. DOT has carefully considered the report and does not accept the finding:

Our position remains that a Compliance Notice was not warranted in the circumstances.

I mean, this is like being pulled up by the cops and saying, 'No, no, you can't fine me. I'm above it'. Well, an arrogant Premier with his department has got to intervene, pull in line these agencies—the DPC, the Department of Transport and PTV. Even DPC does not accept the Office of the Victorian Information Commissioner's findings, that release of the Myki dataset— (*Time expired*)

DROUGHT ASSISTANCE

Mr BOURMAN (Eastern Victoria) (18:26): My adjournment matter is for the Minister for Agriculture. East Gippsland farmers are in the middle of a green drought. They have all the appearance of healthy pasture, but with no groundwater; come spring, the pasture will die. New South Wales fodder freight subsidies are making it a little more difficult, as it happens. What we have is that now their fodder freight subsidies are allowing the transportation of fodder from New South Wales to come from Victoria. What that does is drive our local fodder prices up, and it is starting to price our drought-affected farmers out of their ability to afford fodder. Why I mention this along with the green drought is that come spring, farmers are not going to have—at least in the east of the state—any ability to make their own fodder. Waiting until then is going to be too late. Waiting until they have hit the wall and have to leave is too late. So the action I seek is for the minister to give our Victorian drought-affected farmers whatever she can by whatever means necessary to provide a level playing field with their New South Wales counterparts so our farmers are not left disadvantaged.

SENTENCING REFORM

Mr O'DONOHUE (Eastern Victoria) (18:27): I raise a matter for the attention of the Attorney-General, and the action I would seek from the minister is for her to review the current sentencing laws for child sex offenders and paedophiles to ensure they reflect the horrific trauma these crimes inflict on victims and reflect the community's expectations about punishment of these particular offenders. President, as you would be aware and as the minister would be aware, one of the policies the opposition took to the last election was a mandatory sentencing policy, and part of that was a particular subset policy for child sex offenders. Child sex offenders obviously do inflict horrific trauma and cause

enormous grief, not just to the victims, but often to families, loved ones and the communities where these horrific crimes take place.

I raise this issue on the adjournment tonight not just out of concern for this issue but because of a friend of mine who has contacted me and asked me to raise this issue in the Parliament for the attention of the minister. It is a person who I know very well and respect very much who has described to me a situation of someone that this person knows, where the children of this person have suffered this horrific crime. From what I have been told, the consequences for these children have been enormous and for the family have been enormous. I am sure all of us as members of the community are concerned to make sure that sentencing reflects these heinous crimes and reflects the community's expectations, but I raise this because of this approach from someone that I know and respect very much. As I say, the action I seek is for the minister to review the current sentencing laws as they pertain to child sex offenders and paedophiles to ensure they reflect the trauma these crimes cause to victims and to ensure that the sentencing reflects the expectations of the community.

VICTORIA POLICE MEMORIAL

Mr GRIMLEY (Western Victoria) (18:30): My adjournment matter is for the attention of the Minister for Police and Emergency Services and it relates to recognising the lives and the service given by those police officers who have taken their own lives. I speak of the immeasurable service that police officers dedicate to our communities on a daily basis. Their commitment to maintaining the safety of all Victorians is something that I will always be proud to have been part of. In 2013 former New South Wales police officer Ashley Bryant made a harrowing call to 000 and stated the following:

... I'm about to take my life ... I suffer post-traumatic stress disorder. I can no longer live with the trauma of it and I want this to go to the coroner. There needs to be more things put in place ... for partners of those that suffer.

A 2018 study by Beyond Blue found that rates of post-traumatic stress-related injuries were alarmingly high within Australian police forces. Unfortunately the circumstances of Ashley Bryant's death are far too common and police officers dealing with post-traumatic stress injury (PTSI) is far more common than you may think. More needs to be done to recognise the service and sacrifice these police officers have given to our communities over their careers.

Recently I read of the inclusion of Ashley Bryant's name, among other officers who have taken their own lives after long struggles with PTSI, on the New South Wales Police Force Wall of Remembrance. This recognition of the mental health struggles endured by officers is a step in the right direction. I hope the New South Wales police force's example of recognition is not overlooked by other states. The acknowledgment of their service and the difficult times they have faced as a result of their duties should never go unrecognised in this state. The current memorial wall in Kings Domain recognises police officers that have died in the line of duty. As the plaque on the wall states:

This memorial recognises the ultimate sacrifice paid by members of the Victoria police force in maintaining law & order in Victoria.

The action that I seek from the minister is to consider the inclusion of those officers on the wall of remembrance who have taken their own lives due to mental health issues sustained as a result of their duties performed within the police force. Irrespective of the way in which our police officers die, ultimately it is the job that takes their lives. Let us have one wall for all.

RESPONSES

Mr SOMYUREK (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (18:33): I have 10 adjournment matters today: from Mr Ondarchie addressed to the Minister for Roads and Minister for Road Safety and the TAC, from Ms Patten to the Minister for Mental Health, from Ms Lovell to the Minister for Education, from Mr Quilty to the Attorney-General, from Mrs McArthur to the Minister for Police and Emergency Services, from Ms Bath to the Minister

ADJOURNMENT

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Legislative Council

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for Agriculture, from Mr Davis to the Premier, from Mr Bourman to the Minister for Agriculture, from Mr O'Donohue to the Attorney-General and from Mr Grimley to the Minister for Police and Emergency Services.

I have no answers to previous adjournment questions.

The PRESIDENT: The house stands adjourned.

House adjourned 6.33 pm until Tuesday, 27 August.

Answers to constituency questions

Responses have been incorporated in the form provided to Hansard and received in the period shown.

21 June to 15 August 2019

NORTHERN METROPOLITAN REGION

In reply to Dr RATNAM (Northern Metropolitan) (19 December 2018)

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):

Since March 2016, the Victorian Government has committed over \$1 billion in additional housing and homelessness support to prevent homelessness, increase the supply of housing, and support people to maintain housing. This builds on the \$2.1 billion in financial backing provided in the government's housing strategy, Homes for Victorians, to deliver thousands of new social housing properties.

In January 2018, the government announced over \$45 million in initiatives as part of Victoria's Homelessness and Rough Sleeping Action Plan, to reduce the incidence of rough sleeping across Victoria. The initiatives are informed by extensive research and involves the government working closely with frontline agencies who are supporting people at risk of or experiencing homelessness.

The 2019-20 Victorian Budget includes \$209 million to build 1,000 new public housing properties across Victoria over the next three years. The budget also includes an additional \$50.4 million for homelessness services and \$103.5 million in matched funding under the National Housing and Homelessness Agreement to provide funding certainty for homelessness agencies across the state

The Victorian Government is redeveloping old public housing estates in Melbourne and regional Victoria to better meet the needs of today's tenants. In respect to redevelopments in the Northern Metropolitan Region, my department has recently contracted with MAB Corporation to assist with the delivery of new homes at sites in Northcote, Preston and North Melbourne. HousingFirst, a Registered Housing Association, has also been selected under a performance-based Management Services Agreement to provide property and tenancy management services on the sites.

WESTERN METROPOLITAN REGION

In reply to Dr CUMMING (Western Metropolitan) (7 March 2019)

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations):

I commend your active interest in the expansion of the Werribee Open Range Zoo. I recognise that the zoo plays an important role in the local community by supporting business in the area, supporting local jobs and promoting Victorian tourism.

In the 2018-19 Budget, funding was provided for the planning and design of potential future development at the Werribee Open Range Zoo.

The 2019-20 State Budget was handed down on Monday, 27 May 2019 and focuses on implementing the election commitments outlined in *Labor's Financial Statement 2018*. These commitments lay out our plan to build on the momentum of the last four years and deliver services and infrastructure for all Victorians.

I encourage you to engage with the Minister for Energy, Environment and Climate Change, Lily D' Ambrosio MP, as you continue your advocacy for the Werribee Open Range Zoo.

SOUTHERN METROPOLITAN REGION**In reply to Ms CROZIER** (Southern Metropolitan) (21 March 2019)**Mr DONNELLAN** (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers):

The Andrews Labor Government is fully committed to a National Disability Insurance Scheme (NDIS) that delivers high quality services that is underpinned by the fair treatment of Victoria's valued disability workforce.

The NDIS represents a historic opportunity to transform the way we support people with disability to ensure they get the support and services they need and deserve. A high functioning and professional disability services workforce is critical to achieving this.

The Andrews Labor Government has supported the process that Jobs Australia, the Health and Community Services Union (HASCU) and the Australian Education Union (AEU) has been involved in as this government supports fair employment outcomes and it applauds the parties working collaboratively to reach a settlement in this matter.

The National Disability Insurance Agency (NDIA) has made a series of announcements relating to NDIS pricing that will have a bearing on the final negotiations with the parties.

The first announcement outlined before the federal election gave increases to therapy and attendant care supports and the introduction of a conditional loading over a five-year period to assist attendant care providers transition into the NDIS.

Furthermore, the 2019-20 Price Guide was released on 25 June 2019, effective from 1 July 2019. These increases will need to be considered in the context of the proposed agreement by the parties.

To that end, I understand the parties have recently met (including with a representative from the Department of Health and Human Services) to consider the implications of the recent increases to the NDIS Price Guide.

NORTHERN VICTORIA REGION**In reply to Ms LOVELL** (Northern Victoria) (30 April 2019)**Ms HORNE** (Williamstown—Minister for Public Transport, Minister for Ports and Freight):

The Andrews Labor Government announced changes in 2016 to boarding rules at Sunbury in order to ease crowding on V/Line services. These changes aim to strike the right balance between addressing crowding issues and providing Sunbury passengers with access to more services, subject to capacity.

I understand that conductors make announcements reminding passengers of boarding rules. Passenger Information Displays at stations also advise commuters of those services that Sunbury passengers may not board.

The Andrews Labor Government is working hard to improve the regional rail network, with more services and additional rolling stock to cater for growing patronage. The Government has ordered 87 new VLocity carriages since 2015, and new carriages will continue to be rolled out and allocated to the busiest services across the network. In addition, the Government will deliver a further 54 VLocity carriages in this term.

NORTHERN METROPOLITAN REGION**In reply to Dr RATNAM** (Northern Metropolitan) (2 May 2019)**Mr PAKULA** (Keysborough—Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, Minister for Racing):

Since its opening in 2002, Federation Square has been a much loved and iconic space that has been Melbourne's civic, cultural and commercial hub. It has hosted cultural events and world leading attractions for both locals and visitors alike and will continue to be an important space within Melbourne.

Following Heritage Victoria's decision to refuse an application to knock down the Yarra Building for the proposed Apple global flagship store, the Victorian Government commenced a review to examine Federation Square's financial and governance arrangements. The review will consider new business, governance and urban design options to ensure Federation Square's future sustainability, and position as one of the world's great public spaces, providing world-class cultural experience for Victorians and visitors.

Victorian Government Architect Jill Garner and former managing partner of Ernst and Young, Tim Eddy, will jointly chair the review.

All Victorians will have the opportunity to participate in the public consultation process.

NORTHERN VICTORIA REGION

In reply to Ms MAXWELL (Northern Victoria) (2 May 2019)

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

The Minister for Planning has legislative responsibility for the *Planning and Environment Act 1987*. I am advised by the Minister for Planning that there are currently no plans to review this process.

NORTHERN METROPOLITAN REGION

In reply to Mr ONDARCHIE (Northern Metropolitan) (28 May 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

Victoria Police have trained and deployed 50 additional Protective Services Officers (PSOs) that will form part of a 100-strong personnel of mobile PSOs patrolling the public transport network. The remaining 50 mobile PSOs will be gradually deployed onto the network over the next two financial years.

Mobile PSOs are flexible and deployed on a needs-basis. For example, they were deployed onto trams earlier this year for the Australian Open and the Grand Prix. Their deployment on tram routes is an intelligence-led decision, considering various factors such as the volume of calls for assistance and reported number of crimes. The deployment for patrols on tram route 86 will also be based on this operational information.

Mobile PSOs enhance commuter safety and complement other public safety measures. Many trams have been equipped with CCTV capability, and tram stops across Melbourne are being progressively upgraded with improved lighting to enhance commuter safety. This also includes the upgrades earlier this year to the RMIT Bundoora tram stop on route 86—with CCTV, better accessibility and improved lighting.

WESTERN METROPOLITAN REGION

In reply to Ms VAGHELA (Western Metropolitan) (28 May 2019)

Mr MERLINO (Monbulk—Minister for Education):

The Andrews Labor Government has committed \$51.2 million over four years, and \$31 million ongoing, to enable every secondary school campus across the state to employ a mental health practitioner such as a psychologist, social worker or mental health nurse.

The initiative is being implemented incrementally according to an Area-based model, commencing with Bayside Peninsula in Term 3, and Barwon in Term 4 2019. By 2022 every government secondary school campus, including all of the secondary schools in the Western Melbourne Area, will receive between one and five days a week of support from a mental health professional.

The phased roll-out will help ensure there is adequate workforce supply across the state and the provision of support to schools to effectively implement the initiative.

The Department of Education and Training is currently engaging with schools via a needs analysis questionnaire to determine their level of need and readiness to implement the initiative. This will help to inform the future roll-out plan.

NORTHERN METROPOLITAN REGION

In reply to Dr RATNAM (Northern Metropolitan) (28 May 2019)

Mr MERLINO (Monbulk—Minister for Education):

The Andrews Labor Government is committed to delivering the 'Education State', a place where a high-quality education in a safe school environment is a right for every child. The last five State Budgets have delivered the largest-ever investment in education infrastructure, allocating more than \$5.6 billion to build, upgrade and maintain schools across the State. Having modern and up-to-date classrooms and facilities is

fundamental to ensuring that every child has the best possible start in life. We cannot build the Education State without investing in our schools' bricks and mortar.

Further to our election commitment, I am pleased to announce that Kensington Primary School was allocated \$200,000 in the 2019-20 State Budget to upgrade and modernise its existing facilities. As per the budget papers, \$14,000 is expected to be expended in 2019-20 during the project planning and design phase, with the remaining funds estimated to be expended in future years as the project progresses. Should the school progress more quickly through the planning and design phase the funds will be available to expand within this financial year.

With respect to other school needs, I am advised that the school has applied to the Victorian School Building Authority (VSBA) for assistance to address issues associated with its female staff toilets. Remedial works will be completed over the Term 2 holiday break. Three additional female toilets will be provided at a cost of approximately \$70,000.

I am also advised that the VSBA is working closely with the school in relation to a number of other maintenance issues, including repair works to the school's BER building, art room and unisex toilet. These works are expected to cost approximately \$30,000.

Let me assure you that the Government will continue to work closely with Kensington Primary School to ensure that its capital needs and maintenance issues are addressed.

I trust this information is of assistance.

SOUTHERN METROPOLITAN REGION

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (28 May 2019)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

I thank the Member for his question.

The Victorian Government is removing 75 level crossings across Melbourne. The Commonwealth Government has committed to removing one in Toorak.

The Victorian Government will work with the Commonwealth Government regarding any opportunities to invest in Victoria's transport network.

As the Member for Southern Metropolitan is aware, the Victorian Liberal Opposition committed to delaying the removal of the Toorak Road level crossing until sometime after 2023.

The Victorian Government has rejected this approach, and work has begun on the removal of one of Victoria's most congested and dangerous level crossings.

The detailed information that has been provided to the community in relation to the removal of the level crossing has been well received, with the overwhelming feedback from community consultation being to remove the level crossing as soon as possible. All processes in relation to the production of relevant documents to the Legislative Council will be complied with.

SOUTHERN METROPOLITAN REGION

In reply to Ms CROZIER (Southern Metropolitan) (28 May 2019)

Mr FOLEY (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries):

The legislation is clear that the trial of a medically supervised injecting room must be at the North Richmond Community Health site at 23 Lennox Street, Richmond.

There are no plans for any additional rooms in other parts of Melbourne or Victoria.

WESTERN METROPOLITAN REGION**In reply to Ms VAGHELA** (Western Metropolitan) (29 May 2019)**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services):

I am informed that:

The Andrews Labor Government promised to build a new Women's and Children's Hospital for Melbourne's west, and on 5 May 2019, I was pleased to join with the Member and other Parliamentary colleagues to officially mark the opening of the Joan Kirner Women's and Children's Hospital.

As the Member notes in her question, up to 150 nurses and midwives are employed at the new Joan Kirner Women's and Children's Hospital, which specialises in maternity and paediatric services, delivering world class health care for women and children.

The 2019-20 State Budget provides \$64.4 million towards further improvements to nurse to patient and midwife to patient ratios that will see a total of 1,100 additional nurses and midwives employed in our public hospitals under this government.

Each year, government invests in health services, including in Western Health sites across the western metropolitan region, to support workforce training and development programs.

These include:

- The Prevocational Medical Education and Training (PMET) Program to support the assessment, supervision, support, performance and professional development of prevocational doctors.
- Medical Training and Development grants to support Victorian public health services to employ and train junior doctors by contributing to the costs associated with supporting the first two postgraduate training years.
- Delivery of clinical fieldwork student placements in medicine, nursing (registered and enrolled), midwifery and allied health disciplines through provision of funding to off-set the costs of supervision required within the clinical environment.
- Supports for health services employing interns (as part of a graduate entry program) in the professions of medical biophysics, medical laboratory science, medical radiations (nuclear medicine, radiography and radiation therapy) and pharmacy.
- Contribution to the cost of supervision and on-the-job training in the first year for approved nursing, midwifery and allied health graduate positions; and the first two years for approved medical graduate positions.
- Support for nursing and midwifery postgraduate study and/or employment arrangements, including the cost of supervision, for approved positions.

I thank the Member for her continued support of our government's investment in her local health services which are also significant employers in her electorate.

NORTHERN VICTORIA REGION**In reply to Mr QUILTY** (Northern Victoria) (29 May 2019)**Mr WYNNE** (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):

It is most regrettable your constituent has experienced this maintenance issue.

Repairs to public housing properties are managed and delivered by the Department of Health and Human Services Housing Call Centre. This service is available 24 hours per day, 365 days of the year for public housing tenants to report maintenance issues at any time and have the problem addressed as soon as possible.

The department provides an after-hours maintenance service for emergency works which are defined under the *Residential Tenancies Act 1997*. Urgent repairs such as a blocked toilet should be completed within 24 hours of notification.

Where the performance of the maintenance contractor impacts on service standards, the department addresses such issues through the contract management process.

I can advise the department initiated urgent works to the property in Seymour and the tenant has confirmed the repairs have been completed satisfactorily.

There were initial delays due to the complex nature of the works required, and the need for heavy machinery to complete them.

The Victorian Government is committed to maintaining public housing properties in a safe condition and good repair, and will ensure proper communication between contractors, the Housing Call Centre and local housing offices is maintained to address maintenance requests in a timely manner.

SOUTHERN METROPOLITAN REGION

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (29 May 2019)

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services):

I am informed that:

Whilst the Statement of Priorities and health service budgets are not yet agreed for individual health services, there will be no reduction in the total budget for these health services in 2019-20.

To the contrary, the 2019-20 budget includes record additional investment for hospital operations of \$2.5 billion over the next four years.

EASTERN METROPOLITAN REGION

In reply to Ms WOOLDRIDGE (Eastern Metropolitan) (29 May 2019)

Mr ANDREWS (Mulgrave—Premier):

The Government's priority is to deliver the \$107 billion worth of capital projects that are currently underway or in development. This is the biggest infrastructure agenda in the state's history.

The East West Link is not a priority for Government at this time, especially given a lack of labour and resources in the market available for new projects of its scale. By contrast, we have already started work on the North East Link, which Infrastructure Victoria has rated as its number one road priority.

The Government is focusing on the projects that we have underway and on delivering on our promises.

EASTERN VICTORIA REGION

In reply to Ms BATH (Eastern Victoria) (29 May 2019)

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):

Thank you for raising the matter of assertive outreach in the Latrobe Valley and the Gippsland area. Rough sleeping occurs across the State and is of great concern to the Victorian Government.

The locations of assertive outreach services announced in the Victorian Government's Homelessness and Rough Sleeping Action Plan were chosen based on homelessness services demand data.

As you note, the services in the Latrobe Valley and Gippsland region do not include assertive outreach services and I wish to advise you that the Victorian Government has initiated an evaluation of these services. We will await the findings to ensure any future investments are evidence-based and designed to achieve intended outcomes.

Beyond this, the government has invested in a range of other services across the State to ensure that services are available across Victoria to provide practical assistance to vulnerable people. We collaborate with specialist homelessness services to ensure that every Victorian is provided with a pathway to find and maintain a home.

Examples of services provided in the Latrobe Valley and Gippsland region include the following:

- a) Vulnerable people in Inner Gippsland have several options for accessing homelessness services. Community Housing (VIC) Limited is the homelessness entry point for the Latrobe, Wellington and East Gippsland local government areas. They have offices in Morwell and Bairnsdale where people can present for assistance. In Latrobe they also provide Enhanced Housing Pathways responses which provide a seamless pathway from prison to housing and Brief Intervention which provides initial assessment and short-term support to assist people into emergency and long-term housing.

- b) SalvoCare Eastern provides homelessness services in the South Gippsland, Bass Coast and Baw Baw local government areas and are the homelessness entry point in Leongatha and Warragul. They provide support to people experiencing family violence and/or homelessness, including youth services and homeless outreach support,
- c) Quantum Support Services provides Family Violence initiatives, Youth Services, Private Rental Assistance Program (PRAP) and Transitional Outreach Support across Gippsland. They have offices in Morwell and Warragul. These PRAP services facilitate speedy access to private rental accommodation in the area.
- d) The Victorian Aboriginal Child Care Agency provides homelessness assistance and support to Aboriginal clients who are experiencing family violence homelessness. They also manage the Aboriginal Family Violence Women's refuge. They have an office in Morwell and service the Latrobe, Baw Baw, South Gippsland, and Bass Coast local government areas.
- e) Housing Establishment Funds are available from all homelessness funded organisations across Gippsland. This funding helps people sustain tenancies which may be at risk or to assist people into short-term crisis accommodation.
- f) The Orange Door is a service for adults, children and young people who are experiencing or have experienced family violence and for families who need extra support with the care of children. This service is located in Morwell and covers the local government areas of Latrobe, Baw Baw, Bass Coast and South Gippsland.

Additionally, the Victorian Government funds a 24-hour state-wide homelessness crisis contact number (1800 825 955) that connects people to homelessness entry points and state-wide after-hours services providing emergency accommodation.

Following your question, the Department of Health and Human Services' local area office asked specialist homelessness services to investigate the situation. At that time no evidence of people sleeping rough near the grounds of the primary school was found. However, the services remain alert to this important issue and will respond as needs arise.

WESTERN METROPOLITAN REGION

In reply to Mr FINN (Western Metropolitan) (30 May 2019)

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes):

The West Gate Tunnel Project is required to comply with current environmental legislation and project-specific Environment Performance Requirements that set standards for air quality and traffic noise. These requirements were set as part of an extensive and robust planning assessment process that included an Environment Effects Statement and submissions from the community. Compliance with the requirements is regularly assessed by a team of independent environmental auditors.

The Environment Protection Authority Victoria is actively involved as a technical advisor to the West Gate Tunnel Project.

WESTERN METROPOLITAN REGION

In reply to Mr MELHEM (Western Metropolitan) (30 May 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

As you are aware, this Victorian Government has invested a record \$2 billion in Victoria Police to provide them with the resources, personnel, infrastructure, laws, equipment, and technology to keep Victorians safe. This includes deploying an additional 3,135 police officers, on top of attrition, by 2022.

The Staffing Allocation Model (SAM) developed by Victoria Police, in consultation with the Police Association of Victoria, determines the location and deployment of police officers to areas of highest need. This approach is endorsed by the government to safeguard the operational independence of Victoria Police and to ensure resourcing is determined by policing expertise and evidence, rather than politics.

Constituents in your Western Metropolitan Region are covered by three policing divisions within the North West Metro Region—Westgate Division, Brimbank Division, and Fawkner Division. As of 31 March 2019, these three divisions have had 308 full-time equivalent police officers deployed since November 2014. From May 2019 through to April 2020, 709 newly trained and recruited police officers will be deployed across the

state. Under SAM, the Western Metropolitan Region will receive an additional 75 general frontline and specialist officers by April 2020.

This government continues to focus on family violence, through the deployment of 26 family violence specialist officers already deployed within the Western Metropolitan Region, with the upcoming allocation providing an additional 37 family violence specialist officers to service your constituents.

EASTERN VICTORIA REGION

In reply to Mr O'DONOHUE (Eastern Victoria) (30 May 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

The government has publicly committed to building a new 24-hour police station in Clyde North, through an investment of \$34 million. This funding is part of \$68 million in the 2019-20 Budget to be provided for new police stations at Clyde North and neighbouring Narre Warren. The construction of these projects will be led by Victoria Police.

The new police station will be built on a new site in Clyde North that is highly visible, more accessible to the community and better suits operational needs. It will accommodate uniform police officers as well as include interview rooms, conference rooms, discrete public consultation facilities and a high-level of security. Construction is due for completion in 2022.

A total of 187 additional police officers have been deployed or allocated to the police division that services the Clyde North community as part of the government's record investment in 3,135 additional police officers.

WESTERN METROPOLITAN REGION

In reply to Dr CUMMING (Western Metropolitan) (30 May 2019)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

The Victorian Government is working with Hobsons Bay City Council to invest in inner west communities including Spotswood to boost the area's liveability. Massive community upgrades are being delivered as part of the West Gate Tunnel Project, supporting Council's long-term plans for the area. This includes \$5 million of State funding to Hobsons Bay City Council for an Open Space Enhancement and Access Package. Council is contributing an additional \$2.86 million for a total of \$7.86 million.

Consultation on the West Gate Tunnel Project has taken place with Council, residents and community groups, including the Spotswood South Kingsville Residents Group. This has helped to shape the project and local upgrades, including cycling and walking paths and connections to existing paths, and key design decisions such as noise wall locations and additional attenuation for open spaces.

The West Gate Tunnel Project will make it easier to get to and around Spotswood including through 24-hour truck bans on Hudsons Road and Blackshaws Road. These bans will come into effect when the project opens in 2022.

To maximise the opportunities presented by the West Gate Tunnel Project for improving transport in Spotswood, a major Hobsons Bay Transport Study is being overseen by the Department of Transport (DoT).

During construction of the West Gate Tunnel Project, there will be a temporary increase in heavy vehicles in some parts of Spotswood near the West Gate Freeway. Construction compounds have been carefully considered to reduce impact on local communities and construction vehicles will use major roads and freeways wherever possible. If local roads need to be used to get to worksites, residents are notified of changes near them and traffic management plans are reviewed by Hobsons Bay City Council.

Residents and community groups seeking further information on the West Gate Tunnel Project can visit the Information Centre on Somerville Road near the corner with Whitehall Street in Yarraville or call the 24-hour information line on 1800 105 105.

SOUTH EASTERN METROPOLITAN REGION

In reply to Mr LIMBRICK (South Eastern Metropolitan) (30 May 2019)

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

The Better Approvals Project is the key action of the Small Business Regulation Review into the retail sector. The Review aims to improve the regulatory environment for businesses in our community.

In the South Eastern Metropolitan Region, the Better Approvals Project has been delivered in Glen Eira, Kingston and Monash and will commence in Dandenong later in 2019. Initial results from Kingston have already shown a sharp reduction in the number of days taken for a new small business to get regulatory approvals needed to open.

The Government is improving the safety of the Victorian community through our commitment to removing 75 dangerous and congested level crossings on the state's metropolitan rail network. During construction activities, the Level Crossing Removal Project works with traders to minimise disruptions as much as possible, utilising the Victorian Small Business Engagement Guidelines.

The guidelines help infrastructure agencies with information on business communication and engagement initiatives including working with local councils to temporarily change car parking zones and time limits, assistance with traffic management and pedestrian access, offering small business mentoring services.

The Level Crossing Removal Project and local councils are encouraged to run trader reference groups and marketing workshops, provide regular project updates, and door knocking to advise local businesses of impacts and to hear any feedback. Workers on the Level Crossing Removal Project are encouraged to support local businesses by purchasing local catering and supplies for the construction workforce.

The Level Crossing Removals Project's Southern Program has used local businesses to supply 'Surprise and Delight' give-aways for rail pop-ups as well as for local events and Stakeholder Liaison Group meetings. In addition, one-on-one meetings with businesses to work through operating hours, delivery times and peak periods to minimise the impact of works on business has taken place.

EASTERN METROPOLITAN REGION

In reply to Ms WOOLDRIDGE (Eastern Metropolitan) (30 May 2019)

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers):

I am advised the Whitehorse Life Activities Club has had discussions with the Department of Health and Human Services about this matter and that they are aware that by disassociating themselves from Life Activities Clubs Victoria that they will lose their Victorian Managed Insurance Authority coverage from the date of their disassociation.

The department is assisting the Whitehorse Activities Club to identify alternative insurance arrangements.

NORTHERN METROPOLITAN REGION

In reply to Mr ONDARCHIE (Northern Metropolitan) (30 May 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

Melbourne's northern outer suburbs are some of the fastest growing areas in Australia. This growth is placing increasing pressure on the road network, with higher traffic volumes leading to increased travel times along roads like Mickleham Road.

Therefore, several road projects to reduce congestion and improve safety in the northern and north-western suburbs have been announced. The 2018-19 State Budget included upgrades to Craigieburn Road West, Childs Road, Epping Road and Sunbury Road.

In regards to other roads in the north-west of Melbourne like Mickleham Road, VicRoads continues to work with the Department of Transport, planning authorities including the council, and developers to make changes in response to growth. Any upgrades identified will be considered in future road programs in a statewide context.

EASTERN VICTORIA REGION

In reply to Mr O'DONOHUE (Eastern Victoria) (4 June 2019)

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes):

Yes. My department is working with Bass Coast Shire Council, Parks Victoria, Regional Roads Victoria, West Gippsland Catchment Management Authority and the local community to examine long-term options to fund this upgrade.

WESTERN METROPOLITAN REGION

In reply to Ms VAGHELA (Western Metropolitan) (4 June 2019)

Ms KAIROUZ (Kororoit—Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Suburban Development):

As noted, in the 2019 budget the Victorian Government announced funding of \$153 million over four years to the Victorian Responsible Gambling Foundation to address gambling harm. Included in this is \$400,000 to expand the Young Leaders of the West project to other areas of Melbourne's west.

Led by IPC Health, and in partnership with Sons of the West (Western Bulldogs) and Brimbank City Council, the Young Leaders of the West project (the project) supports young people to raise awareness among their peers of gambling risks and harms, especially sports betting. It also highlights the role young people can play in reducing stigma and preventing the cycle of gambling harm.

For example, in the first phase of the project, young people co-designed a new gambling harm awareness campaign to counteract the activities of the betting industry. This campaign is expected to be promoted via social media and at information sessions.

As part of piloting an arts-based model to educate school aged young people on gambling harm in several high schools and council youth groups, the Young Leaders of the West will shortly stage a gambling awareness youth art exhibition.

A project plan is currently being established for the next stage of the Young Leaders of the West project. The program will be delivered over four years commencing in the 2019-20 financial year. It is anticipated that key phases of the project will include recruiting a new intake of young leaders from areas neighbouring the Brimbank City Council municipality, the design of gambling harm awareness campaign materials, and a series of awareness raising workshops delivered by the young leaders for other young people.

NORTHERN METROPOLITAN REGION

In reply to Ms PATTEN (Northern Metropolitan) (4 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

Land use and transport demand has grown in the Brunswick district.

Recent transport projects include:

- Working with stakeholders (via a Co-Design group) to explore opportunities to improve how people travel to and access places along the Sydney Road corridor.
- Cross-agency efforts to remove level crossings along the Upfield railway line, which include pedestrian and bicycle facility improvements around train stations.
- Upgrade of the Upfield shared path between the M80 Ring Road and Princes Park.
- Treatments to reduce speed on Nicholson Street near Brunswick East Primary School.
- Construction of a new pedestrian crossing (with traffic lights) on Nicholson Street near Moore Street (works commenced in April 2019).
- Tram Route 96 upgrade works along Nicholson Street to make it Melbourne's first fully accessible tram route.

VicRoads and other agencies will continue to work together to explore these and other transport opportunities within the municipality of Moreland and the greater transport network.

WESTERN METROPOLITAN REGION

In reply to Mr FINN (Western Metropolitan) (4 June 2019)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure):

The Suburban Roads Upgrade (SRU) is a \$4 billion investment to improve roads in the western, northern and south eastern outer suburbs.

The Sunbury Road Upgrade is captured in the Northern Roads Upgrade (NRU) component of the SRU and will widen the road from two lanes to four between Powlett Street and Bulla-Diggers Rest Road in Sunbury.

The roundabouts at Francis Boulevard and Lancefield Road will be upgraded to signalised intersections to provide for the planned growth. These works are needed to support new developments expected along Sunbury Road and Lancefield Road as well as the ultimate Bulla bypass.

VicRoads completed planning investigations for the Bulla bypass and is undertaking further work to consider options in response to a request from the Minister for Planning, the Hon Richard Wynne MP. Investigations to finalise the land corridor needed for a future major road link to bypass the Bulla township are continuing and being led by VicRoads.

The works planned as part of the SRU will provide the road infrastructure in advance of the significant development expected as part of the Sunbury South and Lancefield Road Precinct Structure Plans. It will provide the community with easier and safer access along Sunbury Road.

SOUTHERN METROPOLITAN REGION

In reply to Ms CROZIER (Southern Metropolitan) (4 June 2019)

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):

The Department of Health and Human Services is not aware of any political signage that was placed on the fencing around the Park Towers estate in South Melbourne.

No one from the department sanctioned the placing of political signage on the fencing around the Park Towers estate in South Melbourne.

WESTERN VICTORIA REGION

In reply to Mr GRIMLEY (Western Victoria) (5 June 2019)

Ms MIKAKOS (Northern Metropolitan—Minister for Health, Minister for Ambulance Services):

I am informed that:

The Andrews Government provides a range of housing assistance options to people with disabilities, including in Western Victoria.

The Victorian Housing Register is a single pathway that helps eligible applicants with urgent needs, including those who have a disability, access both public and community housing. One of the Register's categories is Supported Housing, which enables people with disabilities whose existing housing is highly unsuitable to be prioritised for housing assistance.

The Andrews Government has made significant investment to increase the number of public and community homes that are available to people in need, including people with disabilities. Since 2017, over \$1.2 billion dollars has been committed to additional housing and homelessness support, as well as \$2.1 billion in financial instruments that will boost Victoria's supply of social housing. This investment has been bolstered by our recent \$209.1 million commitment to deliver an additional 1,000 public housing properties over the next three years.

In addition, the Andrews Labor Government is investing \$2.58 billion in the National Disability Insurance Scheme (NDIS) in 2019-20. As part of the NDIS, Specialist Disability Accommodation (SDA) will be available for NDIS participants who have very high support needs or extreme functional impairment.

Participants who are eligible for SDA receive additional funding that is designed to stimulate market investment in the development of new high-quality dwellings for use by eligible NDIS participants.

Victoria has advocated strongly and successfully for changes in the pricing framework for SDA, to help provide investors and providers with the confidence they need to develop new housing. A Review of the SDA Pricing and Payments Framework last year resulted in some significant changes.

These have created positive early indications of increased investment, which should ultimately translate into more SDA properties across Victoria, providing NDIS participants with greater choice and control over their accommodation.

WESTERN VICTORIA REGION

In reply to Mrs McARTHUR (Western Victoria) (5 June 2019)

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):

The community care accommodation planning provisions are based on long-standing bipartisan policy to exempt these types of land uses from permit requirements to reduce discrimination against disabled or disadvantaged people seeking housing.

One of the primary reasons for the introduction of the exemption in the 1980s was to safeguard against objections being made to permit applications based on the physical, mental or social characteristics of the future residents.

The purpose of the October 2018 amendment was to improve the operation of the community care accommodation planning provision by:

- Clarifying the areas where the exemption applies, which was previously inexplicit and open to varying interpretations; and
- Broadening the requirement that developments be funded exclusively by the Department of Health and Human Services, to permit funding by any government department or public authority.

NORTHERN VICTORIA REGION

In reply to Mr QUILTY (Northern Victoria) (5 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

The Yarrowonga–Mulwala Bridge is an important connection and we are working closely with our NSW counterparts to ensure the crossing is safe and reliable for local communities and visitors.

The Murray River Crossings Investment Priority Assessment was released in September 2018. The intent of this Assessment was to help inform and prioritise future investment decisions.

This Assessment determined that the Yarrowonga–Mulwala Bridge is a medium term (5-10 year) priority for future investment, because compared to other crossings along the Murray River:

- it is in fair condition;
- it meets safety standards;
- it is not on a strategic freight route;
- it allows B double access (freight productivity);
- an acceptable alternative route is available in the event of planned or unplanned bridge closures (Federation Bridge); and
- it provides crossing facilities suitable for pedestrians and cyclists.

The assessment was based on the weir crossing being closed and all traffic using Yarrowonga–Mulwala Bridge. The existing bridge has the capacity to cater for increased traffic once the weir crossing closes.

The bridge will continue to be maintained in a serviceable condition to ensure connectivity between the towns of Mulwala and Yarrowonga.

WESTERN METROPOLITAN REGION

In reply to Mr FINN (Western Metropolitan) (5 June 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

Victoria Police have advised that during the initial '000' phone call at 2.35am, the family said that they did not want police to attend their premises. I am advised that the '000' operator at no time told the family to barricade themselves in their home. Police responded within four minutes of this initial phone call and patrolled the area.

Despite the alleged offenders not re-attending at the family's home when the second '000' call was received at 3.13am, Victoria Police have agreed that they should have checked on the family's welfare. This was

acknowledged by Acting Superintendent James Dalton to Neil Mitchell's 3AW program. Victoria Police have spoken with the family to explain the situation and will use this experience as part of their continual improvement of police responses to better served the community.

Every instance of crime is distressing, particularly for those directly impacted. Residents of Point Cook can be reassured that this government is delivering a record \$2 billion investment in Victoria Police to provide them with the resources, equipment, infrastructure, technology, laws, and personnel to keep Victorians safe.

This investment, including the deployment and allocation of an additional 93 general duties and specialist police officers to the police division that services Point Cook is making a difference. According to the most recent data from the independent Crime Statistics Agency burglary/break and enter offending has dropped to a record low in the year to March 2019.

EASTERN VICTORIA REGION

In reply to Ms BATH (Eastern Victoria) (5 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

I thank Ms Bath for her question. The Transport Accident Commission (TAC) charge is indexed in line with the consumer price index on 1 July each year.

The annual TAC charge for a regular passenger vehicle within a rural area from 1 July 2018 is \$404.80. From 1 July 2019, the annual TAC charge for a regular passenger vehicle will be \$413.60.

If your constituent has any concerns about their registration payments they may contact VicRoads Licensing and Registration on 13 11 71 or visit vicroads.vic.gov.au

WESTERN VICTORIA REGION

In reply to Mrs McARTHUR (Western Victoria) (6 June 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

Victoria Police take every crime seriously and are devoting significant resources to crime issues in and around the Geelong Mall.

Victoria Police has also increased patrols in the Mall to reassure the community and to improve community safety. This includes a number of operations to address anti-social behaviour, including:

- Operation City Safe is a visible police presence focussed on the Geelong Mall, using uniform police officers and the Mounted Branch. It has been operating since March 2018 and involves daily foot patrols and ongoing bicycle and highway patrols.
- Operation Safeguard Geelong is being launched to focus on crime, public order and licensing matters in the Geelong CBD, and will see a range of operations conducted at various times.
- Operation Spotter is a traffic operation with a police presence, visibility and enforcement of pedestrian and vehicle laws.
- Operation Plus is a traffic operation targeting drug and alcohol offences, involving Passive Alert Detection dogs and the Mounted Branch.

PSOs are also stationed at Geelong Train Station and travel on trains and patrol stations between Waurin Ponds and Lara. They also patrol the Moorabool Bus Exchange, which is adjacent to the Little Malop Street Mall.

Victoria Police and the City of Greater Geelong further have an ongoing partnership which involves the monitoring of City Safe CCTV cameras at the Geelong Police Station. This provides Victoria Police members the ability to identify persons wanted on warrants, identify offences being committed, and subsequently arrest offenders.

With the government's record investment in 3,135 new police an additional 91 police officers have already been deployed or allocated to Geelong. This significant increase in police on the ground is allowing Victoria Police to carry out more proactive patrols and increase their presence in hotspots like the mall.

The government will continue to give Victoria Police the resources they need to keep the community safe and drive down offending.

WESTERN METROPOLITAN REGION**In reply to Ms STITT (Western Metropolitan) (6 June 2019)****Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):**

As you are aware, this Victorian Government has invested a record \$2 billion in Victoria Police to provide them with the resources, personnel, infrastructure, laws, equipment, and technology to keep Victorians safe. This includes deploying an additional 3,135 police officers, on top of attrition, by 2022.

The Staffing Allocation Model (SAM) developed by Victoria Police, in consultation with the Police Association of Victoria, determines the location and deployment of police officers to areas of highest need. This approach is endorsed by the government to safeguard the operational independence of Victoria Police and to ensure resourcing is determined by policing expertise and evidence, rather than politics.

Constituents in your Western Metropolitan Region are covered by three policing divisions within the North West Metro Region—Westgate Division, Brimbank Division, and Fawkner Division. As of 31 March 2019, these three divisions have had 308 full-time equivalent police officers deployed since November 2014. From May 2019 through to April 2020, 709 newly trained and recruited police officers will be deployed across the state. Under SAM, the Western Metropolitan Region will receive an additional 75 general frontline and specialist officers by April 2020.

This government continues to focus on family violence, through the deployment of 26 family violence specialist officers already deployed within the Western Metropolitan Region, with the upcoming allocation providing an additional 37 family violence specialist officers to service your constituents.

SOUTH EASTERN METROPOLITAN REGION**In reply to Mr LIMBRICK (South Eastern Metropolitan) (6 June 2019)****Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):**

Neighbour disputes can be complex and can escalate quickly. If your constituent fears for their safety, they should call the emergency number '000' for immediate police assistance. There are a range of laws in place to protect them, including applying for a personal safety intervention order if they have been assaulted, harassed or threatened, or their property has been damaged, at any Magistrates' Court in Victoria.

While it is not appropriate to comment on a specific case or police operational matters, my office has now been in touch to ascertain specific details regarding this matter and have referred them to Victoria Police.

Additionally, the Dispute Settlement Centre of Victoria (DSCV) is able to provide assistance with these matters. DSCV is a free dispute resolution service funded by the Victorian Government, which provides mediation services, as well as training and accrediting mediators to national standards. DSCV can help resolve neighbourhood disputes involving fences, noise and disputes about difficult or anti-social behaviour.

EASTERN VICTORIA REGION**In reply to Ms SHING (Eastern Victoria) (6 June 2019)****Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):**

The Victorian Government has invested a record \$2 billion in Victoria Police to provide them with the resources, personnel, infrastructure, laws, equipment, and technology to keep Victorians safe. This includes deploying an additional 3,135 police officers, on top of attrition, by 2022.

The Staffing Allocation Model (SAM) developed by Victoria Police, in consultation with the Police Association of Victoria, determines the location and deployment of police officers to areas of highest need. This approach is endorsed by the government to safeguard the operational independence of Victoria Police and to ensure resourcing is determined by policing expertise and evidence, rather than politics.

Constituents in your Eastern Victoria Region are covered by five policing divisions within two policing regions (Eastern Region and Southern Metro Region)—Knox Division, Morwell Division, Bairnsdale Division, Dandenong Division, and Frankston Division. As of 31 March 2019, these five divisions have had 280 full-time equivalent police officers deployed since November 2014. From May 2019 through to April 2020, 709 newly trained and recruited police officers will be deployed across the state. Under SAM, the Southern Metropolitan Region will receive an additional 152 general frontline and specialist officers by April 2020.

Already, 46 family violence specialist officers have been deployed within the Eastern Victoria Region. The upcoming allocation will add an additional 56 family violence specialist officers to service your constituents. The newly operational Morwell Forensic Hub is fully staffed with 11 forensic officers and one Victorian Public Service support staff member.

WESTERN METROPOLITAN REGION

In reply to Dr CUMMING (Western Metropolitan) (6 June 2019)

Ms HORNE (Williamstown—Minister for Public Transport, Minister for Ports and Freight):

The government recognises the important role that buses play in meeting travel needs in Melbourne's outer suburbs. Melbourne and regional centres have been growing rapidly in recent years and there are many competing demands for new and upgraded bus services.

The Department of Transport (DoT) continually reviews existing routes and potential new routes. These reviews consider factors such as the likely number of users, suitability of the road network for bus operations, development of a direct and intelligible network, connectivity with other public transport services and service provision costs.

I have asked DoT to consider Mr Roberts' request as part of future planning.

SOUTHERN METROPOLITAN REGION

In reply to Ms TAYLOR (Southern Metropolitan) (6 June 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

As you are aware, this Victorian Government has invested a record \$2 billion in Victoria Police to provide them with the resources, personnel, infrastructure, laws, equipment, and technology to keep Victorians safe. This includes deploying an additional 3,135 police officers, on top of attrition, by 2022.

The Staffing Allocation Model (SAM) developed by Victoria Police, in consultation with the Police Association of Victoria, determines the location and deployment of police officers to areas of highest need. This approach is endorsed by the government to safeguard the operational independence of Victoria Police and to ensure resourcing is determined by policing expertise and evidence, rather than politics.

Constituents in your Southern Metropolitan Region are covered by three policing divisions within two policing regions (Southern Metro Region and Eastern Region)—Pahran Division, Moorabbin Division, and Forest Hill Division. As of 31 March 2019, these three divisions have had 156 full-time equivalent police officers deployed since November 2014. From May 2019 through to April 2020, 709 newly trained and recruited police officers will be deployed across the state. Under SAM, the Southern Metropolitan Region will receive an additional 52 general frontline and specialist officers by April 2020.

This government continues to focus on family violence, through the deployment of 19 family violence specialist officers within the Southern Metropolitan Region, with the upcoming allocation providing an additional 14 family violence specialist officers to service your constituents.

EASTERN VICTORIA REGION

In reply to Mr O'DONOHUE (Eastern Victoria) (6 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

VicRoads, the Department of Transport and local councils are currently reviewing the existing Strategic Cycling Corridors (SCC) and planning work is expected to be completed by end July 2019.

I am advised that the Baxter bike trail is a gap between Baxter and Somerville along the Stoney Point rail line. This trail has been identified by the review as forming part of the SCC network.

The Federal Government's funding commitment is inadequate to provide shared use path of approximately 4.5km along the rail reserve between Somerville and Baxter.

Currently, the Department of Transport is developing a business case for the proposed electrification of the Stoney Point rail line between the Frankston and Baxter train stations.

It is in the early stages of development but VicRoads is advocating for the inclusion of improved pedestrian and cycling facilities along the rail corridor. Whether or not these facilities will form part of the final scope of works will not be known until the business case has been approved by the state and federal governments.

NORTHERN VICTORIA REGION

In reply to Ms MAXWELL (Northern Victoria) (6 June 2019)

Mr CARROLL (Niddrie—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support):

The Andrews Labor Government provided \$1.6 million to the Centre for Forensic Behavioural Science at Swinburne University of Technology to establish the Catalyst Consortium. The establishment of Catalyst was part of the response to the Harper review and will improve our understanding of what causes repeat violent and sexual offending to help authorities better manage offenders and ensure community safety.

Prior research in this area has typically focussed on identifying individual factors that correlate with violent crime (such as substance use and mental illness), rather than examining the causal processes that underlie these factors. Consequently, violent behaviour remains poorly understood and assessment and intervention methods are underdeveloped.

In contrast, the work of the Catalyst Consortium will improve the body of knowledge about dynamic risk factors impacting on complex criminal behaviours, violence and mental disorders, including how these factors need to be monitored and addressed to reduce the likelihood of further offending. This will assist Government to focus our investments on the most cost-effective interventions.

While the Catalyst Consortium has a national remit, our funding means that much of the research is focused specifically on offenders in Victoria. To date, two projects involving direct partnership with Corrections Victoria have been completed and six are underway, for completion over the next two years. These all have a statewide rather than regional focus, in terms of strengthening our understanding of this cohort of serious offenders, and on what interventions work best.

Publicly available reports can be found on the Catalyst Consortium website <http://catalystconsortium.com/>.

To date, these include:

- Summary report: Effectiveness of psychological treatments for violent offenders in custodial, community and forensic mental health settings: A systematic review and meta-analysis (July 2018).
- Summary report: The Challenge of Predicting Imminent Sexual and Violent Offending (August 2018).

We are currently working through any required changes to practice to reflect the outcomes of this research.

NORTHERN METROPOLITAN REGION

In reply to Dr RATNAM (Northern Metropolitan) (6 June 2019)

Ms HORNE (Williamstown—Minister for Public Transport, Minister for Ports and Freight):

Patronage has significantly increased on the public transport network in recent years, particularly during peak periods and in areas of high residential development. The government has delivered 34 extra weekly services to the Craigieburn line since 2014.

Improvements to infrastructure to help increase capacity are being progressively delivered through initiatives such as the Level Crossing Removal project and the Metro Tunnel project (MTP), helping us to run more services, more often.

The Metro Tunnel project will create 27 per cent more capacity on the Craigieburn line during peak periods, and increase the reliability and frequency of services.

EASTERN VICTORIA REGION

In reply to Ms BATH (Eastern Victoria) (7 June 2019)

Mr FOLEY (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries):

The Andrews Labor Government supports integrated service delivery, ensuring high quality mental health services for residents of all ages within the Gippsland area.

Latrobe Regional Hospital offer a broad suite of public clinical mental health services, including inpatient (located in Traralgon), sub-acute, residential and eight community-based programs across the Gippsland region.

The 2018-19 State Budget delivered \$705 million for more mental health support. This included \$232.4 million to support 89 new and existing acute inpatient beds and boost the number of treatment hours in community-based services, giving around 12,800 more Victorians the care, they require.

The Hospital Outreach Post-Suicidal Engagement (HOPE) initiative, currently underway at six hospitals, provides intensive, tailored support for people leaving hospital following treatment for an attempted suicide. As at May 2019 more than 1900 people have been supported through the HOPE program across the state.

The 2018-19 Budget allocated an additional \$18.7 million to expand the HOPE to a further six sites across Victoria, including Latrobe Regional Hospital, which began operating in February 2019. The addition of the HOPE program at Latrobe Regional Hospital will complement their existing Suicide Prevention Pathway (SPP) and significantly expand access to aftercare services for people following a suicide attempt or self-harm attempt. It is expected, based on other HOPE sites that Latrobe Regional Hospital will be able to support approximately 120 to 150 people per year.

The Andrews Labor Government is building on last year's record mental health investment, investing a further \$172.8 million in the 2019-20 State Budget to ensure Victorians with mental illness get better treatment and care, closer to home. Since 2014-15, funding for regional health services has increased by 35.5%.

The Victorian Government has established a Royal Commission into Victoria's Mental Health System, the first of its kind in Australia. The Royal Commission represents a once in a generation opportunity to find out what parts of Victoria's Mental Health System are working and what parts are not.

The Royal Commission will identify gaps in prevention, access and support for people with lived experience of mental illness, family members and carers. From this, we will know what needs to be done to improve the system and achieve better outcomes.

The Terms of Reference for the Royal Commission specifically asks it to inquire into and report on how to improve mental health outcomes for rural and regional communities. The Victorian Government has committed to implementing all the recommendations of the Royal Commission.

Meaningful and lasting changes to Victoria's mental health system and improvements to mental health outcomes can only happen by listening and respecting the views of Victorian communities. The Royal Commission is committed to hearing from as many different people as possible and are providing multiple ways for people to share their experiences and make contributions.

The Royal Commission ran more than 60 community consultation sessions during April 2019 and May 2019 in over 20 locations, including rural, regional and metropolitan areas. Over 1,600 people participated in the sessions.

WESTERN VICTORIA REGION

In reply to Mrs McARTHUR (Western Victoria) (7 June 2019)

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes):

The Andrews Labor Government has provided a record investment of \$700 million from the Sustainability Fund over the last five years.

We have provided \$135 million from the Sustainability Fund for waste and resource recovery initiatives alone.

By comparison the former Coalition Government committed only \$15 million from the Sustainability Fund in their term of government.

The government will consider the role of waste to energy technologies as an alternative to landfill in Victoria as part of the circular economy policy which will be released in 2020.

NORTHERN VICTORIA REGION

In reply to Mr QUILTY (Northern Victoria) (7 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

I am incredibly proud of the investments the Andrews Government has made in regional Victoria. As the Minister for Agriculture and Regional Development and now Roads, I have worked as hard for regional Victorians as their metropolitan counterparts—as have my Cabinet colleagues.

In September 2018, the Labor Government launched Regional Roads Victoria (RRV), a new division of VicRoads to oversee a record \$941 million investment in regional and rural roads. RRV manages more than 19,000 kilometres of road network across regional and rural Victoria and considers many factors when planning funding allocation including traffic volumes, safety and other competing priorities.

In May 2017, the Andrews Labor Government committed \$3.8 million to complete planning activities on key infrastructure projects in Wallan including the Hume Freeway/Watson Street southern ramps and upgrades on Watson Street and Northern Highway.

RRV has undertaken extensive activities on these essential projects including community engagement and functional designs. I have directed RRV to complete business cases for these projects for future funding consideration.

SOUTHERN METROPOLITAN REGION

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (7 June 2019)

Ms HORNE (Williamstown—Minister for Public Transport, Minister for Ports and Freight):

The Andrews Labor Government is holding Metro Trains Melbourne to account with the latest contract. The new contract includes higher performance targets and maintenance requirements, and enforces tougher penalties if targets are not met.

The contract ensures that Metro is penalised for the most common service disruptions, including early departures, late arrivals, cancellations, short services, and City Loop bypasses.

The contract also features a 37 per cent increase in maintenance and renewal investment. This investment will improve network infrastructure to reduce the number of faults on the system, including signalling failures, and overhead wires and points failures. Since the introduction of the new contracts, greater investment in maintenance has seen train faults on the metropolitan network drop almost 20 per cent, and infrastructure faults reduce by almost 30 per cent.

The government is working hard to improve reliability, frequency and capacity on the rail network. In response to growing patronage on the Dandenong corridor, the government is investing extensively in the Cranbourne-Pakenham line with a number of key infrastructure projects.

Every level crossing between Caulfield and Dandenong has now been removed. We are investing in new High Capacity Metro Trains and the Andrews Labor Government is getting on with the job of building the Metro Tunnel and the duplication of the Cranbourne line.

WESTERN METROPOLITAN REGION

In reply to Mr FINN (Western Metropolitan) (7 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

It has been a tragic start to the year on Victorian roads and the Government is urging everyone to look out for one another on the road. I was sorry to hear about the recent fatal crash that occurred at the intersection of Ballarat Road and Reid Street. I wish to pass on my condolences to friends and family of the victim.

VicRoads is working with Victoria Police to understand the circumstances of this crash. This will help identify any potential changes needed to prevent another crash from occurring.

During 2018, VicRoads worked with the Brimbank City Council, Victoria Police and other stakeholders to investigate ways to improve safety and access for all road users along this part of Ballarat Road.

I have asked VicRoads to report back to me within the next month outlining short, medium and longer term options.

In the short term, VicRoads will investigate all options including whether changing the speed limit or new line markings could encourage motorists to slow down and look out for pedestrians.

SOUTHERN METROPOLITAN REGION

In reply to Ms CROZIER (Southern Metropolitan) (7 June 2019)

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):

The protection of historic places is managed in the Victorian planning system by applying a Heritage Overlay as part of the local planning scheme. It is open to Port Phillip City Council to seek my authorisation to prepare a planning scheme amendment to apply a Heritage Overlay to its historic laneways, should an assessment of their heritage significance warrant such an approach.

The rollout of the National Broadband Network is a Commonwealth initiative which is regulated by the *Telecommunications Act 1997 (Cth)*. This means that local planning approval is not required. The *Telecommunications Code of Practice 2018* requires that all reasonable steps must be taken to restore the land to a condition that is similar to its condition before the installation began. Compliance with the Code of Practice is enforced by the Australian Communications and Media Authority.

EASTERN VICTORIA REGION

In reply to Ms SHING (Eastern Victoria) (7 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

A meeting was held on Friday, 14 June 2019, with representatives from Regional Roads Victoria (RRV) and Latrobe City Council, including Moe Life Skills advocacy group and Cr Sharon Gibson, to discuss several road related matters within Moe.

This meeting provided an opportunity for RRV and Council to better understand Moe Life Skills' concerns and suggestions for improvements along Lloyd Street (Moe-Glengarry Road) in Moe. Their main concern related to vehicles travelling along Lloyd Street not slowing down to give way to pedestrians when approaching the existing zebra crossing, opposite the Moe Railway Station.

It was suggested that RRV consider the installation of a raised platform at the existing zebra crossing, upgrades to existing signs and consideration of a 40 km/h speed limit through the main activity centre.

RRV will continue to work with Latrobe City Council and the Moe Life Skills to explore what other safety improvements could be implemented for our vulnerable road users.

NORTHERN METROPOLITAN REGION

In reply to Dr RATNAM (Northern Metropolitan) (18 June 2019)

Ms HORNE (Williamstown—Minister for Public Transport, Minister for Ports and Freight):

The safety of passengers travelling on our transport network is a priority for the Andrews Labor Government. Department of Transport recommends that the most effective way to manage any risks around stations and platforms remains for passengers to take care when travelling around the station and entering and exiting services.

Metro recently conducted an assessment of the platform surface at the Kensington Station. The assessment determined that the platform is being maintained to appropriate standards and is in reasonable condition.

NORTHERN METROPOLITAN REGION

In reply to Mr ONDARCHIE (Northern Metropolitan) (18 June 2019)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

The Victorian Government is committed to providing appropriate training and skills to industry, including businesses such as Carjo Furniture in the Northern Metropolitan Region of Melbourne. Our *Skills First*

reforms introduced in 2017 are aimed at ensuring Victoria's training and TAFE system can deliver high quality training aligned to industry and business needs.

The 2018-19 Victorian Budget provided \$172 million to fund Free TAFE for priority courses as part of a \$644 million package to strengthen TAFE and apprenticeships and provide 30,000 extra government-subsidised training places. The 2019-20 Victorian Budget included a further \$231.1 million investment to continue transforming our training sector to ensure we meet the skills needs of our dynamic economy, including:

- \$69.7 million to expand and continue Free TAFE for Priority Courses for Victorians who are eligible for Victorian-Government subsidised training.
- \$41.2 million to continue rolling out the Free TAFE program across Victoria's TAFE network.
- \$82.7 million to provide more places for eligible students in TAFEs and training organisations.
- \$10.3 million for apprenticeship initiatives including \$5.6 million for the Big Build and Social Services higher apprentices to give Victorians new opportunities to earn while they learn at higher qualification levels, and \$4.7 million to ensure apprentices have the support they need.

Free TAFE for Priority Courses covers tuition fees for students who are eligible for government-subsidised training including apprenticeship pathway courses for students considering undertaking apprenticeships.

Melbourne Polytechnic at its Heidelberg Campus is currently running Certificate II in Furniture Making pathways (MSF 20313) as a full time course over 15 weeks and is available under Free TAFE. This course currently has 18 students enrolled since the beginning of 2019, with another intake planned for August this year. I encourage businesses in the Northern Metropolitan region of Melbourne to consider employing graduates from this course.

Victorian Government initiatives under *Skills First* enable businesses like Carjo Furniture to work with their local TAFEs to attract and train the staff they need.

The Department is in contact with the owner of Carjo Furniture to learn from his experiences and assist him with his needs, where possible.

NORTHERN METROPOLITAN REGION

In reply to Ms PATTEN (Northern Metropolitan) (18 June 2019)

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes):

I am advised that the developer has commissioned a report to identify the possible reasons for the apparent erosion and the subsequent tree loss. The report will be reviewed by Yarra City Council. It will then be provided to Melbourne Water for an assessment of the options to potentially mitigate the impacts of the erosion. Any actions undertaken by Glenvill as a result of this report will be monitored by Melbourne Water, as the waterway manager of the Yarra River.

The site of the Glenvill residential development is freehold land. The Department of Environment, Land, Water and Planning is currently in discussions with the developer and the local council about the transfer of the river frontage land to the Crown. Once the land is transferred to the Crown it will be reserved for the protection of the river frontage and local wildlife. A committee of management will be appointed to manage the public and biodiversity values contained within the site. It is anticipated that the land will be transferred to the Crown within the next two years.

NORTHERN VICTORIA REGION

In reply to Ms LOVELL (Northern Victoria) (18 June 2019)

Ms HORNE (Williamstown—Minister for Public Transport, Minister for Ports and Freight):

This matter falls within the portfolio responsibilities of the Minister for Transport Infrastructure. The Member will need to redirect their question to the Hon Jacinta Allan MP.

EASTERN METROPOLITAN REGION

In reply to Mr BARTON (Eastern Metropolitan) (18 June 2019)

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):

Thank you, Mr Barton, for your question about the need to ‘lawyer up’ to participate in the independent inquiry and advisory committee (IAC) hearing for North East Link Project. I wish to assure you that people do not need lawyers to present to the IAC on their submissions.

A legal approach to public hearings is not envisaged by the Ministerial Guidelines under the *Environment Effects Act 1978*. A non-adversarial approach was confirmed by the IAC chair, Mr Nick Wimbush, at the directions hearing on Friday 21 June 2019. Mr Wimbush stated that members of the public would not be cross-examined, although the IAC may seek clarification on points made by submitters to aid in understanding the submitters’ points of view.

On this basis, I encourage people who have indicated they want to appear before the IAC to take this important opportunity to speak about their concerns with the North East Link Project Environment Effects Statement.

WESTERN METROPOLITAN REGION

In reply to Mr FINN (Western Metropolitan) (18 June 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

The Department of Justice and Community Safety is currently undertaking a Mobile Camera Replacement Project, to gradually replace the current fleet with 80 new state-of-the-art mobile road safety cameras across Victoria by late 2019.

In addition, a further 96 new state-of-the-art mobile speed cameras will be purchased under the Victorian Government’s *Road Safety Package* announced in the 2019-20 State Budget. Victoria’s new road safety cameras will increase mobile camera hours by 75 per cent.

A range of testing activity is currently underway as part of the implementation of the new cameras. Testing scrutinises both the camera itself and the location to ensure compliance with all requirements.

I can confirm testing has recently been conducted along Sunbury Road. At all times testing vehicles were parked 3–5 meters from the road with no road closure or obstruction to traffic.

EASTERN VICTORIA REGION

In reply to Mr O’DONOHUE (Eastern Victoria) (18 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

In response to your question, the Andrews Government committed \$450,000 to undertake a planning study for the Sale Alternative Truck Route.

Regional Roads Victoria (RRV), in consultation with the Wellington Shire Council, has identified a preferred alignment, which comprises of existing arterial and municipal roads to the north west of Sale. The planning has identified key road and bridge infrastructure improvements that are required to enable all heavy vehicles to use the route.

RRV has undertaken extensive stakeholder and community engagement. As part of this engagement, RRV has consulted with the Victorian Freight Advisory Council and the local freight industry.

The Sale Alternative Truck Route strongly aligns with the Victorian Freight Plan. Importantly, it continues to expand the existing freight network, particularly by strengthening and upgrading bridges and intersections on the regional road network to support freight movements within Gippsland.

WESTERN METROPOLITAN REGION**In reply to Ms VAGHELA (Western Metropolitan) (19 June 2019)****Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure):**

I thank the Member for Western Metropolitan for raising the constituency question on the transformative impact the Western Rail Plan will have on those living within the Western Metropolitan region.

Building on the success of the Regional Rail Link project, the Andrews Labor Government has committed \$100 million to support detailed planning for the Western Rail Plan in the 2019-20 state budget.

Melton, Wyndham Vale and suburbs along these rail corridors are among Melbourne's fastest growing suburbs. These areas are currently only served by V/Line services, creating a significant pressure point on Victoria's public transport system with metropolitan and regional customers sharing services.

As part of the Western Rail Plan, the Andrews Labor Government will create two new electrified metro lines to Melton and Wyndham Vale. These works will give these communities frequent high-capacity services on the metro network, relieving pressure on one of Melbourne's biggest transport bottlenecks and returning regional rail lines to regional passengers.

Extensive planning and design development work for the electrifications is currently underway, with a range of site investigations and technical studies being undertaken to better understand existing conditions along the rail corridors to Melton and Wyndham Vale.

All operational requirements, including journey times and future service patterns are being investigated as part of these technical studies.

The Andrews Labor Government is fully committed to meeting Melbourne's transport needs and delivering reliable, fast and safe public transport services for Victoria's future.

SOUTHERN METROPOLITAN REGION**In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (19 June 2019)****Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):**

Amendment C159 to the Kingston Planning Scheme allows for the urban renewal of the 6.3 hectare former industrial site. This site was formally designated for strategic high-density residential development in the *Highett Structure Plan 2006*, prepared by Kingston City Council.

The current Development Plan Overlay for the site requires the provision of 11.6 per cent of the site for dedicated public open space. A much larger percentage of the land will be used for pedestrian and cycling paths, landscaped areas, tree protection zones, private open space, street network and road reserves, footpaths, communal car parking areas and the heritage chimney protection area. The remaining area of the site can accommodate built form.

The Development Plan Overlay controls ensure that any future development must be of high urban design quality, have appropriate articulation and scale proportions, be appropriately setback from sensitive interfaces and provide active frontages to the public realm which will restrict the amount of land that can be developed for residential uses.

The local community and key stakeholders were given formal opportunity to have their views on the proposal heard through the Government Land Standing Advisory Committee process in 2018. The independent advisory committee considered all submissions before providing their recommendation to me and I approved the amendment as recommended. All future development at the site must be approved by Kingston City Council as responsible authority.

WESTERN VICTORIA REGION**In reply to Mr GRIMLEY (Western Victoria) (19 June 2019)****Mr MERLINO (Monbulk—Minister for Education):**

The Andrews Labor Government has invested more than \$5.6 billion over the past five State Budgets to build new schools and modernise existing educational facilities across Victoria. Our ongoing challenge, however, is to responsibly balance and prioritise the needs of over 1,500 government schools in Victoria, all in varying condition.

Investment in education and school infrastructure is a priority for the Victorian Government. While no funding was allocated in the 2019-20 State Budget for this project, I can assure you that the infrastructure needs of all schools, including those of Warracknabeal Primary School, Warracknabeal Secondary College and Warracknabeal Special Developmental School, will be considered through future State Budget processes and when determining priorities for the capital works program.

In reference to your concerns regarding Warracknabeal Special Developmental School, I am advised that the three schools in the precinct—Warracknabeal Primary School, Warracknabeal Secondary College and Warracknabeal Special Developmental School—have agreed upon interim measures that allow them to operate with minimal disruption and have been doing so since Term 1, 2019. I am advised that a representative from the Victorian School Building Authority has been in regular contact with the school communities.

Regarding the safety concerns you raised, if schools have urgent maintenance or repair issues that are beyond their budget capacity and directly impact on student or staff safety, they can submit an application for funding under the Department's Emergency Maintenance Program. Schools can contact the Department's Regional Office for further advice about this program.

I can assure you that having modern and up-to-date classrooms and facilities in our schools is a fundamental part of ensuring that every child has the best possible education. We cannot build the Education State without investing in our schools' bricks and mortar. However, it will take some time for the entire asset portfolio to be brought up to a standard commensurate with that ambition.

I trust this information is of assistance.

NORTHERN VICTORIA REGION

In reply to Ms LOVELL (Northern Victoria) (19 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

In 2015, VicRoads introduced an upgraded licence photo system across all of its Customer Service Centres (CSCs) and Service Provider Agencies across Victoria. The change introduced a significant increase in the integrity of VicRoads camera systems and proof of identify processes and provided increased functionality to meet future needs.

The technology replaced old technology in CSCs, including hand-held cameras. The new technology was introduced in all VicRoads CSCs and where feasible, based upon costs, travel distances and existing transaction volumes, and some agency locations.

Unfortunately, the Tatura agency site was not included due to low demand from consumers (approximately 30 photos per annum) and is bounded by several existing VicRoads CSCs and agencies offering the same service, within a small driving distance. These include Shepparton CSC within 20 mins, Kyabram agency 25 mins; Rochester agency 40 mins, Echuca CSC 50 mins and Benalla CSC one hour.

VicRoads has one of the largest government networks for counter service sites across Victoria. The majority of VicRoads rural CSCs are located approximately one-hour travel time apart or greater, with agency sites located between to reduce travel times to within one hour, where practical. Similar travel times between access points for VicRoads services exist in metropolitan locations.

NORTHERN VICTORIA REGION

In reply to Mr QUILTY (Northern Victoria) (19 June 2019)

Mr PAKULA (Keysborough—Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, Minister for Racing):

I thank the honourable member for his question. The access to parklands does not fall within my portfolio responsibilities

The question should be directed to the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP.

WESTERN VICTORIA REGION

In reply to Mrs McARTHUR (Western Victoria) (19 June 2019)

Mr PAKULA (Keysborough—Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, Minister for Racing):

The Government is committed to ensuring visitors drive with confidence and stay safe on our roads. As there are many factors which influence driver behaviour a holistic approach to international driver safety has been adopted.

As one of a suite of road safety initiatives which benefit both international and local drivers, the Visiting Drivers program is focused on raising international driver awareness of key road safety risks in Victoria and car rental companies are a critical partner in its delivery. As such, the level of car rental company participation is a more appropriate measure of effectiveness of the initiative, rather than crash data.

I am therefore pleased to advise that over 80 per cent of car rental companies operating in Victoria are participating in the initiative, and as a result, a significant number of international drivers are now exposed to relevant and targeted road safety messaging.

WESTERN METROPOLITAN REGION

In reply to Dr CUMMING (Western Metropolitan) (19 June 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

It has been a tragic start to the year on Victorian roads and the State Government is urging everyone to look out for one another on the road. I was sorry to hear about the recent fatal crash that occurred along Ballarat Road and I wish to pass on my condolences to family and friends of the victims.

During 2018, VicRoads worked with the Brimbank Council, Victoria Police and other stakeholders to investigate ways to improve safety and access for all road users along this part of Ballarat Road. This resulted in a recommendation to install traffic lights at several intersections along Ballarat Road, specifically at Hulett Street, Perth Avenue and Chatsworth Avenue (located just west of Reid Street).

VicRoads is currently investigating possible short-term solutions and will be implementing these interim safety improvements in the coming months while continuing to reevaluate the proposal for introducing traffic lights at these intersections in a future program as a long-term solution.

WESTERN METROPOLITAN REGION

In reply to Mr FINN (Western Metropolitan) (20 June 2019)

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

I understand the Member for Western Metropolitan has concerns about decisions of Hume City Council regarding the imposition of parking restrictions in parts of the Sunbury CBD.

Parliament has conferred on councils' responsibility for various matters, including the power to fix and enforce parking restrictions in public areas.

The *Local Government Act 1989* enables councils to plan and implement parking restrictions. More specifically the Act allows councils to "fix, rescind or vary the days, hours, and periods of time for which, and the conditions on which, vehicles may stand in a parking area in any highway or other parking area".

I encourage the Member for Western Metropolitan Region to discuss any concerns he may have on this matter with Hume City Council.

WESTERN VICTORIA REGION

In reply to Mr MEDDICK (Western Victoria) (20 June 2019)

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources):

The Victorian Government recognises the ongoing commitment and efforts of the wildlife rescue and rehabilitation community who respond to situations of wildlife trapped in fruit tree netting across Victoria.

The Prevention of Cruelty to Animals (POCTA) Regulations 2008 are under sunset review. New regulations are required to be made by 15 December 2019. Draft POCTA Regulations and an associated Regulatory Impact Statement is planned for public consultation in August 2019.

Animal Welfare Victoria has consulted with wildlife rescue and rehabilitation groups and other stakeholders on the regulation of fruit tree netting. New POCTA Regulations provide an opportunity to regulate wildlife-safe netting for use on backyard fruit trees.

WESTERN VICTORIA REGION

In reply to Mrs McARTHUR (Western Victoria) (20 June 2019)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

South West TAFE works closely with industry, like all TAFEs, to ensure that their course offerings are relevant and to a standard that will secure jobs for individuals.

Southwest is a member of the Victorian Racing Club's Racing Training Provider Network and is therefore connected with racing-related training activity. South West TAFE offers a range of qualifications from the Racing and Breeding Training Package including the Certificate III in Racing (Trackrider), Certificate II and III in Racing (Stablehand).

Under Skills First, there are two other private training providers that offer Stablehand training in the South West. Prospective students seeking a career in the racing industry can access this information or explore any other career options through the Victorian Skills Gateway website.

NORTHERN VICTORIA REGION

In reply to Ms MAXWELL (Northern Victoria) (20 June 2019)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services):

I thank the Member for her question and recognise her advocacy work and interest in seeking reforms to Victoria's parole, bail, and justice systems. I note her commitment to the safety of the selfless emergency services workers who serve the Victorian community. Emergency services workers should never be attacked during the course of their work. My thoughts are with those affected by this recent attack as well as any first responder who has experienced similarly egregious behaviour in the past.

Over the last couple of years, the Victorian Government has committed to strengthening the protection of our emergency services workers. The imposition of statutory minimum sentences for attacking and injuring emergency services workers on duty has been in effect for offending committed from 28 October 2018 onwards. Offenders will serve a minimum six-month custodial sentence, unless a narrow range of exemptions under 'special reasons' apply. It is my understanding that the incident in Shepparton involved charges for offences that will be captured by the government's strengthened statutory minimum sentences.

The government will continue to support emergency services workers to perform their duties safely. I thank the Member for the support in voting to pass laws earlier this year to strengthen our vital work to protect police. These new laws are now in effect and have recently been used to charge a person for allegedly intimidating a police officer over social media.

EASTERN METROPOLITAN REGION**In reply to Ms WOOLDRIDGE (Eastern Metropolitan) (20 June 2019)****Mr MERLINO (Monbulk—Minister for Education):**

Every Victorian child deserves access to a great public school that prepares them to thrive in the 21st century. Each school is part of a bigger system that provides education and a community to Victorian children and their families.

School zones are regularly reviewed to take into account changes in population and the opening of new schools. This includes the eleven new schools opening in 2020.

The Andrews Labor Government has created a simple and clear website so, for the first time, Victorian parents are able to enter their home address and see their local school zone. The majority of school zones in Victoria have not changed; however, a number of anomalies in school zoning have been addressed through this process. Previously, some homes were excluded from a school zone and, in some cases, school boundaries overlapped.

The methodology to determine school zones has not changed. School zones are generally determined by the nearest school, by straight line distance in metropolitan areas and major regional cities, or the nearest school by shortest practical route in regional areas. Designated neighbourhood schools are generally the public school in closest proximity to the student's permanent residential address, unless the Minister for Education or the Regional Director has restricted the zone of the school.

Glen Waverley Secondary College's zone is not a standard zone and was designated as a restricted zone by the Minister. This zone has been in place for a number of years and was not changed as part of the review in early 2019. All children previously residing within this zone continue to be zoned to this school.

Box Hill High School has a standard zone, which has been determined based on the approved methodology (straight line distance). The enrolment zone differs slightly from a previously published map due to increasingly sophisticated spatial mapping software which provides greater State-wide accuracy. Any student living in the areas previously zoned to Box Hill High School continue to be able to enrol at the school.

The Department's Placement Policy, which has not changed, continues to ensure that students have access to neighbourhood schools and the freedom to choose other schools, subject to facility limitations. Within the policy, siblings continue to have a high priority for enrolment, once a school has accommodated all children within its zone.

Any school with an amended or updated zone were contacted by the Department of Education and Training to ensure they were aware of the changes and received support and information relevant to their situation ahead of the public release of the 'find my school' website.

Stakeholders, including the Victorian Principals Association, Victorian Association of State Secondary Principals, Parents Victoria, Australian Education Union, Australian Principals Federation and the Principals' Association of Specialist Schools Victoria were also consulted regarding the publication of all school zones.

I trust this information is of assistance.

SOUTHERN METROPOLITAN REGION**In reply to Ms CROZIER (Southern Metropolitan) (20 June 2019)****Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Multicultural Affairs):**

This government recognises the need to deliver public housing that meets current building standards and the expectations of the Victorian community.

A planning application was lodged, and approval was given for six storeys.

A procurement process is now underway for the New Street, Brighton site. The total number of social and private housing dwellings to be developed at the estate will depend on the successful proponent's response. Assessment of the proposal by the project team, including the Victorian Government Architect, will include consideration of design, urban realm, integration with the local surrounds, affordability, open space and cost.

SOUTH EASTERN METROPOLITAN REGION**In reply to Mr LIMBRICK** (South Eastern Metropolitan) (20 June 2019)**Ms PULFORD** (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

The Andrews Labor Government is committed to a sustainable transport system that meets the needs of a growing Victorian community, and recognises that powered two-wheelers (PTW), including mopeds, are a part of Victoria's transport future.

As a leader in road safety, Victoria has always taken an evidence-based approach to reducing road trauma and implementing initiatives shown by research to provide genuine road safety benefits to the community. This has resulted in significant reductions in road trauma, realised over several decades.

In Victoria, mopeds are treated in the same way as motorcycles for the purpose of registration and licensing, due to the handling characteristics and the skills required to operate the vehicle. These vehicles are classified under the same road rules and regulations. For licensing purposes, moped riders must complete the same graduated licensing scheme as other PTW riders.

VicRoads (now the Department of Transport) has implemented a compulsory motorcycle curriculum and testing system as part of its Graduated Licensing System (GLS), to address the high-risks facing motorcyclists. Allowing scooters to be ridden on a car licence without any assessment of the rider's skill, to safely ride the vehicle or to undergo any education about safe riding, would circumvent the safety benefits arising from the new rider GLS.

Further information regarding licensing can be accessed at <vicroads.vic.gov.au> by searching 'motorcycle licence and learner permit'.

SOUTH EASTERN METROPOLITAN REGION**In reply to Mr RICH-PHILLIPS** (South Eastern Metropolitan) (20 June 2019)**Ms PULFORD** (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

VicRoads advises me that it has undertaken a crash analysis at both intersections and the results show that the trend of accidents at both intersections relates to road users on the Dandenong Bypass 'running' the red light.

VicRoads is satisfied that the road environment leading up to the intersections in both directions provides sufficient warning to road users that they are approaching signalised intersections. As part of the investigation, VicRoads has reviewed the speed limit on Dandenong Bypass and determined that the existing 80kmh speed limit is appropriate and is consistent with other similar roads across the state.

VicRoads considers that the safety concerns at both intersections are related to driver compliance to the traffic signals. Therefore, VicRoads further advises me that it is working together with the Department of Justice and Community Safety to investigate the possibility of installing road safety cameras to increase driver compliance at both the intersections.

EASTERN METROPOLITAN REGION**In reply to Mr ATKINSON** (Eastern Metropolitan) (20 June 2019)**Ms PULFORD** (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

The Victorian Government is funding a record pipeline of investment in the transport network across the state, including numerous major road and rail transport projects, and is committed to funding and delivering these projects as a matter of priority.

The Commonwealth Government has recently committed \$80 million towards the Dorset Road extension under the Urban Congestion Package.

Any agreement with the Commonwealth on this funding commitment is subject to negotiations between State and Federal Ministers.

The Victorian Government looks forward to these discussions with the Commonwealth Government to ensure Commonwealth funding is targeted at the right projects, and that sufficient funding is provided by the Commonwealth in each case.

EASTERN VICTORIA REGION**In reply to Mr O'DONOHUE** (Eastern Victoria) (20 June 2019)**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes):

I appreciate the tireless work of Bob Homer, who has been a member of the Committee of Management for the Ferny Creek Recreation Reserve since 3 April 1980.

I have advised the Department of Environment, Land, Water and Planning (DELWP) to investigate grant programs that could facilitate the funding of an automatic gate for the Ferny Creek Recreation Reserve and to contact the Committee of Management directly to advise on funding options. At the same time, I have asked DELWP to organise an acknowledgement of the significant commitment and work undertaken by Bob Homer.

SOUTHERN METROPOLITAN REGION**In reply to Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (20 June 2019)**Mr MERLINO** (Monbulk—Minister for Education):

A Central Banking System (CBS) has been established to enable the government to manage its capital more efficiently. This model is in line with recommendations made by an external specialist review and with best practice adopted by other state governments and large corporate entities. The CBS provides better value for money for Victorians - lower fees better rates of interest and over \$100 million per annum of savings across government.

Under the CBS, agencies have the flexibility to maintain transactional banking relationships with a community bank of their choice. This recognises the need for entities such as hospitals and schools to be able to access a local branch for transactional banking activities. This supports those banks that offer these services to local communities.

I support the Treasurer's engagement and actions to date on this matter.

Written responses to questions without notice

Responses have been incorporated in the form provided to Hansard and received in the period shown.

21 June to 15 August 2019**BELFAST COASTAL RESERVE****In reply to Mr HAYES** (Southern Metropolitan) (6 June 2019)**Mr JENNINGS** (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs):

I am advised that the Warrnambool Racing Club engaged independent environmental consultants to prepare an environmental monitoring plan. It is currently with the Department and Environment, Land, Water and Planning (DELWP) and Parks Victoria for review.

A robust environmental monitoring plan is a prerequisite for obtaining a licence for the club to undertake horse training activities in the Belfast Coastal Reserve. It is also a condition for the club to obtain consent under the *Marine and Coastal Act 2018*.

An environmental monitoring plan sets out how the conditions of a licence would be applied, including measures to mitigate potential impacts on the environmental values of the reserve.

The Andrews Labor Government is providing Birdlife Australia with \$100,000 over two years to fund education and monitoring programs aimed at protecting shorebirds in the reserve, particularly the Hooded Plover.

Additionally, in February 2019, Parks Victoria appointed two new Rangers to the work centre to assist with on-ground compliance and education within the Belfast Coastal Reserve.

NORTH EAST LINK**In reply to Mr HAYES** (Southern Metropolitan) (19 June 2019)**Ms PULFORD** (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

The previous Liberal Government promised a rail line to Doncaster but scrapped the project.

The Andrews Labor Government will provide rail to Doncaster via the Suburban Rail Loop.

Patronage forecasts will be assessed as part of the planning work currently underway for the Suburban Rail Loop.

COMMUNITY CHEF AND REGIONAL KITCHEN**In reply to Ms CROZIER** (Southern Metropolitan) (20 June 2019)**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services):

I am informed that:

The Department of Health and Human Services does not fund the Regional Kitchen Pty Ltd. Funds have been provided by way of a repayable loan by successive governments beginning during the term of the Baillieu government.

Community Chef provides a critical ‘meals on wheels’ service to thousands of vulnerable Victorians each week. I note the member is advocating arbitrarily cutting this service, without any regard for the impact on these vulnerable Victorians.

Participating councils have limited options for securing alternate cost effective, nutritionally dense meals and the nutritional status of frail elderly people who rely on Community Chef meals would be at risk in the absence of the service provided.

My department is currently reviewing its interests in Community Chef whilst ensuring that vulnerable Victorians are at all times guaranteed the critical meals-on-wheels service they currently receive.

WASTE AND RECYCLING MANAGEMENT

In reply to Dr CUMMING (Western Metropolitan) (20 June 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

Waste to energy technologies can reduce greenhouse gas emissions from the waste sector, improve environmental and community outcomes and provide business opportunities. Victoria's transition to a low carbon future will require a range of technologies to meet the Government's long-term target of net zero greenhouse gas emissions by 2050 and to ensure we maintain a safe, reliable and affordable electricity system.

The Environment Protection Authority Victoria is responsible for independently assessing new waste to energy facilities in Victoria, ensuring they use international best practice pollution controls which protect the health of neighbouring communities. As of the date of this response, EPA Victoria has not received any final applications for a waste to energy facility located in the City of Wyndham.

While there is a place for waste to energy in Victoria, it is better to reduce the amount of waste we produce in the first place. To this end, the Government is developing a whole-of-government circular economy policy and action plan to be released in 2020. The policy will consider how governments, businesses and households can all reduce waste generation, increase recycling and improve waste management. The government will consider the role of waste to energy technologies as an alternative to landfill in Victoria as part of the circular economy policy.

RESPONSE TO SUPPLEMENTARY QUESTION

Victoria's Statewide Waste and Resource Recovery Infrastructure Plan establishes hubs of state importance where major waste management infrastructure should be supported. Waste to energy proponents should investigate options to site facilities near businesses that can make efficient use of energy they generate. However, accessing land on which to operate waste to energy facilities is a commercial matter for businesses and councils.

I am advised that the Metropolitan Waste and Resource Recovery Group (MWRRG) is facilitating a process to consolidated waste from Victorian councils and offer into facilities using Advanced waste and resource recovery technologies—including but not limited to waste to energy facilities This project will divert waste from landfill and by providing consistent, long-term feedstocks, and it will leverage private investment in new, advanced waste facilities in Victoria. MWRRG continues to work closely with metropolitan councils on this project.

OFFENDER ELECTRONIC MONITORING

In reply to Mr GRIMLEY (Western Victoria) (20 June 2019)

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources):

RESPONSE TO SUBSTANTIVE QUESTION

Electronic monitoring is a key part of the suite of tools the Victorian government uses to monitor offenders in the community.

Electronic monitoring is used to monitor curfews, inclusion or exclusion zones and can also regulate the consumption of alcohol and drugs. Corrections Victoria is alerted if and when an offender breaches these conditions. This practice is currently working effectively.

Offenders in the community can also be monitored by Community Correctional Services using home visits, curfew checks, case management and working with Victoria Police to monitor compliance on orders.

RESPONSE TO SUPPLEMENTARY QUESTION

As at December 2018, the average time for Corrections Victoria to respond to electronic monitoring alerts was two minutes or less. This can include notification to Community Correctional Services and Victoria Police depending on the type of response required.

MURRAY BASIN RAIL PROJECT

In reply to Mr BARTON (Eastern Metropolitan) (13 August 2019)

Ms PULFORD (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating):

The Andrews Labor Government is committed to delivering the best possible freight outcomes for rural and regional Victorians.

The Murray Basin Rail Project is about enhancing access and competition for the freight network in Victoria and significant progress has already been made with Stage 1 complete and Stage 2 largely complete.

These works have already seen freight trains returned to the Mildura and Murrayville to Ouyen lines with standard gauge access, and to the Maryborough to Ararat line, which has been reopened after 15 years.

A new junction has also been installed near Ararat Station, with associated signalling works to be commissioned in the coming months.

We know how important this project is for farmers and the freight industry and that's why we got moving on the works in the first year of our first term.

It was the Andrews Government that secured the Federal funding needed for this project back in 2016 and it is the Andrews Government that will continue to partner with the Federal Government—and engage with industry—to work through future stages of the project and deliver the best possible freight outcomes.

The Minister for Transport Infrastructure is happy to offer a briefing to the member on the project.

HOUSING AFFORDABILITY

In reply to Dr CUMMING (Western Metropolitan) (13 August 2019)

Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources):

Action 31 of Plan Melbourne 2017-2050 five year implementation plan commits to developing and implementing a streamlined approvals process for specific housing types, including secondary dwellings. This may make it easier for the construction of granny flats, in the form of secondary dwellings to be approved under the Victorian planning system.

Development of code-based assessment provisions for secondary dwellings are currently being further explored as part of the government's Smart Planning Program Stage 3 rules reforms in this financial year.

The intention of any potential provisions to streamline these is to allow for a broader range of residents of secondary dwellings than might currently be allowed. It is important such provisions are carefully considered. These should not compromise amenity for residents and neighbours.